

Climate-Friendly and Equitable Communities Rulemaking Advisory Committee MEETING 9



TO: Climate-Friendly and Equitable Communities Rulemaking Advisory Committee Members
FROM: Bill Holmstrom and Kevin Young, DLCD Rulemaking Lead Staff
SUBJECT: **RAC 9 Item 12: Draft Transportation Planning Rules Amendments**
DATE: October 22, 2021

Summary

These proposed amendments to the Transportation Planning Rules (Oregon Administrative Rules Chapter 660, Division 12) are a response to the direction provided in [Executive Order 20-04](#), the multi-agency work through the [Every Mile Counts](#) Multi-Agency Work Program, to implement the [Statewide Transportation Strategy](#). The proposed rules are informed by guidance received from the Land Conservation and Development Commission and the advisory committee, as well as the community conversations that staff held throughout the state in June.

The Transportation Planning Rules guide local governments as they make coordinated land use and transportation plans. The proposed amendments are intended to update Oregon's land use and transportation planning systems at the state, regional, and local levels to meet the state's goals for climate and equity.

To meet our goals, urgent and aggressive action is needed. We must do things differently than we have in the past, or risk unacceptable outcomes. Our existing plans have resulted in a transportation system that serves motor vehicle traffic very well, with a complete network providing convenient and reliable access to anyone who has the ability and means to own and operate a car. However, in comparison to the investments in the automotive system, investments in the pedestrian, cycling, and transit networks have been left behind. As a result, these networks are incomplete.

The results of these decisions mean that:

- Our transportation system inflicts barriers on many people, including people with disabilities, people with lower incomes, people of color, women, and the young and old;
- Our transportation system generates high levels of pollution, including pollution affecting the earth's climate, as well as other air, soil, water, and noise pollution; and
- Our transportation system is costly to governments as well as families.

The proposed amendments are intended to counter these systemic issues by placing an emphasis on building neighborhoods where it is not necessary to own and operate a motor vehicle to fully participate in community life. This includes access to work, shopping, school, medical facilities, parks, and other locations and services that people use every day.

The end goal is to transform Oregon’s communities to be safe, equitable, sociable, and pleasant places where driving is not required, and the amount of driving is reduced. The proposed rule amendments will do this by:

- Requiring cities and counties to create more pedestrian-friendly places where mixed-use development is allowed and encouraged;
- Prioritizing investments in high-quality, connected, and safe pedestrian, bicycle, and transit networks;
- Right-sizing parking requirements; and
- Changing the methods of planning for transportation, including which standards are used to determine success or failure.

About This Document

- This draft includes proposed changes to the Transportation Planning Rules (Division 12).
- This document is organized with proposed changes to existing rules first, followed by new proposed rules.
- The rules have been divided into several parts, this is just for ease of reading and not part of the rules.
- Where we are making changes to **existing rules**, we use ~~striketrough~~ and underline for deleted and new text. Where the entire rule is new, we just show the text.
- The box at the top of each rule helps to explain it. It is not part of the rules, but just to help readers understand what is in each rule.
- In a few places we have text [in brackets] where there is still some uncertainty. These issues will be resolved before the final rules are drafted.

Table of Contents

Summary	1
About This Document	2
Table of Contents.....	2
Updated Rules.....	5
Changes to Existing Rules.....	5
0000: Purpose	6
0005: Definitions.....	9
0015: Preparation and Coordination of Transportation System Plans.....	14
0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas	16
0035: Evaluation and Selection of Transportation System Alternatives	18
0045: Implementation of the Transportation System Plan	22
0060: Plan and Land Use Regulation Amendments.....	27
New Rules 0011-0012: Applicability and Effective Dates	36
0011: Applicable Rules.....	36

0012: Effective Dates	37
New Rules 0100-0299: General Provisions.....	39
0100: Urban Transportation System Plans	39
0102: Transportation System Planning in the Portland Metropolitan Area.....	41
0105: Transportation System Plan Updates	42
0110: Transportation System Planning Area	43
0115: Transportation System Planning Engagement.....	44
0120: Underserved Populations	45
0125: Decision-Making with Underserved Populations	46
0130: Equity Analysis	46
0140: Transportation System Refinement Plans	47
0145: Temporary Projects.....	48
0150: Transportation System Inventories	48
0155: Transportation Modeling and Analysis.....	49
0160: Vehicle Miles Traveled Reduction Targets.....	49
0165: Evaluation and Selection of Transportation System Alternatives	50
0170: Transportation Performance Standards	51
0180: Transportation Prioritization Framework.....	52
0200: Combined and Illustrative Project Lists	54
0205: Transportation System Financial Plan.....	55
0210: Financially-Constrained Project List.....	56
New Rules 0300-0399: Coordinated Land Use and Transportation Planning	57
0300: Coordinated Land Use and Transportation System Planning	57
0310: Climate Friendly Areas	57
0315: Designation of Climate Friendly Areas.....	58
0320: Land Use Requirements in Climate Friendly Areas.....	59
0325: Transportation Review in Climate Friendly Areas.....	61
0330: Land Use Requirements	63
0340: Land Use Assumptions	65
0350: Urban Growth Boundary Expansions.....	66
0360: Key Destinations	67
New Rules 0400-0499: Parking	68
0400: Parking Management.....	68

0405: Parking Regulation Improvements	68
0410: Electric Vehicle Charging.....	69
0415: Parking Maximums and Evaluation in More Populous Communities.....	70
0420: Exemption for Communities without Parking Mandates	71
0425: Reducing the Burden of Parking Mandates	71
0430: Reduction of Parking Mandates for Development Types.....	72
0435: Parking Reform in Climate Friendly Areas	72
0440: Parking Reform near Transit Corridors	73
0445: Parking Management Alternative Approaches.....	73
0450: Parking Management in More Populous Communities.....	75
New Rules 0500-0599: Pedestrian System	75
0500: Pedestrian System Planning.....	75
0505: Pedestrian System Inventory	76
0510: Pedestrian System Requirements.....	76
0520: Pedestrian System Projects.....	77
New Rules 0600-0699: Bicycle System	78
0600: Bicycle System Planning.....	78
0605: Bicycle System Inventory	79
0610: Bicycle System Requirements	79
0620: Bicycle System Projects.....	81
0630: Bicycle Parking	81
New Rules 0700-0799: Public Transportation System.....	82
0700: Public Transportation System Planning	82
0705: Public Transportation System Inventory	84
0710: Public Transportation System Requirements	84
0720: Public Transportation System Projects	85
0750: Transportation Options Plan.....	86
New Rules 0800-0899: Streets and Highways System.....	86
0800: Street and Highway System Planning	86
0805: Street and Highway System Inventory.....	87
0810: Street and Highway System Requirements	88
0820: Street and Highway System Projects	90
0830: Authorization of Facilities That Increase Driving and Capacity	91

New Rules 0900-0999: Monitoring and Reporting 95

 0900: Monitoring and Reporting 95

 0905: Orders Approving a Report 97

 0910: Land Use and Transportation Performance Measures 99

 0915: Land Use and Transportation Performance Targets 101

1 **Updated Rules**

2 **Changes to Existing Rules**

3 The existing rules will mostly remain the same, with some changes as noted below:

4 0000: Updates to reflect changes across the division.

5 0005: Updates to reflect changes across the division.

6 0015: Changes to remove requirements specific to metropolitan areas.

7 0016: This rule only applies in metropolitan areas and is proposed to be deleted.

8 0035: Changes to remove requirements specific to metropolitan areas.

9 0045: Changes to remove requirements specific to metropolitan areas.

10 0060: Updates to reflect changes across the division.

11 We do not propose any alterations to the remaining existing rules in the Transportation Planning Rules.

12 Changes from the text of existing rules are noted with underline under added text, and ~~strikeouts~~

13 ~~through deleted text~~.

1 **0000: Purpose**

2 The purpose provides an overview of the commission’s reasons for adopting the division, including how
3 the division implements the statewide planning goals. A clear purpose statement is useful for everyone
4 who uses the rules; including the public, local governments, and the courts.

5 We propose to adjust the purpose to focus on the challenges of today and the future. The updated
6 purpose also focuses in areas where Oregon is most deficient. Oregon is falling short on transportation
7 safety (with traffic deaths trending higher and four times that of leading countries, and twice that of
8 Canada), so the purpose re-ups the emphasis on safety. As the roadway network is relatively complete
9 for cars, we focus on ensuring quality options for other modes. This purpose highlights climate pollution,
10 and Oregon’s need to meet our goals to reduce that pollution. Oregon’s transportation system has
11 inequitably impacted key underserved populations, and decision making has centered the voices of the
12 privileged at the expense of those populations.

13 This purpose acknowledges those problems and focuses on remedies. The purpose retains key
14 coordination and planning elements.

15 (1) This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage
16 a safe, convenient, and economic transportation system. This division also implements provisions
17 of other statewide planning goals related to transportation planning in order to plan and develop
18 transportation facilities and services in close coordination with urban and rural development. The
19 purpose of this division is to direct transportation planning in coordination with land use planning
20 to:

21 (a) Provide for safe transportation for all Oregonians;

22 (b) Promote the development of transportation systems adequate to serve statewide, regional
23 and local transportation needs and the mobility and access needs of those who cannot
24 drive and other underserved populations;

25 (c) Provide for affordable, accessible and convenient transit, pedestrian, and bicycle access
26 and circulation, with improved connectivity to destinations people want to reach, such as
27 education facilities, work places, services, shopping, places of worship, parks, open
28 spaces, and community centers;

29 (d) Ensure Oregon meets its statutory and executive goals to reduce climate pollution by
30 reducing pollution from transportation;

31 (e) Recognize and remedy impacts of past practices such as redlining, displacement,
32 exclusionary zoning, and roadway and other public infrastructure siting that harmed
33 certain populations;

34 (f) Engage those populations in decision-making and prioritize investments serving those
35 communities;

36 (g) Facilitate the safe flow of freight and other goods and services within regions and
37 throughout the state through a variety of modes including road, air, rail and marine
38 transportation;

39 (h) Protect existing and planned transportation facilities, corridors and sites for their
40 identified functions;

41 (i) Provide for the construction and implementation of transportation facilities,
42 improvements and services necessary to support acknowledged comprehensive plans;

- 1 (j) Identify how transportation facilities are provided on rural lands consistent with the
2 goals;
- 3 (k) Ensure coordination among affected local governments and transportation service
4 providers and consistency between state, regional and local transportation plans; and
- 5 (l) Ensure changes to comprehensive plans are supported by adequate planned transportation
6 facilities for all modes.

7 (1) ~~This division implements Statewide Planning Goal 12 (Transportation) to provide and encourage~~
8 ~~a safe, convenient and economic transportation system. This division also implements provisions~~
9 ~~of other statewide planning goals related to transportation planning in order to plan and develop~~
10 ~~transportation facilities and services in close coordination with urban and rural development. The~~
11 ~~purpose of this division is to direct transportation planning in coordination with land use planning~~
12 ~~to:~~

- 13 (a) ~~Promote the development of transportation systems adequate to serve statewide, regional~~
14 ~~and local transportation needs and the mobility needs of the transportation disadvantaged;~~
- 15 (b) ~~Encourage and support the availability of a variety of transportation choices for moving~~
16 ~~people that balance vehicular use with other transportation modes, including walking,~~
17 ~~bicycling and transit in order to avoid principal reliance upon any one mode of~~
18 ~~transportation;~~
- 19 (c) ~~Provide for safe and convenient vehicular, transit, pedestrian, and bicycle access and~~
20 ~~circulation;~~
- 21 (d) ~~Facilitate the safe, efficient and economic flow of freight and other goods and services~~
22 ~~within regions and throughout the state through a variety of modes including road, air,~~
23 ~~rail and marine transportation;~~
- 24 (e) ~~Protect existing and planned transportation facilities, corridors and sites for their~~
25 ~~identified functions;~~
- 26 (f) ~~Provide for the construction and implementation of transportation facilities,~~
27 ~~improvements and services necessary to support acknowledged comprehensive plans;~~
- 28 (g) ~~Identify how transportation facilities are provided on rural lands consistent with the~~
29 ~~goals;~~
- 30 (h) ~~Ensure coordination among affected local governments and transportation service~~
31 ~~providers and consistency between state, regional and local transportation plans; and~~
- 32 (i) ~~Ensure that changes to comprehensive plans are supported by adequate planned~~
33 ~~transportation facilities.~~

34 (2) In meeting the purposes described in section (1), coordinated land use and transportation plans
35 should ensure the transportation system supports a pattern of travel and land use in urban areas
36 that will avoid common air pollution, climate pollution, inequity, wasteful spending, traffic and
37 livability problems ~~faced by other large urban areas of the country~~, through measures designed to
38 increase transportation options ~~choices~~ and make more efficient use of the existing transportation
39 system.

40 (3) The extent of planning required by this division and the outcome of individual transportation
41 plans will vary depending on community size, needs and circumstances. Generally, larger and
42 faster growing communities and regions will need to prepare more comprehensive and detailed
43 plans, while smaller communities and rural areas will have more general plans. For all
44 communities, the mix of planned transportation facilities and services should be sufficient to
45 ensure economic, sustainable and environmentally sound mobility and accessibility for all
46 Oregonians. Coordinating land use and transportation planning will also complement efforts to
47 meet other state and local objectives, including containing urban development, reducing the cost
48 of public services, protecting farm and forest land, reducing air, water and noise pollution,

1 conserving energy and reducing climate pollution emissions of greenhouse gases that contribute
2 to global climate change.

3 (a) In all urban areas, coordinated land use and transportation plans are intended to provide
4 safe transportation convenient vehicular circulation and to enhance, promote and
5 facilitate safe and convenient pedestrian and bicycle travel by planning a well-connected
6 network of streets, sidewalks, paths, and trails, and supporting improvements for ~~all~~
7 travel non-driving travel modes.

8 (b) In urban areas ~~that contain~~ with a population greater than 25,000 persons, coordinated
9 land use and transportation plans are intended to improve livability and accessibility by
10 promoting the provision of transit service and more efficient performance of existing
11 transportation facilities through transportation system management and demand
12 management measures.

13 (c) Within metropolitan areas, coordinated land use and transportation plans are intended to
14 improve livability and accessibility by promoting changes in the transportation system
15 and land use patterns. A key outcome of this effort is a reduction in dependence reliance
16 on single occupant automobile use, particularly during peak periods. To accomplish this
17 outcome, this division promotes increased planning for alternative non-driving modes
18 and street connectivity and encourages land use patterns throughout urban areas that
19 make it more convenient for people to walk, bicycle, use transit, use automobile travel
20 more efficiently, and drive less to meet their daily needs. The result of applying these
21 portions of the division will vary within metropolitan areas. Some parts of urban areas,
22 such as downtowns, pedestrian districts, transit-oriented developments, climate friendly
23 areas, areas along priority transit corridors, and other mixed-use, pedestrian-friendly
24 centers, will be highly convenient for a variety of modes, including walking, bicycling
25 and transit, while others will be more auto-oriented while still providing for safe and
26 convenient and include more modest measures to accommodate access and circulation by
27 other modes. In all instances, infrastructure shall be designed and constructed to ensure
28 safety and convenience for Oregonians of all ages and abilities.

29 (4) This division sets requirements for coordination among affected levels of government and
30 transportation service providers for preparation, adoption, refinement, implementation and
31 amendment of transportation system plans. Transportation system plans adopted pursuant to this
32 division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11
33 and chapter 660, division 11, as they relate to transportation facilities. The rules in this division
34 are not intended to make local government determinations “land use decisions” under ORS
35 197.015(10). The rules recognize, however, that under existing statutory and case law, many
36 determinations relating to the adoption and implementation of transportation plans will be land
37 use decisions.

1 **0005: Definitions**

2 Every division of rules has a list of definitions. We will keep the list of definitions in the existing division,
3 with changes and additions, as necessary. These definitions apply to the existing rules which will
4 continue to apply outside of metropolitan areas, as well as new rules for cities and counties inside of
5 metropolitan areas.

6 Changes in section numbering are not marked in this rule.

- 7 (1) "Access Management" means measures regulating access to streets, roads and highways from
8 public roads and private driveways. Measures may include but are not limited to restrictions on
9 the siting of interchanges, restrictions on the type and amount of access to roadways, and use of
10 physical controls, such as signals and channelization including raised medians, to reduce impacts
11 of approach road traffic on the main facility.
- 12 (2) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between
13 streets or from a street to a building or other destination such as a school, park, or transit stop.
14 Accessways generally include a walkway and additional land on either side of the walkway, often
15 in the form of an easement or right-of-way, to provide clearance and separation between the
16 walkway and adjacent uses. Accessways through parking lots are generally physically separated
17 from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include
18 landscaping, trees and lighting. Where accessways cross driveways, they are generally raised,
19 paved or marked in a manner which provides convenient access for pedestrians.
- 20 (3) "Affected Local Government" means a city, county or metropolitan service district that is directly
21 impacted by a proposed transportation facility or improvement.
- 22 (4) "Approach Road" means a legally constructed, public or private connection that provides
23 vehicular access either to or from or to and from a highway and an adjoining property.
- 24 (5) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or
25 includes a major transit stop generally including portions of such parcels or ownerships that are
26 within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300
27 feet of a major transit stop. The term "generally" is intended to allow local governments through
28 their plans and ordinances to adopt more specific definitions of these terms considering local
29 needs and circumstances consistent with the overall objective and requirement to provide
30 convenient pedestrian access to transit.
- 31 (6) "Climate Friendly Area" means an urban mixed-use area containing, or planned to contain, a
32 mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or
33 planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to
34 provide frequent and convenient connections to key destinations within the city and region. To
35 maximize community benefits these areas typically do not contain or require large parking lots,
36 and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other
37 amenities to visitors, residents, and employees. Climate friendly areas will reduce the reliance on
38 single-occupant motor vehicle trips for residents, workers, and visitors by providing more
39 proximate destinations within climate friendly areas, improved connectivity to key destinations
40 elsewhere in the community, and enhanced alternative transportation options.
- 41 (7) "Committed Transportation Facilities" means those proposed transportation facilities and
42 improvements which are consistent with the acknowledged comprehensive plan and have
43 approved funding for construction in a public facilities plan or the Six-Year Highway or
44 Transportation Improvement Program.

- 1 (8) "Demand Management" means actions which are designed to change travel behavior in order to
 2 improve performance of transportation facilities and to reduce need for additional road capacity.
 3 Methods may include, but are not limited to, the use of alternative modes, ride-sharing and
 4 vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid
 5 parking.
- 6 (9) "Freeway" means a limited-access highway with access points exclusively from interchanges
 7 with other streets and highways. Freeways may provide very limited access for rural land uses in
 8 rural areas where no other access is available.
- 9 (10) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal
 10 measured on the crossroad away from the mainline.
- 11 (11) "Level 2 Electric Vehicle Charging Station" means a device or facility for delivering electricity to
 12 motor vehicles that operates on a 40 to 50 ampere breaker on a single phase 208/240 volt AC
 13 circuit.
- 14 (12) "Local streets" means streets that are functionally classified as local streets to serve primarily
 15 local access to property and circulation within neighborhoods or specific areas. Local streets do
 16 not include streets functionally classified as collector or arterials.
- 17 (13) "Local Street Standards" include but are not limited to standards for right-of-way, pavement
 18 width, travel lanes, parking lanes, curb turning radius, and accessways.
- 19 (14) "Major" means, in general, those facilities or developments which, considering the size of the
 20 urban or rural area and the range of size, capacity or service level of similar facilities or
 21 developments in the area, are either larger than average, serve more than neighborhood needs or
 22 have significant land use or traffic impacts on more than the immediate neighborhood:
- 23 (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation
 24 facilities means those facilities which are most important to the functioning of the system
 25 or which provide a high level, volume or frequency of service;
- 26 (b) "Major" as it modifies industrial, institutional and retail development means such
 27 developments which are larger than average, serve more than neighborhood needs or
 28 which have traffic impacts on more than the immediate neighborhood;
- 29 (c) Application of the term "major" will vary from area to area depending upon the scale of
 30 transportation improvements, transit facilities and development which occur in the area.
 31 A facility considered to be major in a smaller or less densely developed area may,
 32 because of the relative significance and impact of the facility or development, not be
 33 considered a major facility in a larger or more densely developed area with larger or more
 34 intense development or facilities.
- 35 (15) "Major transit stop" means:
- 36 (a) Existing and planned light rail stations and transit transfer stations, except for temporary
 37 facilities; Other planned stops designated as major transit stops in a transportation system
 38 plan and existing stops which:
- 39 (A) Have or are planned for an above average frequency of scheduled, fixed-route
 40 service when compared to region wide service. In urban areas of 1,000,000 or
 41 more population major transit stops are generally located along routes that have
 42 or are planned for 20 minute service during the peak hour; and
- 43 (B) Are located in a transit oriented development or within 1/4 mile of an area
 44 planned and zoned for:

- 1 (i) Medium or high density residential development; or
- 2 (ii) Intensive commercial or institutional uses within 1/4 mile of subsection
- 3 (i); or
- 4 (iii) Uses likely to generate a relatively high level of transit ridership.
- 5 (16) "Metropolitan area" means the local governments that are responsible for adopting local or
- 6 regional transportation system plans within a metropolitan planning organization (MPO)
- 7 boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.
- 8 (17) "Metropolitan Planning Organization (MPO)" means an organization located within the State of
- 9 Oregon and designated by the Governor to coordinate transportation planning in an urbanized
- 10 area of the state including such designations made subsequent to the adoption of this rule. The
- 11 Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the
- 12 purposes of this division.
- 13 (18) "Minor transportation improvements" include, but are not limited to, signalization, addition of
- 14 turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets,
- 15 transportation system management measures, modification of existing interchange facilities
- 16 within public right of way and design modifications located within an approved corridor. Minor
- 17 transportation improvements may or may not be listed as planned projects in a TSP where the
- 18 improvement is otherwise consistent with the TSP. Minor transportation improvements do not
- 19 include new interchanges; new approach roads within the influence area of an interchange; new
- 20 intersections on limited access roadways, highways or expressways; new collector or arterial
- 21 streets, road realignments or addition of travel lanes.
- 22 (19) "ODOT" means the Oregon Department of Transportation.
- 23 (20) "Parking mandates" means requirements to include a minimum number off-street parking spaces
- 24 as a condition of development or redevelopment.
- 25 (21) "Parking maximums" means limits on the number of off-street parking spaces that can be
- 26 included in a development.
- 27 (22) "Parking spaces" means on and off street spaces designated for automobile parking ~~in areas~~
- 28 ~~planned for industrial, commercial, institutional or public uses. The following are not considered~~
- 29 ~~parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped~~
- 30 ~~parking, and parking spaces for carpools and vanpools., other than parking spaces reserved for~~
- 31 ~~carpools, vanpools, or people with disabilities.~~
- 32 (23) "Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two
- 33 points that is intended and suitable for pedestrian use. Pedestrian connections include but are not
- 34 limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed
- 35 parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian
- 36 connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for
- 37 redevelopment, pedestrian connections may also include rights of way or easements for future
- 38 pedestrian improvements.
- 39 (24) "Pedestrian district" means a comprehensive plan designation or implementing land use
- 40 regulations, such as an overlay zone, that establish requirements to provide a safe and convenient
- 41 pedestrian environment in an area planned for a mix of uses likely to support a relatively high
- 42 level of pedestrian activity. Such areas include but are not limited to:
- 43 (a) Lands planned for a mix of commercial or institutional uses near lands planned for
- 44 medium to high density housing; or
- 45 (b) Areas with a concentration of employment and retail activity; and

- 1 (c) Which have or could develop a network of streets and accessways which provide
2 convenient pedestrian circulation.
- 3 (25) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop
4 which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete,
5 pavers, bricks or similar material and include seating, pedestrian scale lighting and similar
6 pedestrian improvements. Low walls or planters and landscaping are usually provided to create a
7 semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle
8 maneuvering areas. Plazas are generally located at a transit stop, building entrance or an
9 intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A
10 plaza including 150-250 square feet would be considered "small."
- 11 (26) "Pedestrian scale" means site and building design elements that are dimensionally less than those
12 intended to accommodate automobile traffic, flow and buffering. Examples include ornamental
13 lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a
14 variety of planting and landscaping materials; arcades or awnings that reduce the height of walls;
15 and signage and signpost details that can only be perceived from a short distance.
- 16 (27) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to
17 meet the requirements of this rule.
- 18 (28) "Preliminary Design" means an engineering design which specifies in detail the location and
19 alignment of a planned transportation facility or improvement.
- 20 (29) "Priority Transit Corridor" means a corridor which has a high existing or planned level of transit
21 service relative to other transit service in the community, including be service frequency and span
22 of service. The corridor may be described as a series of stations when served by high capacity
23 transit services with widely spaced stations.
- 24 (30) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line
25 or a route that does not involve a significant amount of out-of-direction travel for likely users.
- 26 (31) "Refinement Plan" means an amendment to the transportation system plan, which resolves, at a
27 systems level, determinations on function, mode or general location which were deferred during
28 transportation system planning because detailed information needed to make those determinations
29 could not reasonably be obtained during that process.
- 30 (32) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and
31 adopted by a metropolitan planning organization for a metropolitan area as provided for in federal
32 law.
- 33 (33) "Roads" means streets, roads and highways.
- 34 (34) "Rural community" means areas defined as resort communities and rural communities in
35 accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need
36 only meet the definitions contained in the Unincorporated Communities Rule although the area
37 may not have been designated as an unincorporated community in accordance with OAR 660-
38 022-0020.
- 39 (35) "Shared parking" means parking spaces used to meet the parking mandates for two or more uses,
40 structures, or parcels of land, to the extent that the owners or operators show the overall demand
41 for parking spaces can be met by the shared parking.
- 42 (36) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a
43 supporting network of roads, bicycle and pedestrian ways focused on a major transit stop
44 designed to support a high level of transit use. The key features of transit oriented development
45 include:

- 1 (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian
2 and bicycle travel from the surrounding area;
- 3 (b) High density of residential development proximate to the transit stop sufficient to support
4 transit operation and neighborhood commercial uses within the TOD;
- 5 (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian
6 access within the TOD and high levels of transit use.
- 7 (37) "Transportation Facilities" means any physical facility that moves or assist in the movement of
8 people or goods including facilities identified in OAR 660-012-0020 but excluding electricity,
9 sewage and water systems.
- 10 (38) "Transportation System Management Measures" means techniques for increasing the efficiency,
11 safety, capacity or level of service of a transportation facility without increasing its size.
12 Examples include, but are not limited to, traffic signal improvements, traffic control devices
13 including installing medians and parking removal, channelization, access management, ramp
14 metering, and restriping of high occupancy vehicle (HOV) lanes.
- 15 (39) "Transportation Needs" means estimates of the movement of people and goods consistent with
16 acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on
17 projections of future travel demand resulting from a continuation of current trends as modified by
18 policy objectives, including those expressed in Goal 12 and this rule, especially those for
19 avoiding principal reliance on any one mode of transportation.
- 20 (40) "Transportation Needs, Local" means needs for movement of people and goods within
21 communities and portions of counties and the need to provide access to local destinations.
- 22 (41) "Transportation Needs, Regional" means needs for movement of people and goods between and
23 through communities and accessibility to regional destinations within a metropolitan area, county
24 or associated group of counties.
- 25 (42) "Transportation Needs, State" means needs for movement of people and goods between and
26 through regions of the state and between the state and other states.
- 27 (43) "Transportation Project Development" means implementing the transportation system plan (TSP)
28 by determining the precise location, alignment, and preliminary design of improvements included
29 in the TSP based on site-specific engineering and environmental studies.
- 30 (44) "Transportation Service" means a service for moving people and goods, such as intercity bus
31 service and passenger rail service.
- 32 (45) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are
33 planned, developed, operated and maintained in a coordinated manner to supply continuity of
34 movement between modes, and within and between geographic and jurisdictional areas.
- 35 (46) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban
36 growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9).
37 For the purposes of this division, the area need only meet the definition contained in the
38 Unincorporated Communities Rule although the area may not have been designated as an
39 unincorporated community in accordance with 660-022-0020.
- 40 (47) "Unbundled parking" means a requirement that parking spaces for each unit in a development be
41 leased or sold separately from the unit itself. That requirement must include requirements for the
42 parking space(s) to be rented or sold at market rates for comparable local off-street parking, and
43 for the renter of the unit to be able to opt out of renting or buying the parking space(s);

- 1 (48) "Urban Fringe" means:
- 2 (a) Areas outside the urban growth boundary that are within 5 miles of the urban growth
- 3 boundary of an MPO area; and
- 4 (b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of
- 5 an urban area containing a population greater than 25,000.
- 6 (49) Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for
- 7 purposes of this definition, include automobiles, light trucks, and other similar vehicles used for
- 8 movement of people. The definition does not include buses, heavy trucks and trips that involve
- 9 commercial movement of goods. VMT includes trips with an origin and a destination within the
- 10 MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside
- 11 of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO
- 12 boundary). VMT is estimated prospectively through the use of metropolitan area transportation
- 13 models.
- 14 (50) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including
- 15 sidewalks and surfaced portions of accessways.

16 **0015: Preparation and Coordination of Transportation System Plans**

17 We propose to alter this existing rule. The existing rule gives overarching direction to local governments

18 in how to prepare and coordinate development of local and regional transportation system plans. We

19 propose to delete some parts of this rule pertaining only to metropolitan areas. This rule will apply to

20 local governments outside of metropolitan areas. New rules will direct how local governments in

21 metropolitan areas prepare and coordinate development of local transportation system plans.

- 22 (1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program
- 23 for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-
- 24 0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of
- 25 transportation facilities and services adequate to meet identified state transportation needs:
- 26 (a) The state TSP shall include the state transportation policy plan, modal systems plans, and
- 27 transportation facility plans as set forth in OAR chapter 731, division 15;
- 28 (b) State transportation project plans shall be compatible with acknowledged comprehensive
- 29 plans as provided for in OAR chapter 731, division 15. Disagreements between ODOT
- 30 and affected local governments shall be resolved in the manner established in that
- 31 division.
- 32 (2) ~~MPOs and counties~~ Counties shall prepare and amend regional TSPs in compliance with this
- 33 division. ~~MPOs shall prepare regional TSPs for facilities of regional significance within their~~
- 34 ~~jurisdiction.~~ Counties shall prepare regional TSPs for all other areas and facilities:
- 35 (a) Regional TSPs shall establish a system of transportation facilities and services adequate
- 36 to meet identified regional transportation needs and shall be consistent with adopted
- 37 elements of the state TSP;
- 38 (b) Where elements of the state TSP have not been adopted, the ~~MPO or county~~ shall
- 39 coordinate the preparation of the regional TSP with ODOT to assure that state
- 40 transportation needs are accommodated;

- 1 ~~(e) Regional TSPs prepared by MPOs other than metropolitan service districts shall be~~
2 ~~adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan~~
3 ~~service districts shall adopt a regional TSP for areas within their jurisdiction;~~
- 4 ~~(d)~~ (c) Regional TSPs prepared by counties shall be adopted by the county.
- 5 (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning
6 jurisdiction in compliance with this division:
- 7 (a) Local TSPs shall establish a system of transportation facilities and services adequate to
8 meet identified local transportation needs and shall be consistent with regional TSPs and
9 adopted elements of the state TSP;
- 10 (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or
11 county shall coordinate the preparation of the local TSP with the regional transportation
12 planning body and ODOT to assure that regional and state transportation needs are
13 accommodated.
- 14 (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their
15 comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be
16 adopted as a supporting document to the comprehensive plan.
- 17 (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local
18 governments, special districts, and private providers of transportation services.
- 19 (6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs
20 for those transportation facilities and services they provide. These districts shall prepare and
21 adopt plans for transportation facilities and services they provide. Such plans shall be consistent
22 with and adequate to carry out relevant portions of applicable regional and local TSPs.
23 Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass
24 transit, transportation, airport and port districts adopt a plan consistent with the requirements of
25 this section.
- 26 (7) Where conflicts are identified between proposed regional TSPs and acknowledged
27 comprehensive plans, representatives of affected local governments shall meet to discuss means
28 to resolve the conflicts. These may include:
- 29 (a) Changing the draft TSP to eliminate the conflicts; or
30 (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;
- 31 ~~(e) For MPOs which are not metropolitan service districts, if conflicts persist between~~
32 ~~regional TSPs and acknowledged comprehensive plans after efforts to achieve~~
33 ~~compatibility, an affected local government may petition the Commission to resolve the~~
34 ~~dispute.~~

1 **0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas**

2 Staff proposes to delete this rule. The rule directs local governments to coordinate local transportation
3 planning with regional transportation plans (RTPs) required to be completed by Metropolitan Planning
4 Organizations (MPOs) under federal law. In practice, this coordination process has not worked well.

5 We expect to use some of the elements in this rule in our updated rules to encourage regional planning
6 efforts. Updated local transportation planning requirements in metropolitan areas will require advanced
7 local actions, including the development of financially-constrained local plans, that will inform federally-
8 required RTPs. In the Portland Metropolitan Area, many of these regional planning requirements will be
9 retained. Additionally, metropolitan areas will be required to undertake regional scenario planning,
10 which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR Chapter 660, Division 44).

11 ~~(1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation
12 system plans required by this division in coordination with regional transportation plans (RTPs)
13 prepared by MPOs required by federal law. Insofar as possible, regional transportation system
14 plans for metropolitan areas shall be accomplished through a single coordinated process that
15 complies with the applicable requirements of federal law and this division. Nothing in this rule is
16 intended to make adoption or amendment of a regional transportation plan by a metropolitan
17 planning organization a land use decision under Oregon law.~~

18 ~~(2) When an MPO adopts or amends a regional transportation plan that relates to compliance with
19 this division, the affected local governments shall review the adopted plan or amendment and
20 either:~~

21 ~~(a) Make a finding that the proposed regional transportation plan amendment or update is
22 consistent with the applicable provisions of adopted regional and local transportation
23 system plan and comprehensive plan and compliant with applicable provisions of this
24 division; or~~

25 ~~(b) Adopt amendments to the relevant regional or local transportation system plan that make
26 the regional transportation plan and the applicable transportation system plans consistent
27 with one another and compliant with applicable provisions of this division. Necessary
28 plan amendments or updates shall be prepared and adopted in coordination with the
29 federally required plan update or amendment. Such amendments shall be initiated no
30 later than 30 days from the adoption of the RTP amendment or update and shall be
31 adopted no later than one year from the adoption of the RTP amendment or update or
32 according to a work plan approved by the commission. A plan amendment is "initiated"
33 for purposes of this subsection where the affected local government files a post-
34 acknowledgement plan amendment notice with the department as provided in OAR
35 chapter 660, division 18.~~

36 ~~(c) In the Portland Metropolitan area, compliance with this section shall be accomplished by
37 Metro through adoption of required findings or an amendment to the regional
38 transportation system plan.~~

39 ~~(3) Adoption or amendment of a regional transportation plan relates to compliance with this division
40 for purposes of section (2) if it does one or more of the following:~~

41 ~~(a) Changes plan policies;~~

42 ~~(b) Adds or deletes a project from the list of planned transportation facilities, services or
43 improvements or from the financially constrained project list required by federal law;~~

- 1 (c) — ~~Modifies the general location of a planned transportation facility or improvement;~~
- 2 (d) — ~~Changes the functional classification of a transportation facility; or~~
- 3 (e) — ~~Changes the planning period or adopts or modifies the population or employment forecast~~
4 ~~or allocation upon which the plan is based.~~
- 5 (4) — ~~The following amendments to a regional transportation plan do not relate to compliance with this~~
6 ~~division for purposes of section (2):~~
- 7 (a) — ~~Adoption of an air quality conformity determination;~~
- 8 (b) — ~~Changes to a federal revenue projection;~~
- 9 (c) — ~~Changes to estimated cost of a planned transportation project; or~~
- 10 (d) — ~~Deletion of a project from the list of planned projects where the project has been~~
11 ~~constructed or completed.~~
- 12 (5) — ~~Adoption or amendment of a regional transportation plan that extends the planning period beyond~~
13 ~~that specified in the applicable acknowledged comprehensive plan or regional transportation~~
14 ~~system plan is consistent with the requirements of this rule where the following conditions are~~
15 ~~met:~~
- 16 (a) — ~~The future year population forecast is consistent with those issued or adopted under ORS~~
17 ~~195.033 or 195.036;~~
- 18 (b) — ~~Land needed to accommodate future urban density population and employment and other~~
19 ~~urban uses is identified in a manner consistent with Goal 14 and relevant rules;~~
- 20 (c) — ~~Urban density population and employment are allocated to designated centers and other~~
21 ~~identified areas to provide for implementation of the metropolitan area's integrated land~~
22 ~~use and transportation plan or strategy; and~~
- 23 (d) — ~~Urban density population and employment or other urban uses are allocated to areas~~
24 ~~outside of an acknowledged urban growth boundary only where:~~
- 25 (A) — ~~The allocation is done in conjunction with consideration by local governments of~~
26 ~~possible urban growth boundary amendments consistent with Goal 14 and~~
27 ~~relevant rules, and~~
- 28 (B) — ~~The RTP clearly identifies the proposed UGB amendments and any related~~
29 ~~projects as illustrative and subject to further review and approval by the affected~~
30 ~~local governments.~~

1 **0035: Evaluation and Selection of Transportation System Alternatives**

2 We propose to alter this existing rule. The existing rule directs how local governments evaluate and
3 select transportation alternatives. We propose to delete some parts of this rule pertaining only to local
4 governments in metropolitan areas. New rules in OAR 660-012-0165 will direct how local governments
5 in metropolitan areas will evaluate and select transportation alternatives.

6 (1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can
7 reasonably be expected to meet the identified transportation needs in a safe manner and at a
8 reasonable cost with available technology. The following shall be evaluated as components of
9 system alternatives:

- 10 (a) Improvements to existing facilities or services;
- 11 (b) New facilities and services, including different modes or combinations of modes that
12 could reasonably meet identified transportation needs;
- 13 (c) Transportation system management measures;
- 14 (d) Demand management measures; and
- 15 (e) A no-build system alternative required by the National Environmental Policy Act of 1969
16 or other laws.

17 ~~(2) Local governments in MPO areas of larger than 1,000,000 population shall, and other~~
18 ~~governments may also, evaluate alternative land use designations, densities, and design standards~~
19 ~~to meet local and regional transportation needs. Local governments preparing such a strategy~~
20 ~~shall consider:~~

- 21 ~~(a) Increasing residential densities and establishing minimum residential densities within one~~
22 ~~quarter mile of transit lines, major regional employment areas, and major regional retail~~
23 ~~shopping areas;~~
- 24 ~~(b) Increasing allowed densities in new commercial office and retail developments in~~
25 ~~designated community centers;~~
- 26 ~~(c) Designating lands for neighborhood shopping centers within convenient walking and~~
27 ~~cycling distance of residential areas; and~~
- 28 ~~(d) Designating land uses to provide a better balance between jobs and housing considering:~~
 - 29 ~~(A) The total number of jobs and total of number of housing units expected in the~~
30 ~~area or subarea;~~
 - 31 ~~(B) The availability of affordable housing in the area or subarea; and~~
 - 32 ~~(C) Provision of housing opportunities in close proximity to employment areas.~~

33 ~~(3)~~(2) The following standards shall be used to evaluate and select alternatives:

- 34 (a) The transportation system shall support urban and rural development by providing types
35 and levels of transportation facilities and services appropriate to serve the land uses
36 identified in the acknowledged comprehensive plan;
- 37 (b) The transportation system shall be consistent with state and federal standards for
38 protection of air, land and water quality including the State Implementation Plan under
39 the Federal Clean Air Act and the State Water Quality Management Plan;

- 1 (c) The transportation system shall minimize adverse economic, social, environmental and
2 energy consequences;
- 3 (d) The transportation system shall minimize conflicts and facilitate connections between
4 modes of transportation; and
- 5 (e) The transportation system shall avoid principal reliance on any one mode of
6 transportation by increasing transportation choices to reduce principal reliance on the
7 automobile. In MPO areas this shall be accomplished by selecting transportation
8 alternatives which meet the requirements in section (4) of this rule.
- 9 ~~(4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for
10 increasing transportation choices and reducing reliance on the automobile. Adopted standards are
11 intended as means of measuring progress of metropolitan areas towards developing and
12 implementing transportation systems and land use plans that increase transportation choices and
13 reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish
14 reduced reliance by changing land use patterns and transportation systems so that walking,
15 cycling, and use of transit are highly convenient and so that, on balance, people need to and are
16 likely to drive less than they do today.~~
- 17 ~~(5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation
18 choices and reducing automobile reliance as provided for in this rule:~~
 - 19 ~~(a) The commission shall approve standards by order upon demonstration by the
20 metropolitan area that:~~
 - 21 ~~(A) Achieving the standard will result in a reduction in reliance on automobiles;~~
 - 22 ~~(B) Achieving the standard will accomplish a significant increase in the availability
23 or convenience of alternative modes of transportation;~~
 - 24 ~~(C) Achieving the standard is likely to result in a significant increase in the share of
25 trips made by alternative modes, including walking, bicycling, ridesharing and
26 transit;~~
 - 27 ~~(D) VMT per capita is unlikely to increase by more than five percent; and~~
 - 28 ~~(E) The standard is measurable and reasonably related to achieving the goal of
29 increasing transportation choices and reducing reliance on the automobile as
30 described in OAR 660-012-0000.~~
 - 31 ~~(b) In reviewing proposed standards for compliance with subsection (a), the commission
32 shall give credit to regional and local plans, programs, and actions implemented since
33 1990 that have already contributed to achieving the objectives specified in paragraphs
34 (A) (E) above;~~
 - 35 ~~(c) If a plan using a standard, approved pursuant to this rule, is expected to result in an
36 increase in VMT per capita, then the cities and counties in the metropolitan area shall
37 prepare and adopt an integrated land use and transportation plan including the elements
38 listed in paragraphs (A) (E) below. Such a plan shall be prepared in coordination with
39 the MPO and shall be adopted within three years of the approval of the standard.~~
 - 40 ~~(A) Changes to land use plan designations, densities, and design standards listed in
41 subsections (2)(a) (d);~~

- 1 (B) — ~~A transportation demand management plan that includes significant new~~
2 ~~transportation demand management measures;~~
- 3 (C) — ~~A public transit plan that includes a significant expansion in transit service;~~
- 4 (D) — ~~Policies to review and manage major roadway improvements to ensure that their~~
5 ~~effects are consistent with achieving the adopted strategy for reduced reliance on~~
6 ~~the automobile, including policies that provide for the following:~~
- 7 (i) — ~~An assessment of whether improvements would result in development or~~
8 ~~travel that is inconsistent with what is expected in the plan;~~
- 9 (ii) — ~~Consideration of alternative measures to meet transportation needs;~~
- 10 (iii) — ~~Adoption of measures to limit possible unintended effects on travel and~~
11 ~~land use patterns including access management, limitations on~~
12 ~~subsequent plan amendments, phasing of improvements, etc.; and~~
- 13 (iv) — ~~For purposes of this section a "major roadway expansion" includes new~~
14 ~~arterial roads or streets and highways, the addition of travel lanes, and~~
15 ~~construction of interchanges to a limited access highway~~
- 16 (E) — ~~Plan and ordinance provisions that meet all other applicable requirements of this~~
17 ~~division.~~
- 18 (d) — ~~Standards may include but are not limited to:~~
- 19 (A) — ~~Modal share of alternative modes, including walking, bicycling, and transit trips;~~
- 20 (B) — ~~Vehicle hours of travel per capita;~~
- 21 (C) — ~~Vehicle trips per capita;~~
- 22 (D) — ~~Measures of accessibility by alternative modes (i.e. walking, bicycling and~~
23 ~~transit); or~~
- 24 (E) — ~~The Oregon Benchmark for a reduction in peak hour commuting by single~~
25 ~~occupant vehicles.~~
- 26 (e) — ~~Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the~~
27 ~~standard or standards adopted and approved pursuant to this rule. Such evaluation shall~~
28 ~~occur at regular intervals corresponding with federally required updates of the regional~~
29 ~~transportation plan. This shall include monitoring and reporting of VMT per capita.~~
- 30 (6) — ~~A metropolitan area may also accomplish compliance with requirements of subsection (3)(e),~~
31 ~~sections (4) and (5) by demonstrating to the commission that adopted plans and measures are~~
32 ~~likely to achieve a five percent reduction in VMT per capita over the 20-year planning period.~~
33 ~~The commission shall consider and act on metropolitan area requests under this section by order.~~
34 ~~A metropolitan area that receives approval under this section shall adopt interim benchmarks for~~
35 ~~VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the~~
36 ~~regional transportation system plan.~~
- 37 (7) — ~~Regional and local TSPs shall include benchmarks to assure satisfactory progress towards~~
38 ~~meeting the approved standard or standards adopted pursuant to this rule at regular intervals over~~
39 ~~the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks~~
40 ~~at each update of the regional transportation plan. Where benchmarks are not met, the relevant~~

1 TSP shall be amended to include new or additional efforts adequate to meet the requirements of
2 this rule.

3 ~~(8)~~ The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction
4 in VMT and the effectiveness of approved plans and standards in achieving the objective of
5 increasing transportation choices and reducing reliance on the automobile.

6 ~~(9)~~(3) Where existing and committed transportation facilities and services have adequate capacity to
7 support the land uses in the acknowledged comprehensive plan, the local government shall not be
8 required to evaluate alternatives as provided in this rule.

9 ~~(10)~~(4) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and
10 located in an urban fringe may be included in a TSP only if the ~~improvement~~ project identified in
11 the transportation system plan as described in section ~~(12)~~(6) of this rule, will not significantly
12 reduce peak hour travel time for the route as determined pursuant to section ~~(11)~~(5) of this rule, or
13 the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose
14 of the improvement project:

15 (a) Improvements to transportation facilities and services within the urban growth boundary;

16 (b) Transportation system management measures that do not significantly increase capacity;
17 or

18 (c) Transportation demand management measures. The jurisdiction needs only to consider
19 alternatives that are safe and effective, consistent with applicable standards and that can
20 be implemented at a reasonable cost using available technology.

21 ~~(11)~~(5) An ~~improvement~~ project significantly reduces peak hour travel time when, based on recent data,
22 the time to travel the route is reduced more than 15 percent during weekday peak hour conditions
23 over the length of the route located within the urban fringe. For purposes of measuring travel
24 time, a route shall be identified by the predominant traffic flows in the project area.

25 ~~(12)~~(6) A "transportation improvement project" described in section ~~(10)~~(4) of this rule:

26 (a) Is intended to solve all of the reasonably foreseeable transportation problems within a
27 general geographic location, within the planning period; and

28 (b) Has utility as an independent transportation project.

1 **0045: Implementation of the Transportation System Plan**

2 We propose to alter this existing rule. The existing rule directs how local governments are to implement
3 the local transportation system plan. We propose to delete one section of this rule pertaining only to
4 metropolitan areas. New rules, applicable within metropolitan areas, will replace and update the
5 requirements within this section.

- 6 (1) Each local government shall amend its land use regulations to implement the TSP.
- 7 (a) The following transportation facilities, services and improvements need not be subject to
8 land use regulations except as necessary to implement the TSP and, under ordinary
9 circumstances do not have a significant impact on land use:
- 10 (A) Operation, maintenance, and repair of existing transportation facilities identified
11 in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and
12 major regional pipelines and terminals;
- 13 (B) Dedication of right-of-way, authorization of construction and the construction of
14 facilities and improvements, where the improvements are consistent with clear
15 and objective dimensional standards;
- 16 (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k),
17 consistent with the provisions of OAR 660-012-0065; and
- 18 (D) Changes in the frequency of transit, rail and airport services.
- 19 (b) To the extent, if any, that a transportation facility, service or improvement concerns the
20 application of a comprehensive plan provision or land use regulation, it may be allowed
21 without further land use review if it is permitted outright or if it is subject to standards
22 that do not require interpretation or the exercise of factual, policy or legal judgment;
- 23 (c) In the event that a transportation facility, service or improvement is determined to have a
24 significant impact on land use or to concern the application of a comprehensive plan or
25 land use regulation and to be subject to standards that require interpretation or the
26 exercise of factual, policy or legal judgment, the local government shall provide a review
27 and approval process that is consistent with OAR 660-012-0050. To facilitate
28 implementation of the TSP, each local government shall amend its land use regulations to
29 provide for consolidated review of land use decisions required to permit a transportation
30 project.
- 31 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with
32 applicable federal and state requirements, to protect transportation facilities, corridors and sites
33 for their identified functions. Such regulations shall include:
- 34 (a) Access control measures, for example, driveway and public road spacing, median control
35 and signal spacing standards, which are consistent with the functional classification of
36 roads and consistent with limiting development on rural lands to rural uses and densities;
- 37 (b) Standards to protect future operation of roads, transitways and major transit corridors;
- 38 (c) Measures to protect public use airports by controlling land uses within airport noise
39 corridors and imaginary surfaces, and by limiting physical hazards to air navigation;
- 40 (d) A process for coordinated review of future land use decisions affecting transportation
41 facilities, corridors or sites;

- 1 (e) A process to apply conditions to development proposals in order to minimize impacts and
2 protect transportation facilities, corridors or sites;
- 3 (f) Regulations to provide notice to public agencies providing transportation facilities and
4 services, MPOs, and ODOT of:
- 5 (A) Land use applications that require public hearings;
- 6 (B) Subdivision and partition applications;
- 7 (C) Other applications which affect private access to roads; and
- 8 (D) Other applications within airport noise corridors and imaginary surfaces which
9 affect airport operations; and
- 10 (g) Regulations assuring that amendments to land use designations, densities, and design
11 standards are consistent with the functions, capacities and performance standards of
12 facilities identified in the TSP.
- 13 (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural
14 communities as set forth below. The purposes of this section are to provide for safe and
15 convenient pedestrian, bicycle and vehicular circulation consistent with access management
16 standards and the function of affected streets, to ensure that new development provides on-site
17 streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in
18 areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids
19 wherever possible levels of automobile traffic which might interfere with or discourage
20 pedestrian or bicycle travel.
- 21 (a) Bicycle parking facilities as part of new multi-family residential developments of four
22 units or more, new retail, office and institutional developments, and all transit transfer
23 stations and park-and-ride lots;
- 24 (b) On-site facilities shall be provided which accommodate safe and convenient pedestrian
25 and bicycle access from within new subdivisions, multi-family developments, planned
26 developments, shopping centers, and commercial districts to adjacent residential areas
27 and transit stops, and to neighborhood activity centers within one-half mile of the
28 development. Single-family residential developments shall generally include streets and
29 accessways. Pedestrian circulation through parking lots should generally be provided in
30 the form of accessways.
- 31 (A) "Neighborhood activity centers" includes, but is not limited to, existing or
32 planned schools, parks, shopping areas, transit stops or employment centers;
- 33 (B) Bikeways shall be required along arterials and major collectors. Sidewalks shall
34 be required along arterials, collectors and most local streets in urban areas, except
35 that sidewalks are not required along controlled access roadways, such as
36 freeways;
- 37 (C) Cul-de-sacs and other dead-end streets may be used as part of a development
38 plan, consistent with the purposes set forth in this section;
- 39 (D) Local governments shall establish their own standards or criteria for providing
40 streets and accessways consistent with the purposes of this section. Such
41 measures may include but are not limited to: standards for spacing of streets or
42 accessways; and standards for excessive out-of-direction travel;

- 1 (E) Streets and accessways need not be required where one or more of the following
2 conditions exist:
- 3 (i) Physical or topographic conditions make a street or accessway
4 connection impracticable. Such conditions include but are not limited to
5 freeways, railroads, steep slopes, wetlands or other bodies of water
6 where a connection could not reasonably be provided;
- 7 (ii) Buildings or other existing development on adjacent lands physically
8 preclude a connection now or in the future considering the potential for
9 redevelopment; or
- 10 (iii) Where streets or accessways would violate provisions of leases,
11 easements, covenants, restrictions or other agreements existing as of May
12 1, 1995, which preclude a required street or accessway connection.
- 13 (c) Where off-site road improvements are otherwise required as a condition of development
14 approval, they shall include facilities accommodating convenient pedestrian and bicycle
15 travel, including bicycle ways along arterials and major collectors;
- 16 (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian
17 routes, facilities and improvements which:
- 18 (A) Are reasonably free from hazards, particularly types or levels of automobile
19 traffic which would interfere with or discourage pedestrian or cycle travel for
20 short trips;
- 21 (B) Provide a reasonably direct route of travel between destinations such as between
22 a transit stop and a store; and
- 23 (C) Meet travel needs of cyclists and pedestrians considering destination and length
24 of trip; and considering that the ~~optimum~~ most common trip length of pedestrians
25 is generally ~~1/4 to~~ under 1/2 mile.
- 26 (e) Internal pedestrian circulation within new office parks and commercial developments
27 shall be provided through clustering of buildings, construction of accessways, walkways
28 and similar techniques.
- 29 (4) To support transit in urban areas containing a population greater than 25,000, where the area is
30 already served by a public transit system or where a determination has been made that a public
31 transit system is feasible, local governments shall adopt land use and subdivision regulations as
32 provided in (a)–(g) below:
- 33 (a) Transit routes and transit facilities shall be designed to support transit use through
34 provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking
35 restrictions and similar facilities, as appropriate;
- 36 (b) New retail, office and institutional buildings at or near major transit stops shall provide
37 for convenient pedestrian access to transit through the measures listed in paragraphs (A)
38 and (B) below.
- 39 (A) Walkways shall be provided connecting building entrances and streets adjoining
40 the site;

- 1 (B) Pedestrian connections to adjoining properties shall be provided except where
2 such a connection is impracticable as provided for in OAR 660-012-
3 0045(3)(b)(E). Pedestrian connections shall connect the on-site circulation
4 system to existing or proposed streets, walkways, and driveways that abut the
5 property. Where adjacent properties are undeveloped or have potential for
6 redevelopment, streets, accessways and walkways on site shall be laid out or
7 stubbed to allow for extension to the adjoining property;
- 8 (C) In addition to paragraphs (A) and (B) above, on sites at major transit stops
9 provide the following:
- 10 (i) Either locate buildings within 20 feet of the transit stop, a transit street or
11 an intersecting street or provide a pedestrian plaza at the transit stop or a
12 street intersection;
- 13 (ii) A reasonably direct pedestrian connection between the transit stop and
14 building entrances on the site;
- 15 (iii) A transit passenger landing pad accessible to ~~disabled persons~~ people
16 with disabilities;
- 17 (iv) An easement or dedication for a passenger shelter if requested by the
18 transit provider; and
- 19 (v) Lighting at the transit stop.
- 20 (c) Local governments may implement (4)(b)(A) and (B) above through the designation of
21 pedestrian districts and adoption of appropriate implementing measures regulating
22 development within pedestrian districts. Pedestrian districts must comply with the
23 requirement of (4)(b)(C) above;
- 24 (d) Designated employee parking areas in new developments shall provide preferential
25 parking for carpools and vanpools;
- 26 (e) Existing development shall be allowed to redevelop a portion of existing parking areas
27 for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride
28 stations, transit-oriented developments, and similar facilities, where appropriate;
- 29 (f) Road systems for new development shall be provided that can be adequately served by
30 transit, including provision of pedestrian access to existing and identified future transit
31 routes. This shall include, where appropriate, separate accessways to minimize travel
32 distances;
- 33 (g) Along existing or planned transit routes, designation of types and densities of land uses
34 adequate to support transit.
- 35 ~~(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce
36 reliance on the automobile which:~~
- 37 ~~(a) Allow transit oriented developments (TODs) on lands along transit routes;~~
- 38 ~~(b) Implements a demand management program to meet the measurable standards set in the
39 TSP in response to OAR 660-012-0035(4);~~

- 1 ~~(c)~~ — Implements a parking plan which:
- 2 ~~(A)~~ — Achieves a 10 percent reduction in the number of parking spaces per capita in the
- 3 MPO area over the planning period. This may be accomplished through a
- 4 combination of restrictions on development of new parking spaces and
- 5 requirements that existing parking spaces be redeveloped to other uses;
- 6 ~~(B)~~ — Aids in achieving the measurable standards set in the TSP in response to OAR
- 7 660-012-0035(4);
- 8 ~~(C)~~ — Includes land use and subdivision regulations setting minimum and maximum
- 9 parking requirements in appropriate locations, such as downtowns, designated
- 10 regional or community centers, and transit-oriented developments; and
- 11 ~~(D)~~ — Is consistent with demand management programs, transit-oriented development
- 12 requirements and planned transit service.
- 13 ~~(d)~~ — As an alternative to ~~(c)~~ above, local governments in an MPO may instead revise
- 14 ordinance requirements for parking as follows:
- 15 ~~(A)~~ — Reduce minimum off-street parking requirements for all non-residential uses
- 16 from 1990 levels;
- 17 ~~(B)~~ — Allow provision of on-street parking, long-term lease parking, and shared
- 18 parking to meet minimum off-street parking requirements;
- 19 ~~(C)~~ — Establish off-street parking maximums in appropriate locations, such as
- 20 downtowns, designated regional or community centers, and transit-oriented
- 21 developments;
- 22 ~~(D)~~ — Exempt structured parking and on-street parking from parking maximums;
- 23 ~~(E)~~ — Require that parking lots over 3 acres in size provide street-like features along
- 24 major driveways (including curbs, sidewalks, and street trees or planting strips);
- 25 and
- 26 ~~(F)~~ — Provide for designation of residential parking districts.
- 27 ~~(e)~~ — Require all major industrial, institutional, retail and office developments to provide either
- 28 a transit stop on site or connection to a transit stop along a transit trunk route when the
- 29 transit operator requires such an improvement.

30 ~~(6)~~(5) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d),

31 local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet

32 local travel needs in developed areas. Appropriate improvements should provide for more direct,

33 convenient and safer bicycle or pedestrian travel within and between residential areas and

34 neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures include,

35 for example, constructing walkways between cul-de-sacs and adjacent roads, providing walkways

36 between buildings, and providing direct access between adjacent uses.

37 ~~(7)~~(6) Local governments shall establish standards for local streets and accessways that minimize

38 pavement width and total right-of-way consistent with the operational needs of the facility. The

39 intent of this requirement is that local governments consider and reduce excessive standards for

40 local streets and accessways in order to reduce the cost of construction, provide for more efficient

41 use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic

42 volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Not

1 withstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement
2 need not be adopted as land use regulations.

3 **0060: Plan and Land Use Regulation Amendments**

4 This rule guides cities and counties when they change the acknowledged comprehensive plan after
5 adoption of a transportation system plan. The rule provides for consideration of transportation system
6 needs in response to the proposed changes.

7 **Substantive changes to this rule are outside of the scope of the Climate-Friendly and Equitable**
8 **Communities Rulemaking.**

9 This rule will continue to apply statewide, both inside and outside metropolitan areas. We are proposing
10 some minor changes to reflect changes in how performance standards work within metropolitan areas.

11 (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use
12 regulation (including a zoning map) would significantly affect an existing or planned
13 transportation facility, then the local government must put in place measures as provided in
14 section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.
15 A plan or land use regulation amendment significantly affects a transportation facility if it would:

- 16 (a) Change the functional classification of an existing or planned transportation facility
17 (exclusive of correction of map errors in an adopted plan);
- 18 (b) Change standards implementing a functional classification system; or
- 19 (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a
20 local government is evaluating a performance based on projected levels of motor vehicle
21 traffic, then the results must be based on projected conditions measured at the end of the
22 planning period identified in the adopted TSP. As part of evaluating projected conditions,
23 the amount of traffic projected to be generated within the area of the amendment may be
24 reduced if the amendment includes an enforceable, ongoing requirement that would
25 demonstrably limit traffic generation, including, but not limited to, transportation demand
26 management. This reduction may diminish or completely eliminate the significant effect
27 of the amendment.

28 (A) Types or levels of travel or access that are inconsistent with the functional
29 classification of an existing or planned transportation facility;

30 (B) Degrade the performance of an existing or planned transportation facility such
31 that it would not meet the performance standards identified in the TSP or
32 comprehensive plan; or

33 (C) Degrade the performance of an existing or planned transportation facility that is
34 otherwise projected to not meet the performance standards identified in the TSP
35 or comprehensive plan.

36 (2) If a local government determines that there would be a significant effect, then the local
37 government must ensure that allowed land uses are consistent with the ~~identified function,~~
38 ~~capacity, and~~ performance standards of the facility measured or projected at the end of the
39 planning period identified in the adopted TSP through one or a combination of the remedies listed
40 in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of
41 this section or qualifies for partial mitigation in section (11) of this rule. A local government

1 using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment
2 recognizes that additional motor vehicle traffic congestion may result and that other facility
3 providers would not be expected to provide additional capacity for motor vehicles in response to
4 this congestion.

5 (a) Adopting measures that demonstrate allowed land uses are consistent with the ~~planned~~
6 ~~function, capacity, and~~ performance standards of the transportation facility.

7 (b) Amending the TSP or comprehensive plan to provide transportation facilities,
8 improvements or services adequate to support the proposed land uses consistent with the
9 requirements of this division; s. Such amendments shall include a funding plan or
10 mechanism consistent with section (4) or include an amendment to the transportation
11 finance plan so that the facility, improvement, or service will be provided by the end of
12 the planning period.

13 (c) Amending the TSP to modify the ~~planned function, capacity or~~ performance standards of
14 the transportation facility.

15 (d) Providing other measures as a condition of development or through a development
16 agreement or similar funding method, including, but not limited to, transportation system
17 management measures or minor transportation improvements. Local governments shall,
18 as part of the amendment, specify when measures or improvements provided pursuant to
19 this subsection will be provided.

20 (e) Providing improvements that would benefit modes other than the significantly affected
21 mode, improvements to facilities other than the significantly affected facility, or
22 improvements at other locations, if:

23 (A) The provider of the significantly affected facility provides a written statement
24 that the system-wide benefits are sufficient to balance the significant effect, even
25 though the improvements would not result in consistency for all performance
26 standards;

27 (B) The providers of facilities being improved at other locations provide written
28 statements of approval; and

29 (C) The local jurisdictions where facilities are being improved provide written
30 statements of approval.

31 (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment
32 that would significantly affect an existing transportation facility without assuring that the allowed
33 land uses are consistent with the ~~function, capacity and~~ performance standards of the facility
34 where:

35 (a) In the absence of the amendment, planned transportation facilities, improvements and
36 services as set forth in section (4) of this rule would not be adequate to achieve
37 consistency with the ~~identified function, capacity or~~ performance standard for that facility
38 by the end of the planning period identified in the adopted TSP;

39 (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of
40 the amendment in a manner that avoids further degradation to the performance of the
41 facility by the time of the development through one or a combination of transportation
42 improvements or measures;

- 1 (c) The amendment does not involve property located in an interchange area as defined in
2 paragraph (4)(d)(C); and
- 3 (d) For affected state highways, ODOT provides a written statement that the proposed
4 funding and timing for the identified mitigation improvements or measures are, at a
5 minimum, sufficient to avoid further degradation to the performance of the affected state
6 highway. However, if a local government provides the appropriate ODOT regional office
7 with written notice of a proposed amendment in a manner that provides ODOT
8 reasonable opportunity to submit a written statement into the record of the local
9 government proceeding, and ODOT does not provide a written statement, then the local
10 government may proceed with applying subsections (a) through (c) of this section.
- 11 (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected
12 transportation facility and service providers and other affected local governments.
- 13 (a) In determining whether an amendment has a significant effect on an existing or planned
14 transportation facility under subsection (1)(c) of this rule, local governments shall rely on
15 existing transportation facilities and services and on the planned transportation facilities,
16 improvements and services set forth in subsections (b) and (c) below.
- 17 (b) Outside of interstate interchange areas, the following are considered planned facilities,
18 improvements and services:
- 19 (A) Transportation facilities, improvements or services that are funded for
20 construction or implementation in the Statewide Transportation Improvement
21 Program or a locally or regionally adopted transportation improvement program
22 or capital improvement plan or program of a transportation service provider.
- 23 (B) Transportation facilities, improvements or services that are authorized in a local
24 transportation system plan and for which a funding plan or mechanism is in place
25 or approved. These include, but are not limited to, transportation facilities,
26 improvements or services for which: transportation systems development charge
27 revenues are being collected; a local improvement district or reimbursement
28 district has been established or will be established prior to development; a
29 development agreement has been adopted; or conditions of approval to fund the
30 improvement have been adopted.
- 31 (C) Transportation facilities, improvements or services in a metropolitan planning
32 organization (MPO) area that are part of the area's federally-approved, financially
33 constrained regional transportation system plan.
- 34 (D) Improvements to state highways that are included as planned improvements in a
35 regional or local transportation system plan or comprehensive plan when ODOT
36 provides a written statement that the improvements are reasonably likely to be
37 provided by the end of the planning period.
- 38 (E) Improvements to regional and local roads, streets or other transportation facilities
39 or services that are included as planned improvements in a regional or local
40 transportation system plan or comprehensive plan when the local government(s)
41 or transportation service provider(s) responsible for the facility, improvement or
42 service provides a written statement that the facility, improvement or service is
43 reasonably likely to be provided by the end of the planning period.

- 1 (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are
2 considered planned facilities, improvements and services, except where:
- 3 (A) ODOT provides a written statement that the proposed funding and timing of
4 mitigation measures are sufficient to avoid a significant adverse impact on the
5 Interstate Highway system, then local governments may also rely on the
6 improvements identified in paragraphs (b)(D) and (E) of this section; or
- 7 (B) There is an adopted interchange area management plan, then local governments
8 may also rely on the improvements identified in that plan and which are also
9 identified in paragraphs (b)(D) and (E) of this section.
- 10 (d) As used in this section and section (3):
- 11 (A) Planned interchange means new interchanges and relocation of existing
12 interchanges that are authorized in an adopted transportation system plan or
13 comprehensive plan;
- 14 (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- 15 (C) Interstate interchange area means:
- 16 (i) Property within one-quarter mile of the ramp terminal intersection of an
17 existing or planned interchange on an Interstate Highway; or
- 18 (ii) The interchange area as defined in the Interchange Area Management
19 Plan adopted as an amendment to the Oregon Highway Plan.
- 20 (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D),
21 (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility
22 provider, as appropriate, shall be conclusive in determining whether a transportation
23 facility, improvement or service is a planned transportation facility, improvement or
24 service. In the absence of a written statement, a local government can only rely upon
25 planned transportation facilities, improvements and services identified in paragraphs
26 (b)(A)-(C) to determine whether there is a significant effect that requires application of
27 the remedies in section (2).
- 28 (5) The presence of a transportation facility or improvement shall not be a basis for an exception to
29 allow residential, commercial, institutional or industrial development on rural lands under this
30 division or OAR 660-004-0022 and 660-004-0028.
- 31 (6) ~~If a local government is~~ determining whether proposed land uses would affect or be consistent
32 with planned transportation facilities as provided in sections (1) and (2); using a performance
33 standard based on projected levels of motor vehicle traffic, then the local governments shall give
34 full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-
35 friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

- 1 (a) Absent adopted local standards or detailed information about the vehicle trip reduction
2 benefits of mixed-use, pedestrian-friendly development, local governments shall assume
3 that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will
4 generate 10% fewer daily and peak hour trips than are specified in available published
5 estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip
6 Generation Manual that do not specifically account for the effects of mixed-use,
7 pedestrian-friendly development. The 10% reduction allowed for by this section shall be
8 available only if uses which rely solely on auto trips, such as gas stations, car washes,
9 storage facilities, and motels are prohibited;
- 10 (b) Local governments shall use detailed or local information about the trip reduction
11 benefits of mixed-use, pedestrian-friendly development where such information is
12 available and presented to the local government. Local governments may, based on such
13 information, allow reductions greater than the 10% reduction required in subsection (a)
14 above;
- 15 (c) Where a local government assumes or estimates lower vehicle trip generation as provided
16 in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or
17 approval standards that subsequent development approvals support the development of a
18 mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and
19 pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3)
20 and (4). The provision of on-site bike and pedestrian connectivity and access to transit
21 may be accomplished through application of acknowledged ordinance provisions which
22 comply with 660-012-0045(3) and (4) or through conditions of approval or findings
23 adopted with the plan amendment that assure compliance with these rule requirements at
24 the time of development approval; and
- 25 (d) The purpose of this section is to provide an incentive for the designation and
26 implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering
27 the regulatory barriers to plan amendments which accomplish this type of development.
28 The actual trip reduction benefits of mixed-use, pedestrian-friendly development will
29 vary from case to case and may be somewhat higher or lower than presumed pursuant to
30 subsection (a) above. The Commission concludes that this assumption is warranted given
31 general information about the expected effects of mixed-use, pedestrian-friendly
32 development and its intent to encourage changes to plans and development patterns.
33 Nothing in this section is intended to affect the application of provisions in local plans or
34 ordinances which provide for the calculation or assessment of systems development
35 charges or in preparing conformity determinations required under the federal Clean Air
36 Act.
- 37 (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of
38 the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive
39 plan, transportation system plan the adoption of a local street plan, access management plan,
40 future street plan or other binding local transportation plan to provide for on-site alignment of
41 streets or accessways with existing and planned arterial, collector, and local streets surrounding
42 the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-
43 0045(3):
- 44 (a) The plan or land use regulation amendment results in designation of two or more acres of
45 land for commercial use;

- 1 (b) The local government has not adopted a TSP or local street plan which complies with
 2 OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with
 3 Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban
 4 Growth Management Functional Plan; and
- 5 (c) The proposed amendment would significantly affect a transportation facility as provided
 6 in section (1).
- 7 (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- 8 (a) Any one of the following:
- 9 (A) An existing central business district or downtown;
- 10 (B) An area designated as a central city, regional center, town center or main street in
 11 the Portland Metro 2040 Regional Growth Concept;
- 12 (C) An area designated in an acknowledged comprehensive plan as a transit oriented
 13 development or a pedestrian district; or
- 14 (D) An area designated as a special transportation area as provided for in the Oregon
 15 Highway Plan.
- 16 (b) An area other than those listed in subsection (a) above which includes or is planned to
 17 include the following characteristics:
- 18 (A) A concentration of a variety of land uses in a well-defined area, including the
 19 following:
- 20 (i) Medium to high density residential development (12 or more units per
 21 acre);
- 22 (ii) Offices or office buildings;
- 23 (iii) Retail stores and services;
- 24 (iv) Restaurants; and
- 25 (v) Public open space or private open space which is available for public
 26 use, such as a park or plaza.
- 27 (B) Generally include civic or cultural uses;
- 28 (C) A core commercial area where multi-story buildings are permitted;
- 29 (D) Buildings and building entrances oriented to streets;
- 30 (E) Street connections and crossings that make the center safe and conveniently
 31 accessible from adjacent areas;
- 32 (F) A network of streets and, where appropriate, accessways and major driveways
 33 that make it attractive and highly convenient for people to walk between uses
 34 within the center or neighborhood, including streets and major driveways within
 35 the center with wide sidewalks and other features, including pedestrian-oriented
 36 street crossings, street trees, pedestrian-scale lighting and on-street parking;
- 37 (G) One or more transit stops (in urban areas with fixed route transit service); and

- 1 (H) Limit or do not allow low-intensity or land extensive uses, such as most
2 industrial uses, automobile sales and services, and drive-through services.
- 3 (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a
4 zoning map does not significantly affect an existing or planned transportation facility if all of the
5 following requirements are met.
- 6 (a) The proposed zoning is consistent with the existing comprehensive plan map designation
7 and the amendment does not change the comprehensive plan map;
- 8 (b) The local government has an acknowledged TSP and the proposed zoning is consistent
9 with the TSP; and
- 10 (c) The area subject to the zoning map amendment was not exempted from this rule at the
11 time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d),
12 or the area was exempted from this rule but the local government has a subsequently
13 acknowledged TSP amendment that accounted for urbanization of the area.
- 14 (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional
15 plan, a comprehensive plan or a land use regulation without applying performance standards
16 related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel
17 time if the amendment meets the requirements of subsection (a) of this section. This section does
18 not exempt a proposed amendment from other transportation performance standards or policies
19 that may apply including, but not limited to, safety for all modes, network connectivity for all
20 modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency
21 required by the development.
- 22 (a) A proposed amendment qualifies for this section if it:
- 23 (A) Is a map or text amendment affecting only land entirely within a multimodal
24 mixed-use area (MMA); and
- 25 (B) Is consistent with the definition of an MMA and consistent with the function of
26 the MMA as described in the findings designating the MMA.
- 27 (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
- 28 (A) With a boundary adopted by a local government as provided in subsection (d) or
29 (e) of this section and that has been acknowledged;
- 30 (B) Entirely within an urban growth boundary;
- 31 (C) With adopted plans and development regulations that allow the uses listed in
32 paragraphs (8)(b)(A) through (C) of this rule and that require new development
33 to be consistent with the characteristics listed in paragraphs (8)(b)(D) through
34 (H) of this rule;
- 35 (D) With land use regulations that do not require the provision of off-street parking,
36 or regulations that require lower levels of off-street parking than required in other
37 areas and allow flexibility to meet the parking requirements (e.g. count on-street
38 parking, allow long-term leases, allow shared parking); and
- 39 (E) Located in one or more of the categories below:
- 40 (i) At least one-quarter mile from any ramp terminal intersection of existing
41 or planned interchanges;

- 1 (ii) Within the area of an adopted Interchange Area Management Plan
2 (IAMP) and consistent with the IAMP; or
- 3 (iii) Within one-quarter mile of a ramp terminal intersection of an existing or
4 planned interchange if the mainline facility provider has provided written
5 concurrence with the MMA designation as provided in subsection (c) of
6 this section.
- 7 (c) When a mainline facility provider reviews an MMA designation as provided in
8 subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in
9 paragraph (A) of this subsection.
- 10 (A) The potential for operational or safety effects to the interchange area and the
11 mainline highway, specifically considering:
- 12 (i) Whether the interchange area has a crash rate that is higher than the
13 statewide crash rate for similar facilities;
- 14 (ii) Whether the interchange area is in the top ten percent of locations
15 identified by the safety priority index system (SPIS) developed by
16 ODOT; and
- 17 (iii) Whether existing or potential future traffic queues on the interchange exit
18 ramps extend onto the mainline highway or the portion of the ramp
19 needed to safely accommodate deceleration.
- 20 (B) If there are operational or safety effects as described in paragraph (A) of this
21 subsection, the effects may be addressed by an agreement between the local
22 government and the facility provider regarding traffic management plans
23 favoring traffic movements away from the interchange, particularly those
24 facilitating clearing traffic queues on the interchange exit ramps.
- 25 (d) A local government may designate an MMA by adopting an amendment to the
26 comprehensive plan or land use regulations to delineate the boundary following an
27 existing zone, multiple existing zones, an urban renewal area, other existing boundary, or
28 establishing a new boundary. The designation must be accompanied by findings showing
29 how the area meets the definition of an MMA. Designation of an MMA is not subject to
30 the requirements in sections (1) and (2) of this rule.
- 31 (e) A local government may designate an MMA on an area where comprehensive plan map
32 designations or land use regulations do not meet the definition, if all of the other elements
33 meet the definition, by concurrently adopting comprehensive plan or land use regulation
34 amendments necessary to meet the definition. Such amendments are not subject to
35 performance standards related to motor vehicle traffic congestion, delay or travel time.
- 36 (11) A local government may approve an amendment with partial mitigation as provided in section (2)
37 of this rule if the amendment complies with subsection (a) of this section, the amendment meets
38 the balancing test in subsection (b) of this section, and the local government coordinates as
39 provided in subsection (c) of this section.
- 40 (a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph
41 (D) of this subsection.
- 42 (A) Create direct benefits in terms of industrial or traded-sector jobs created or
43 retained by limiting uses to industrial or traded-sector industries.

- 1 (B) Not allow retail uses, except limited retail incidental to industrial or traded sector
2 development, not to exceed five percent of the net developable area.
- 3 (C) For the purpose of this section:
- 4 (i) “Industrial” means employment activities generating income from the
5 production, handling or distribution of goods including, but not limited
6 to, manufacturing, assembly, fabrication, processing, storage, logistics,
7 warehousing, importation, distribution and transshipment and research
8 and development.
- 9 (ii) “Traded-sector” means industries in which member firms sell their goods
10 or services into markets for which national or international competition
11 exists.
- 12 ~~(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment~~
13 ~~complies with subsection (a) if all of the following conditions are met:~~
- 14 ~~(i) The amendment is within a city with a population less than 10,000 and~~
15 ~~outside of a Metropolitan Planning Organization.~~
- 16 ~~(ii) The amendment would provide land for “Other Employment Use” or~~
17 ~~“Prime Industrial Land” as those terms are defined in OAR 660-009-~~
18 ~~0005.~~
- 19 ~~(iii) The amendment is located outside of the Willamette Valley as defined in~~
20 ~~ORS 215.010.~~
- 21 ~~(E) The provisions of paragraph (D) of this subsection are repealed on January 1,~~
22 ~~2017.~~
- 23 (b) A local government may accept partial mitigation only if the local government
24 determines that the benefits outweigh the negative effects on local transportation facilities
25 and the local government receives from the provider of any transportation facility that
26 would be significantly affected written concurrence that the benefits outweigh the
27 negative effects on their transportation facilities. If the amendment significantly affects a
28 state highway, then ODOT must coordinate with the Oregon Business Development
29 Department regarding the economic and job creation benefits of the proposed amendment
30 as defined in subsection (a) of this section. The requirement to obtain concurrence from a
31 provider is satisfied if the local government provides notice as required by subsection (c)
32 of this section and the provider does not respond in writing (either concurring or non-
33 concurring) within forty-five days.
- 34 (c) A local government that proposes to use this section must coordinate with Oregon
35 Business Development Department, Department of Land Conservation and Development,
36 area commission on transportation, metropolitan planning organization, and
37 transportation providers and local governments directly impacted by the proposal to
38 allow opportunities for comments on whether the proposed amendment meets the
39 definition of economic development, how it would affect transportation facilities and the
40 adequacy of proposed mitigation. Informal consultation is encouraged throughout the
41 process starting with pre-application meetings. Coordination has the meaning given in
42 ORS 197.015 and Goal 2 and must include notice at least 45 days before the first
43 evidentiary hearing. Notice must include the following:

- 1 (A) Proposed amendment.
- 2 (B) Proposed mitigating actions from section (2) of this rule.
- 3 (C) Analysis and projections of the extent to which the proposed amendment in
- 4 combination with proposed mitigating actions would fall short of being
- 5 consistent with the ~~function, capacity, and~~ performance standards of
- 6 transportation facilities.
- 7 (D) Findings showing how the proposed amendment meets the requirements of
- 8 subsection (a) of this section.
- 9 (E) Findings showing that the benefits of the proposed amendment outweigh the
- 10 negative effects on transportation facilities.

11 **New Rules 0011-0012: Applicability and Effective Dates**

12 These rules are intended to help implement the new rules numbered 0100 and above, which will apply

13 to urban areas inside metropolitan areas. The existing rules will continue to apply to areas outside of

14 urban areas in metropolitan areas. These rules help make it clear what rules apply to which jurisdictions,

15 and when those rules apply.

16 **0011: Applicable Rules**

17 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-

18 0100 and above. Local governments in other parts of the state will continue to use the existing rules,

19 although cities outside metropolitan areas may opt into using the updated rules if they wish.

20 We are working with Metro and will be consulting with potentially affected local governments to

21 determine how rules may apply in the Portland Metropolitan Area.

22 The following rules will continue to apply statewide, even in metropolitan areas:

- 23 OAR 660-012-0000, Purpose
- 24 OAR 660-012-0005, Definitions
- 25 OAR 660-012-0010, Transportation Planning
- 26 OAR 660-012-0060, Plan and Land Use Regulation Amendments
- 27 OAR 660-012-0065, Transportation Improvements on Rural Lands
- 28 OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land

29 The latter two rules only apply to rural lands statewide.

- 30 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-
- 31 012-0012, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide,
- 32 where this division is applicable.
- 33 (2) OAR 660-012-0100 through OAR 660-012-0910 apply to the following local governments:
- 34 (a) Cities within metropolitan areas;

- 1 (b) Portions of counties within Urban Growth Boundaries of cities in metropolitan areas; and
2 (c) Metro.
- 3 (3) OAR 660-012-0010 through OAR 660-012-0055 apply to all local governments other than those
4 listed in section (2) of this rule, where this division is applicable.
- 5 (4) Cities that otherwise would be required to use rules as provided in section (3) of this rule, may
6 choose to instead adopt a transportation system plan meeting the rules that apply to jurisdictions
7 as provided in section (2) of this rule. Upon acknowledgement of such a transportation system
8 plan, the city shall continue to be subject to these rules in all respects.
- 9 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.
- 10 (6) Counties may have different applicable rules in different parts of the county.

11 **0012: Effective Dates**

12 This rule lists the effective dates of some provisions of the Transportation Planning Rules. Most
13 provisions will take effect shortly after the commission adopts the rule amendments, but the
14 implementation of some provisions will be phased in over time.

- 15 (1) The rules in this division adopted on [May XX, 2022], and amendments to rules in this division
16 adopted on that date, are effective [June XX, 2022], except as provided in this rule.
- 17 (2) A city or county adopting, amending, or updating a transportation system plan that is required to
18 meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements
19 as provided in OAR 660-012-0015 if the city or county has submitted notice of the proposed
20 change to the comprehensive plan to the department as provided in OAR 660-018-0020 no later
21 than December 31, 2022.
- 22 (3) Cities and counties must make their selection of approach to plan for reducing vehicle miles
23 traveled per capita as provided in OAR 660-012-0160(4) no later than December 31, 2022. Cities
24 and counties must notify the director of their selection prior to this date.
- 25 (4) The requirements of OAR 660-012-0170 limiting the sole use of motor vehicle congestion
26 standards take effect on January 1, 2023.
- 27 (5) Cities and Counties shall designate climate friendly areas as provided in OAR 660-012-0310 as
28 follows:
- 29 (a) A city or county outside a metropolitan service district with a population of more than
30 5,000 but less than 10,000 within the urban growth boundary that is subject to the
31 requirements of OAR 660-012-0310(1) shall designate climate friendly areas as provided
32 in OAR 660-012-0315(3) by June 30, 2023. The city or county shall adopt land use
33 requirements for climate friendly areas and a climate friendly comprehensive plan
34 element by June 30, 2024, as provided in OAR 660-012-0315(4). The city or county may
35 choose to adopt development standards for climate friendly areas and a climate friendly
36 comprehensive plan element concurrent with designation of climate friendly areas by
37 June 30, 2023.

- 1 (b) A city or county outside a metropolitan service district with a population of 10,000 or
2 more within the urban growth boundary that is subject to the requirements of OAR 660-
3 012-0310(1) shall designate climate friendly areas as provided in OAR 660-012-0315(3)
4 by June 30, 2023. The city or county shall adopt land use requirements for climate
5 friendly areas and a climate friendly comprehensive plan element by June 30, 2024, as
6 provided in OAR 660-012-0315(4). The city or county may choose to adopt development
7 standards for climate friendly areas and a climate friendly comprehensive plan element
8 concurrent with designation of climate friendly areas by June 30, 2023.
- 9 (c) Within the urban growth boundary of a metropolitan service district, the metropolitan
10 service district shall amend the urban growth management functional plan (UGMFP) in
11 conjunction with its next growth management analysis under ORS 197.296 and no later
12 than December 31, 2024, to require local government adoption of Region 2040 centers
13 and land use regulations as described in Title 6 of the UGMFP. Within the metropolitan
14 service district, a county with planning jurisdiction in unincorporated areas provided with
15 urban water, sanitary sewer, stormwater, and transportation services; or a city shall
16 comply with the adopted requirements by December 31, 2025.
- 17 (d) After June 30, 2023, a city or county outside a metropolitan service district with a
18 population within an urban growth boundary exceeding 5,000 shall designate climate
19 friendly areas as provided in OAR 660-012-0315 within two years of reaching a
20 population exceeding 5,000.
- 21 (e) After June 30, 2023, a city or county outside a metropolitan service district with a
22 population exceeding 10,000 within an urban growth boundary shall designate climate
23 friendly areas as provided in OAR 660-012-0315. Cities and counties outside a
24 metropolitan service district shall maintain sufficient lands within climate friendly areas
25 as their population grows, as provided in OAR 660-012-0315. For cities also subject to
26 OAR 660-008-0045, compliance with this requirement shall be demonstrated in each
27 Housing Capacity Analysis following the initial designation of climate friendly areas.
28 Land use requirements for climate friendly areas shall be established concurrent or prior
29 to the adoption of the Housing Capacity Analysis as provided in OAR 660-012-0320.
30 Counties subject to this rule shall coordinate with cities to address climate friendly area
31 requirements within an urban growth boundary.
- 32 (6) Cities and counties must adopt comprehensive plan amendments and land use regulations meeting
33 requirements as provided in OAR 660-012-0400 no later than March 31, 2023.
- 34 (7) Cities and counties choosing to report on the share of on-street parking spaces that are priced as
35 provided in OAR 660-012-0450(1)(B) must:
- 36 (a) Demonstrate at least 5% of on-street parking spaces are priced by March 31, 2023; and
37 (b) Demonstrate at least 10% of on-street parking spaces are priced by March 31, 2025.
- 38 (8) Cities and counties must implement the requirements for electric vehicle charging as provided in
39 OAR 660-012-0410 by January 1, 2023.
- 40 (9) Requirements as provided in OAR 660-012-0900 are modified as follows:
- 41 (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900
42 is 2022, with reports due no later than May 31, 2023.

- 1 (b) Cities and counties otherwise required to complete a major report for the 2022 reporting
2 year as provided in OAR 660-012-0900 may delay submission of the major report until
3 the 2023 reporting year. A city or county electing to do so must submit a minor report for
4 the 2022 reporting year and cite this provision in that report.

5 **New Rules 0100-0299: General Provisions**

6 This part of the Transportation Planning Rules will contain general provisions for how cities and counties
7 in metropolitan areas conduct coordinated land use and transportation planning. These include updated
8 rules for how cities and counties undertake transportation system plans within urban areas. There are
9 significant changes and clarifications in how this process works, including how cities and counties ensure
10 equitable participation in decision-making, and how plans are amended and updated over time.

11 **0100: Urban Transportation System Plans**

12 This rule provides the starting point for how cities in metropolitan areas will be required to adopt,
13 amend, and implement local transportation system plans in urban areas. The rule lists all the required
14 elements of a transportation system plan. The rule also provides for how cities will determine the base
15 and horizon years of a local transportation system plan.

- 16 (1) Cities shall develop and adopt an urban transportation system plan. An urban transportation
17 system plan includes the following elements:
- 18 (a) The core transportation system plan elements as provided in section (2) of this rule;
 - 19 (b) Transportation System Inventories as provided in OAR 660-012-0150;
 - 20 (c) A pedestrian system element as provided in OAR 660-012-0500;
 - 21 (d) A bicycle system element as provided in OAR 660-012-0600;
 - 22 (e) A public transportation system element as provided in OAR 660-012-0700;
 - 23 (f) A street and highway system element as provided in OAR 660-012-0800;
 - 24 (g) A financial plan as provided in OAR 660-012-0205; and
 - 25 (h) A financially-constrained project list as provided in OAR 660-012-0210.
- 26 (2) Transportation system plans must also include the following core elements:
- 27 (a) Major core elements to be updated with major updates to a transportation system plan as
28 provided in OAR 660-012-0105:
 - 29 (A) The base and planning horizon years for the plan as provided in section (3) of
30 this rule;
 - 31 (B) The land use assumptions used in development of the transportation system plan,
32 as developed under OAR 660-012-0340;

- 1 (b) Minor core elements to be updated with major or minor updates to a transportation
2 system plan as provided in OAR 660-012-0105:
- 3 (A) A list of all components of the plan, and the date of adoption or amendment of
4 each;
- 5 (B) The policies in the city's comprehensive plan that apply to coordinated land use
6 and transportation system planning;
- 7 (C) The goals and policies of the transportation system plan;
- 8 (D) Those areas designated by the city with concentrations of underserved
9 populations as provided in OAR 660-012-0120;
- 10 (E) A record of the engagement, involvement, and decision-making processes used in
11 development of the plan, as provided in OAR 660-012-0125, and an equity
12 analysis as provided in OAR 660-012-0130.
- 13 (F) The dates of each report made to the director as provided in OAR 660-012-0900.
14 These must include all reports made for the planning area, including city and
15 county reports, if applicable.
- 16 (3) The base and horizon years of transportation system plans shall be determined as follows:
- 17 (a) The base year for an urban transportation system plan is the present or past year which is
18 used for the development of plan elements. The base year must be the year of adoption of
19 a major update to the Transportation System Update, or no earlier than five years prior.
- 20 (b) The horizon year for an urban transportation system plan is the future year for which the
21 plan contains potential projects. The horizon year is a minimum of twenty years from the
22 year of adoption of a major update to the transportation system plan.
- 23 (4) Cities must coordinate the development of transportation system plans with counties,
24 transportation facility owners, and transportation service providers.
- 25 (5) Cities must develop transportation system plans and amendments to those plans consistent with
26 the provisions of OAR 660-012-0105 through OAR 660-012-0140.
- 27 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision
28 regarding the need for transportation facilities, services, and major improvements; and their
29 function, mode, and general location.
- 30 (7) Findings of compliance with applicable statewide planning goals and acknowledged
31 comprehensive plan policies and land use regulations shall be developed in conjunction with the
32 adoption or amendment of the transportation system plan.
- 33 (8) Cities in the Portland Metropolitan area must meet the requirements as provided in OAR 660-
34 012-01MM.

1 **0102: Transportation System Planning in the Portland Metropolitan Area**

2 This rule describes how transportation system planning works in the Portland Metropolitan Area,
3 including local planning by cities and counties, and regional planning by Metro. Many of the regional
4 planning requirements are from existing rules in OAR 660-012-0016.

5 This rule has a temporary rule number and will be renumbered in a future draft.

- 6 (1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the
7 Portland Metropolitan Area, cities and counties shall develop and adopt local transportation
8 system plans, and Metro shall develop and adopt a regional transportation system plan as
9 provided in this rule.
- 10 (2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation
11 system plans to be consistent with Metro’s regional transportation system plan. Consistent means
12 city and county comprehensive plans and implementing ordinances, conform with the policies
13 and projects in the regional transportation system plan.
- 14 (3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in
15 coordination the with regional transportation plan required by federal law. Insofar as possible, the
16 regional transportation system plan shall be accomplished through a single coordinated process
17 that complies with the applicable requirements of federal law and this division.
- 18 (a) When Metro adopts or amends the regional transportation plan to comply with this
19 division as provided in this section, Metro shall review the adopted plan or amendment
20 and either:
- 21 (A) Adopt findings that the proposed regional transportation plan amendment or
22 update is consistent with the applicable provisions of adopted regional
23 transportation system plan and compliant with applicable provisions of this
24 division; or
- 25 (B) Adopt amendments to the regional transportation system plan that make the
26 regional transportation plan consistent and compliant with applicable provisions
27 of this division. Necessary plan amendments or updates shall be prepared and
28 adopted in coordination with the federally-required plan update or amendment.
29 Such amendments shall be initiated no later than 30 days from the adoption of the
30 regional transportation plan amendment or update and shall be adopted no later
31 than one year from the adoption of the regional transportation plan amendment or
32 update or according to a work plan approved by the commission. A plan
33 amendment is initiated for purposes of this subsection where the affected local
34 government files a post-acknowledgement plan amendment notice with the
35 department as provided in OAR 660-018-0020.
- 36 (b) Adoption or amendment of the regional transportation plan relates to compliance with
37 this division for purposes of section (3) if it does one or more of the following:
- 38 (A) Changes plan policies;
- 39 (B) Adds or deletes a project from the list of planned transportation facilities,
40 services or improvements or from the financially-constrained project list required
41 by federal law;
- 42 (C) Modifies the general location of a planned transportation facility or
43 improvement;

- 1 (D) Changes the functional classification of a transportation facility; or
 2 (E) Changes the planning period or adopts or modifies the population or employment
 3 forecast or allocation upon which the plan is based.
- 4 (c) The following amendments to the regional transportation plan do not relate to compliance
 5 with this division for purposes of section (3):
- 6 (A) Adoption of an air quality conformity determination;
 7 (B) Changes to a federal revenue projection;
 8 (C) Changes to estimated cost of a planned transportation project; or
 9 (D) Deletion of a project from the list of planned projects where the project has been
 10 constructed or completed.
- 11 (4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional
 12 functional plan that require cities and counties:
- 13 (a) To meet an additional requirement for transportation system planning where Metro finds
 14 that the additional requirement is necessary to meet regional planning objectives and
 15 supports the purposes of this division; and
- 16 (b) To meet an alternative requirement for transportation system planning in lieu of a
 17 requirement as provided in this division, where Metro finds that the alternative
 18 requirement meets the objectives of the original requirement, is necessary to meet
 19 regional planning objectives, and supports the purposes of this division.
- 20 (5) Notwithstanding requirements for transportation system planning areas as provided in OAR 660-
 21 012-0110:
- 22 (a) Metro shall work cooperatively with cities and counties to determine responsibility for
 23 planning areas in the urbanizable area. All lands within the Metro Urban Growth
 24 Boundary must be within the planning area of either a city or county. Where a county has
 25 responsibility for a planning area, the county must meet the requirements as provided for
 26 counties in OAR 660-012-0110;
- 27 (b) Counties planning for unincorporated areas with the urban growth boundary shall meet
 28 all applicable requirements based on the population of the planning area; and
- 29 (c) Counties and cities need not have the same planning horizon year.
- 30 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-
 31 0150, Metro shall prescribe inventory requirements in transportation system plans for cities and
 32 counties in a regional functional plan.

33 **0105: Transportation System Plan Updates**

34 This rule describes how cities update their transportation system plans. The rule provides for either a
 35 major or minor update to plans. The existing rules were written when most places did not even have a
 36 transportation system plan, so there is little guidance about how they are to be kept up to date. The
 37 purpose of this rule is to clarify that process and make it simpler to adopt smaller updates in between
 38 larger updates.

- 39 (1) Cities may adopt a major update to an urban transportation system plan as provided in section (2),
 40 or a minor update as provided in section (3).

- 1 (2) A major update to an urban transportation system plan is any update that:
- 2 (a) Includes a change to the horizon year of the plan;
- 3 (b) Any update where the adoption date is fewer than [five] years prior to January 1 of the
- 4 planning horizon year of the acknowledged plan; or
- 5 (c) Is intended to include a Vehicle Miles Traveled-Increasing facility in the plan that has
- 6 been reviewed as provided in OAR 660-012-0830.
- 7 (3) A city making a major update to a transportation system plan must:
- 8 (a) Include an update to the core transportation system plan elements as provided in OAR
- 9 660-012-0100, and include all other applicable elements as provided in OAR 660-012-
- 10 0100.
- 11 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
- 12 major update to the transportation system plan.
- 13 (c) Complete the review of any Vehicle Miles Traveled-Increasing facilities in the plan as
- 14 provided in OAR 660-012-0830 prior to adoption in the transportation system plan.
- 15 (4) A minor update to an urban transportation system plan is any update which is not a major update
- 16 as provided in section (2) of this rule. A city making a minor update to a transportation system
- 17 plan must:
- 18 (a) Include, at minimum, an update to core transportation system plan elements as provided
- 19 in OAR 660-012-0100.
- 20 (b) Follow the engagement requirements of OAR 660-012-0115 in the development of the
- 21 minor update to the transportation system plan.
- 22 (5) Notwithstanding any other provision in this rule, cities having an acknowledged transportation
- 23 system plan adopted as provided in OAR 660-012-0015 shall adopt a major update to the
- 24 transportation system plan. Cities may use any part of existing acknowledged plans to meet the
- 25 applicable requirements.
- 26 (6) Notwithstanding any other provision in this rule, cities that do not have an acknowledged
- 27 transportation system plan shall adopt a new plan in the manner of adopting a major update to a
- 28 transportation system plan. Cities may use any part of existing acknowledged plans to meet the
- 29 applicable requirements.

30 **0110: Transportation System Planning Area**

31 This rule sets out requirements for the geographic scope of transportation system plans. The default

32 assumption is that cities will plan for the entire urban area within the Urban Growth Boundary, including

33 unincorporated areas. The rule includes provisions if counties opt to handle the planning within urban

34 unincorporated areas.

- 35 (1) The planning area for urban transportation system plans is the area encompassed by the
- 36 acknowledged Urban Growth Boundary, including both incorporated and unincorporated areas.
- 37 The unincorporated area within Urban Growth Boundaries is the urbanizable area.
- 38 (2) Cities are responsible for the development and adoption of urban transportation system plans for
- 39 the entire planning area. Cities shall work cooperatively with counties to effectively plan for the
- 40 urbanizable area.

- 1 (3) Counties are responsible for cooperatively working with cities on the development and adoption
2 of urban transportation system plans including the urbanizable area.
- 3 (4) Cities and counties must jointly determine how urban transportation system planning will occur
4 in the urbanizable area, including plan adoption, through intergovernmental agreement.
- 5 (5) In lieu of sections (2) and (3) of this rule, a county may choose to develop and adopt a separate
6 urban transportation system plan for areas in the urbanizable area. The county and associated city
7 must meet the requirements as provided in sections (4) and (7) of this rule.
- 8 (6) Counties planning for unincorporated urban areas as provided in this rule, and associated cities,
9 must meet these requirements:
- 10 (a) Counties must meet the applicable requirements of this division as if they were a city,
11 even when requirements only refer to cities.
- 12 (b) Both the city and county must meet all applicable requirements based on the population
13 of the entire urban area.
- 14 (c) Both the city and the county must adopt transportation system plans with the same
15 horizon year.
- 16 (7) Counties must plan areas outside Urban Growth Boundaries as rural, regardless of location within
17 a metropolitan area. Counties planning for unincorporated communities within a metropolitan
18 area must meet requirements as provided in OAR Chapter 660, Division 22.

19 ***0115: Transportation System Planning Engagement***

20 This rule directs how cities must engage the public, and specifically underserved populations, in the
21 development and approval of transportation system plans.

- 22 (1) Cities and counties must develop urban transportation system plans using methods of engaging
23 the public and making decisions consistent with the statewide planning goals and provisions of
24 the local comprehensive plan.
- 25 (2) Public engagement and decision making must place an increased emphasis on centering the
26 voices of underserved populations as provided in OAR 660-012-0120.
- 27 (3) Cities or counties engaged in a major update of the transportation system plan as provided in
28 OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-
29 012-0340, must make a special effort to ensure underserved populations, as provided in OAR
30 660-012-0120, are informed about the choices that need to be made in the planning process, given
31 a meaningful opportunity to inform the planning process, and to the extent possible, have an
32 equitable share of the decision-making power over key decisions.

1 **0120: Underserved Populations**

2 Oregon has a long history of discrimination throughout our laws, budgets, and planning processes and
3 decisions. The Climate-Friendly and Equitable Communities Rules Advisory Committee has helped
4 identify underserved populations to consider in this rulemaking, expanding on a list from the Governor’s
5 office. To rectify harms done in the past and in current practice, communities must prioritize these
6 populations in decision-making processes and outcomes.

7 This rule sets out a Definition of underserved populations for use in transportation and land use
8 planning consistent with the Equitable Outcomes Statement developed by the Rules Advisory
9 Committee. The rule also requires cities and counties to identify areas with concentrations of
10 underserved populations; and to identify and engage with recognized tribes with ancestral lands in the
11 area of the city or county.

- 12 (1) In order to implement provisions of this division, cities and counties must prioritize community-
13 led engagement and decision-making, with specific attention to the underserved populations listed
14 in section (2) of this rule.
- 15 (2) When updating or amending a transportation systems plan, cities and counties must identify
16 populations of people living in the community who need prioritized attention with regard to
17 transportation and land use planning due to historic and current marginalization. Underserved
18 populations include, but are not limited to:
- 19 (a) Black and African American people;
 - 20 (b) Indigenous people (including Tribes, American Indian/Alaska Native and Hawaii
21 Native);
 - 22 (c) People of Color (including but not limited to Hispanic, Latina/o/x, Asian, Arabic or North
23 African, Middle Eastern, Pacific Islander, and mixed-race or mixed-ethnicity
24 populations);
 - 25 (d) Immigrants, including undocumented immigrants;
 - 26 (e) People with limited English proficiency;
 - 27 (f) People with disabilities;
 - 28 (g) People experiencing homelessness;
 - 29 (h) Low-income and low-wealth community members;
 - 30 (i) Low- and moderate-income renters and homeowners;
 - 31 (j) Single parents;
 - 32 (k) Lesbian, gay, bisexual, transgender, queer, intersex, asexual, or two-spirit community
33 members; and
 - 34 (l) Youth and seniors.
- 35 (3) Cities and counties must identify geographic areas with above average concentrations of
36 underserved populations.

1 **0125: Decision-Making with Underserved Populations**

2 This rule directs how local governments center underserved populations in decision-making. The rule
3 requires local governments to implement an involvement program with a range of activities to ensure
4 equitable participation in decision-making and work toward equitable outcomes. The rule requires cities
5 and counties to regularly assess and report on progress.

- 6 (1) Cities and counties must, as a part of an involvement program required as provided in OAR 660-
7 015-0000(1), center the voices of underserved populations in processes at all levels of decision-
8 making under this division. Actions that may accomplish this include, but are not limited to:
- 9 (a) Regularly reporting on progress made under this rule as provided by section (3);
 - 10 (b) Conducting equity analyses as provided in OAR 660-012-0130;
 - 11 (c) Engaging in additional outreach activities with underserved populations and in areas with
12 concentrations of underserved populations. Such outreach activities should include
13 activities in multiple languages and formats, be accessible to people with disabilities, and
14 be accessible to people without internet access, with limited transportation and child care
15 options, and with schedule constraints around employment or other critical
16 responsibilities;
 - 17 (d) Considering the effect on underserved populations when developing plans, including land
18 use plans and plans for public investment; and
 - 19 (e) Developing decision-making factors that recognize historic and current inequities, and
20 work to reduce them.
- 21 (2) Cities and counties must identify those recognized sovereign tribes whose ancestral lands include
22 the area now within the city or county. The city or county must engage with affected tribes to
23 notify them of coordinated land use and transportation planning activities and projects under this
24 division. Cities and counties must engage in consultation with affected tribal governments if
25 requested by tribal governments.
- 26 (3) Cities and counties must regularly assess and report on progress made under this rule by:
- 27 (a) Reporting to the department annually as provided in OAR 660-012-0900;
 - 28 (b) Making regular reports to the planning commission and governing body of the city or
29 county; and
 - 30 (c) Making regular public reports to the community.

31 **0130: Equity Analysis**

32 This rule gives cities and counties direction on how to complete an equity analysis. An equity analysis is
33 required for a variety of actions throughout the division. The purpose of an equity analysis is to identify
34 impacts of proposed projects and policies and potentially inequitable consequences or burdens on
35 impacted communities.

- 36 (1) Cities and counties must ensure that land use and transportation plans required in this division
37 improve outcomes for underserved populations by using an equity analysis. An equity analysis is
38 intended to determine benefits and burdens on underserved populations, as provided in OAR 660-
39 012-0120.

- 1 (2) A city or county engaging in an equity analysis must:
- 2 (a) Engage with people in the community who are members of underserved populations as
- 3 provided in OAR 660-012-0120 to develop key community outcomes;
- 4 (b) Assess, document, acknowledge, and address where past policies and effects of climate
- 5 change have harmed and are likely to perpetuate harm to underserved populations;
- 6 (c) Recognize where and how intersectional discrimination compounds disadvantages;
- 7 (d) Gather lived experience, qualitative, and quantitative information from the community on
- 8 how the proposed change benefits or burdens underserved populations;
- 9 (e) Analyze the proposed changes for impacts and alignment with desired key community
- 10 outcomes;
- 11 (f) Develop strategies to create greater equity or minimize unintended consequences;
- 12 (g) Develop and track key indicators over time and continue to communicate with and
- 13 involve the people in the community who are members of underserved populations; and
- 14 (h) Report back and share the information learned from the analysis and unresolved issues
- 15 with people in the community who are members of underserved populations.

16 **0140: Transportation System Refinement Plans**

17 This rule provides cities and counties with the opportunity to defer some decisions that would otherwise
 18 be made in a transportation system plan to a later refinement planning process. This rule is largely
 19 based on existing language within the Transportation Planning Rules, in OAR 660-012-0025.

- 20 (1) A city or county may, when adopting a major update to the transportation system plan as
- 21 provided in OAR 660-012-0100, defer decisions regarding function, general location, and mode
- 22 of a refinement plan if findings are adopted that:
 - 23 (a) Identify the transportation need for which decisions regarding function, general location,
 - 24 or mode are being deferred;
 - 25 (b) Demonstrate why information required to make final determinations regarding function,
 - 26 general location, or mode cannot reasonably be made available within the time allowed
 - 27 for preparation of the transportation system plan;
 - 28 (c) Explain how deferral does not invalidate the assumptions upon which the transportation
 - 29 system plan is based or preclude implementation of the remainder of the transportation
 - 30 system plan;
 - 31 (d) Describe the nature of the findings which will be needed to resolve issues deferred to a
 - 32 refinement plan; and
 - 33 (e) Set a deadline for adoption of a refinement plan no more than five years after the
 - 34 adoption of the major update to the transportation system plan.
- 35 (2) A city or county may not defer decisions to a refinement plan for transportation facilities within a
- 36 climate friendly area.
- 37 (3) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements
- 38 of the National Environmental Policy Act of 1969, the development of the refinement plan shall
- 39 be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted
- 40 prior to the issuance of the Final EIS.

1 **0145: Temporary Projects**

2 This rule makes clear that certain temporary or pilot projects need not be included in the transportation
3 system plan to be implemented. These are expected to be short-term trials or temporary fixes in
4 advance of a plan update.

- 5 (1) Notwithstanding any other part of this division, an operator of a transportation facility may
6 undertake a temporary project to change streets, roads, or highways consistent with this rule,
7 without specific inclusion in a project list in a transportation system plan.
- 8 (2) Temporary projects may include:
- 9 (a) Temporary projects to convert areas dedicated to existing on-street parking or general-
10 purpose travel lanes to pedestrian facilities, areas, or plazas; bicycle facilities; or transit
11 lanes.
- 12 (b) Temporary projects to implement a pilot program to price facilities for motor vehicles on
13 a street or highway. This rule does not restrain any parking pricing or parking
14 management activities.
- 15 (c) Temporary transportation projects to provide basic transportation network connectivity
16 and function after a major emergency impacting the transportation system to a significant
17 degree.
- 18 (3) Temporary projects as provided in this rule may be in place for up to two years, or three years
19 within a climate friendly area. Projects extending past this duration must be adopted into the
20 transportation system plan.

21 **0150: Transportation System Inventories**

22 This rule includes general requirements for inventories of existing facilities and services in
23 transportation system plans. The specific requirements for each mode of transportation are in separate
24 rules, as noted in this rule.

- 25 (1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-
26 0605, OAR 660-012-0705, and OAR 660-012-0805.
- 27 (2) Cities and counties shall coordinate with other transportation facility and service providers,
28 including, but not limited to state agencies, other cities and counties, and public transportation
29 system operators to develop the transportation system inventory.
- 30 (3) Inventories must include all publicly accessible transportation facilities and services within the
31 planning area, regardless of ownership or maintenance responsibility. Inventories must note
32 ownership or maintenance responsibility for all facilities.
- 33 (4) Inventories must include a planning-level assessment of existing transportation facilities and
34 services. Inventories must clearly identify the function of a facility or service, primary users of
35 the facility or service, and the planned land use context of differing segments of the facility.
- 36 (A) Function includes the classification of the facility or services, its primary uses, and
37 whether it primarily serves local, regional, pass-through, or freight traffic.
- 38 (B) Primary users of the facility includes whether users are primarily on foot, bicycle, transit,
39 freight, or personal vehicle.

1 (C) Land use context includes determining what types of planned land uses surround the
2 facility.

3 **0155: Transportation Modeling and Analysis**

4 This rule sets requirements for how cities and counties use transportation modeling and analysis to
5 make land use decisions.

- 6 (1) If a city or county is relying on transportation models or mathematical analysis of the
7 transportation system to make a land use decision, then the city or county shall do so consistent
8 with this rule.
- 9 (2) The model or analysis must account for changes in vehicle miles traveled that would result from
10 any transportation projects proposed as a part of the land use decision, including latent and
11 induced travel of additional roadway capacity.
- 12 (3) The assumptions and inputs used with the modeling or analysis must be consistent with
13 acknowledged plans.
- 14 (4) The land use decision will not affect vehicle miles traveled per capita or will decrease vehicle
15 miles traveled per capita.

16 **0160: Vehicle Miles Traveled Reduction Targets**

17 This rule requires cities and counties to use vehicle miles travelled as a proxy for greenhouse gas
18 pollution for cities and counties that do not yet have an approved regional scenario plan. The rule
19 applies when adopting a TSP and requires the city or county to adopt a TSP that is projected to reduce
20 vehicle miles travelled. Vehicle miles traveled per capita is defined as any light duty vehicle trip
21 originating from either a city or metropolitan region.

- 22 (1) When a city, county, or Metro is making a major update to a transportation system plan as
23 provided in OAR 660-012-0105, they shall project vehicle miles traveled per capita at the horizon
24 year.
- 25 (2) The city, county, or Metro must prepare separate projection using two different lists of future
26 projects:
 - 27 (a) A projection that estimates changes in vehicle miles traveled per capita from the base
28 year that would result from projects on the financially-constrained project list as provided
29 in OAR 660-012-0210, including latent and induced travel of additional roadway
30 capacity; and
 - 31 (b) A projection that estimates changes in vehicle miles traveled per capita from the base
32 year that would result from projects on the illustrative project list as provided in OAR
33 660-012-0200, including latent and induced travel of additional roadway capacity.
- 34 (3) The projections must be based on:
 - 35 (a) Land use and transportation policies in an acknowledged comprehensive plan and in the
36 proposed transportation system plan;
 - 37 (b) Local actions consistent with the adopted performance targets as provided under OAR
38 660-12-0915, and regional outcomes under OAR 660-044-0120;
 - 39 (c) Forecast land use patterns that meet OAR 660-012-0340; and

- 1 (d) State and federal actions included in a land use and transportation scenario plan approved
2 as provided in OAR 660-044-0120, or included in the Statewide Transportation Strategy
3 as adopted by the Oregon Transportation Commission, including the following state-led
4 actions that affect auto operating costs:
- 5 (A) State-led pricing policies, and energy prices; and
6 (B) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel
7 mix, and fuel carbon intensity.
- 8 (4) Cities, counties, and Metro may only adopt a transportation system plan if the projected vehicle
9 miles traveled per capita at the horizon year using the financially-constrained project list is lower
10 than estimated vehicle miles travelled per capita in the base year.
- 11 (5) If a city or county has an adopted regional scenario plan approved under OAR 660-044-0050 or
12 OAR 660-044-120, then the transportation system plan must include projected vehicle miles
13 traveled per capita at the horizon year that is lower than the estimated vehicle miles traveled per
14 capita at the base year by an amount that is consistent with the regional scenario plan.
- 15 (6) If a city and county does not have an adopted regional scenario plan approved under OAR 660-
16 044-0050 or OAR 660-044-120, then the cities or county may only adopt a transportation system
17 plan that meets one of the following options:
- 18 (a) The transportation system plan includes projected vehicle miles traveled per capita at the
19 horizon year that is lower than the estimated vehicle miles traveled per capita in 2005 by
20 the percentage that is the target for reducing greenhouse gas emissions provided in OAR
21 660-044-0020 or 660-044-0025; or
- 22 (b) The transportation system plan is adopted as part of a regionally coordinated
23 transportation planning process that includes:
- 24 (A) A regional transportation plan that includes a projection for regional vehicle
25 miles traveled per capita at the horizon year that is lower than the estimated
26 vehicle miles traveled per capita in 2005 by the percentage that is the target for
27 reducing greenhouse gas emissions provided in OAR 660-044-0020 or 660-044-
28 0025; and
- 29 (B) All the cities and counties in the metropolitan area are adopting local
30 transportation system plans consistent with the regional transportation plan.

31 ***0165: Evaluation and Selection of Transportation System Alternatives***

32 This rule provides criteria for cities and counties to use when evaluating and selecting between
33 transportation system alternatives in a transportation system plan.

- 34 (1) The transportation system plan shall be based upon evaluation of potential impacts of system
35 alternatives that can reasonably be expected to meet the identified transportation needs in a safe
36 manner and at a reasonable cost with available technology. The following shall be evaluated as
37 components of system alternatives:
- 38 (a) Improvements to existing facilities or services;
39 (b) New facilities and services, including different modes or combinations of modes that
40 could reasonably meet identified transportation needs;
41 (c) Transportation system management strategies;

- 1 (d) Demand management strategies; and
- 2 (e) A no-build system alternative required by the National Environmental Policy Act of 1969
- 3 or other laws.
- 4 (2) The following standards shall be used to evaluate and select alternatives:
- 5 (a) The transportation system shall support development by providing types and levels of
- 6 transportation facilities and services appropriate to serve the land uses identified in the
- 7 acknowledged comprehensive plan;
- 8 (b) The transportation system shall be consistent with state and federal standards for
- 9 protection of air, land and water quality including the State Implementation Plan under
- 10 the Federal Clean Air Act and the State Water Quality Management Plan;
- 11 (c) The transportation system shall minimize adverse economic, social, environmental and
- 12 energy consequences;
- 13 (d) The transportation system shall minimize conflicts and facilitate connections between
- 14 modes of transportation; and
- 15 (e) The transportation system shall avoid principal reliance on any one mode of
- 16 transportation by increasing transportation choices to avoid principal reliance on the
- 17 automobile.
- 18 (3) Cities and counties must design transportation system plans to achieve transportation
- 19 performance targets as provided in OAR 660-012-0915 for increasing transportation choices,
- 20 avoid principal reliance on the automobile, and reducing transportation-related climate pollution.

21 **0170: Transportation Performance Standards**

22 This rule provides a framework for how decisions are made using transportation performance standards.

23 These include decisions made about transportation system planning, reviewing comprehensive plan and

24 land use regulation amendments, and in the local review of development proposals.

25 Currently many, but not all, decisions have relied heavily on performance standards related to motor

26 vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into

27 account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and

28 mobility.

- 29 (1) This rule applies to performance standards that cities and counties use to review comprehensive
- 30 plan and land use regulation amendments as provided in OAR 660-012-0060, and to review an
- 31 application for development as provided in acknowledged local comprehensive plans and land
- 32 use regulations. This rule applies to performance standards that Metro uses to review functional
- 33 plan amendments as provided in OAR 660-012-0060.
- 34 (2) Cities and counties shall adopt performance standards as an element of a local transportation
- 35 system plan. The performance standards must be consistent with the acknowledged local
- 36 comprehensive plan. The performance standards must support meeting the targets for
- 37 performance measures provided in OAR 660-012-0910. The transportation system plan must
- 38 include the elements listed below.
- 39 (a) What characteristics of the transportation system will be measured, estimated or
- 40 projected, and the methods to calculate performance.

- 1 (b) Thresholds to determine whether the measured, estimated, or projected performance
- 2 meets the performance standard. Thresholds may vary by facility type, location, or other
- 3 factors.
- 4 (c) Findings for how the performance standard supports meeting the targets for performance
- 5 measures provided in OAR 660-012-0910.
- 6 (3) Cities, counties, Metro, and state agencies shall adopt two or more performance standards. At
- 7 least one of the performance standards must support increasing transportation choices and
- 8 avoiding principal reliance on the automobile. The transportation system plan must clearly state
- 9 how to apply the multiple performance standards to a proposal that meets some, but not all, of the
- 10 performance standards. The performance standards must evaluate at least two of the following
- 11 objectives for the transportation system, for any or all modes of transportation:
- 12 (a) Reducing greenhouse gas pollution;
- 13 (b) Equity;
- 14 (c) Safety for all modes;
- 15 (d) Network connectivity for all modes;
- 16 (e) Accessibility;
- 17 (f) Efficiency;
- 18 (g) Reliability; and
- 19 (h) Mobility.

20 **0180: Transportation Prioritization Framework**

21 This rule sets the context for prioritizing projects in local transportation system plans; and how cities,
 22 counties, Metro, and state agencies make decisions about investments in the transportation system. The
 23 prioritization framework places an emphasis on reducing pollution, increasing equitable outcomes,
 24 safety, and accessibility.

- 25 (1) Cities, counties, Metro, and state agencies shall use the framework in this rule to make decisions
- 26 about prioritization of transportation facilities and services when making decisions as provided in
- 27 this division. Cities, counties, Metro, and state agencies must consider the following:
- 28 (a) Prioritization factors as provided in section (2);
- 29 (b) Classification of facilities or segments as provided in section (3);
- 30 (c) The planned land use context as provided in section (4); and
- 31 (d) Expected primary users as provided in section (5).
- 32 (2) Cities, counties, Metro, and state agencies shall use the following factors to prioritize
- 33 transportation facilities and services. Transportation facilities and services supporting each of
- 34 these factors must be prioritized.
- 35 (a) Meeting greenhouse gas reduction targets, including:
- 36 (A) Reducing per-capita vehicle miles traveled;
- 37 (B) Supporting compact, pedestrian-friendly patterns of development in urban areas,
- 38 particularly in Climate-Friendly Areas;

- 1 (C) Reducing single-occupant vehicle travel as a share of overall travel; and
2 (D) Meeting performance targets as provided in OAR 660-012-0910.
- 3 (b) Improving equitable outcomes for underserved populations as provided in OAR 660-012-
4 0120;
- 5 (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;
6 (d) Improving access for people with disabilities;
7 (e) Improving access to destinations, particularly key destinations as provided in OAR 660-
8 012-0360;
- 9 (f) Completing the multimodal transportation network, including filling gaps and making
10 connections; and
- 11 (g) Supporting the economies of the community, region, and state.
- 12 (3) Cities, counties, Metro, and state agencies shall consider the functional classification of planned
13 or existing transportation facilities or segments when making decisions about appropriate
14 transportation facilities and services. Cities, counties, Metro, and state agencies may establish
15 different functional classifications for each mode on any facility or segment that they own and
16 operate.
- 17 (4) Cities, counties, Metro, and state agencies shall consider the planned land use context around an
18 existing or planned transportation facility or segment when making decisions about appropriate
19 transportation facilities and services. In particular:
- 20 (a) Within Climate-Friendly Areas, cities, counties, Metro, and state agencies shall prioritize
21 pedestrian, bicycle, and public transportation facilities and services. Cities, counties,
22 Metro, and state agencies must ensure facilities are planned for these modes to experience
23 reliable, low-stress travel within Climate-Friendly Areas with minimal interference from
24 motor vehicle traffic.
- 25 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state
26 agencies shall prioritize projects addressing historic and current marginalization.
27 Proposed projects in these areas must work to rectify previous harms inflicted and
28 prevent future harms from occurring. These areas may have been subject to harms from
29 disinvestment or malinvestment, including transportation system investments. Harms
30 include but are not limited to displacement and increased exposure to pollutants.
- 31 (5) Cities, counties, Metro, and state agencies shall consider the expected primary users of an
32 existing or planned transportation facility or segment when making decisions about appropriate
33 transportation facilities and services. In particular:
- 34 (a) In areas near schools or other locations with expected concentrations of children, or areas
35 with expected concentrations of elderly people or people with disabilities, cities, counties,
36 Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and
37 bicycle networks connecting to key destinations, including transit stops.
- 38 (b) In industrial areas, and along routes accessing key freight terminals, cities, counties,
39 Metro, and state agencies must consider the needs of freight users. Pedestrian, bicycle,
40 and public transportation system connections must be provided in industrial areas at a
41 level that provides safe access for workers.

1 **0200: Combined and Illustrative Project Lists**

2 This rule describes how cities and counties take the combined list of projects developed in the modal
3 elements of the transportation system plan, develop multimodal projects, and produce a combined
4 project list. The rule requires cities and counties to use the combined project list to develop an
5 illustrative project list. The Illustrative project list must include a set of projects that would meet targets
6 for reductions in per capita vehicle miles traveled.

- 7 (1) Cities and counties shall create a multimodal project list by combining:
- 8 (a) The pedestrian project list developed as provided in OAR 660-012-0520;
 - 9 (b) The bicycle project list developed as provided in OAR 660-012-0620;
 - 10 (c) The public transportation project list developed as provided in OAR 660-012-0720; and
 - 11 (d) The streets and highways project list developed as provided in OAR 660-012-0820.
- 12 (2) Cities and counties shall review the multimodal project list to determine if there are opportunities
13 to combine proposed projects from multiple single-mode lists into a single multimodal project.
14 These multimodal projects must be added to the multimodal project list to create the combined
15 project list.
- 16 (3) Cities and counties shall review the combined project list and remove projects as necessary to
17 meet the requirements of this section to develop the illustrative project list.
- 18 (a) There is no limit to the number of projects which may be included on the illustrative
19 project list.
 - 20 (b) The city or county must ensure the illustrative project list meets the vehicle miles traveled
21 per capita targets as provided in OAR 660-012-0160.
- 22 (4) Cities and counties shall develop a method of prioritizing projects on the illustrative project list.
23 Each project on the illustrative project list must be individually ranked. Cities and counties must
24 meet the following requirements when developing a method of prioritizing projects on the
25 illustrative project list:
- 26 (a) The project will help reduce vehicle miles traveled;
 - 27 (b) The project burdens underserved populations less than and benefit as much as the city or
28 county population as a whole;
 - 29 (c) The project will help achieve the performance targets as provided in OAR 660-012-0910;
30 and
- 31 (a) Cities and counties shall describe the method used to prioritize the illustrative project list
32 in the transportation system plan.
- 33 (5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the
34 prioritized illustrative project list as provided in section (4) of this rule. The city or county must
35 make estimates for as many projects as the city or county reasonably believes could be funded in
36 the planning period. The city or county need not make cost estimates for every project on the
37 illustrative project list.

1 **0205: Transportation System Financial Plan**

2 This rule describes how cities develop a Financial Plan in the transportation system plan. The Financial
3 Plan includes a list of funding sources that are expected to fund transportation facilities and services,
4 and the amount of funding available for transportation projects over the planning period.

- 5 (1) Cities and counties must include a Financial Plan in the transportation system plan. The Financial
6 Plan must include the list of funding sources and amount of funding available, as provided in this
7 rule.
- 8 (2) Cities and counties must include a list of transportation system funding sources in the
9 transportation system plan. The list of funding sources must include all funding sources that the
10 city expects to use over the planning period to operate, maintain, or construct the transportation
11 system. These sources include, but are not limited to:
- 12 (a) Local, regional, state, and federal funding sources; and
- 13 (b) Sources expected to be directed to transportation facilities or services within the planning
14 area controlled by any transportation facility or service operator.
- 15 (3) The list of funding sources must include, for each source of funding identified:
- 16 (a) The expected amounts of funding for each year over the remainder of the planning
17 period;
- 18 (b) The purpose of the source of funding and any key limitations on the use of the funding;
19 and
- 20 (c) Reasons for expecting the finding source to be available during the planning period.
21 These reasons may include, but are not limited to:
- 22 (A) The source comes from transportation facility pricing revenues, including
23 parking revenues;
- 24 (B) The source comes from tax or bond revenues;
- 25 (C) The source comes from fees or other local revenues;
- 26 (D) The source comes from grants given using a formula or other regular
27 disbursement;
- 28 (E) The source comes from regional funds provided through a Metropolitan Planning
29 Organization; and
- 30 (F) The source previously provided funds to the city or county and can reasonably
31 expected to provide more in the future.
- 32 (4) The city or county must use the list of funding sources to determine the amount of funding
33 expected to be available for use to develop transportation projects over the planning period.
34 Funding amounts which are expected to be used to maintain and operate the transportation
35 system, or used for other purposes than to fund transportation projects, must be excluded. The
36 transportation system plan must clearly describe the amounts that are included and excluded. The
37 amount of funding expected will be used to develop the financially-constrained project list as
38 provided in OAR 660-012-0210.

1 **0210: Financially-Constrained Project List**

2 This rule gives cities and counties a method to develop a financially-constrained project list. Projects on
3 the financially-constrained project list are the planned projects to be considered for further project
4 development, funding, and construction. The financially-constrained list of projects in the local
5 transportation system plan will inform the federally required regional transportation plan. The
6 financially-constrained list will also be the only projects that may be assumed as “reasonably likely”
7 when considering if an amendment to a comprehensive plan or land use regulation has a “significant
8 effect” on the transportation system.

9 The financially-constrained list must result in equitable outcomes, demonstrate a reduction in per-capita
10 Vehicle Miles Traveled, and support meeting targets set against a range of performance measures.

- 11 (1) Cities and counties shall include a financially-constrained project list in a transportation system
12 plan. Cities and counties shall use the prioritized illustrative project list developed as provided in
13 OAR 660-012-0200 and the amount of funding available developed as provided in OAR 660-
14 012-0205 to produce the financially-constrained project list.
- 15 (2) Cities and counties shall take the top available projects on the prioritized illustrative project list,
16 using the planning-level cost estimates developed as provided in OAR 660-012-0200, up to 125%
17 of the funding available. Using this list, cities and counties shall:
- 18 (a) Review the list of projects to determine if the city or county may reasonably demonstrate
19 that the list of projects would result in a reduction of per capita vehicle miles traveled, as
20 provided in OAR 660-012-0160;
- 21 (b) Review the list of projects to ensure that it would result in burdens on underserved
22 populations less than and benefit as much as the city or county population as a whole to
23 determine if the outcomes of the project list are equitable; and
- 24 (c) Review the list of projects against the targets set for each performance measure as
25 provided in OAR 660-012-0910 or OAR 660-044-0110 to determine if the list results in
26 progress toward meeting the targets.
- 27 (3) If the list of projects cannot meet each test in section (2), the city or county must remove one or
28 more projects from the list and add the next highest ranked project or projects from the prioritized
29 project list and review the updated list as provided in section (2). The city or county shall repeat
30 this process until a list is produced that meets each test. This shall be the financially-constrained
31 project list.
- 32 (4) Cities or counties making a major or minor amendment to the transportation system plan as
33 provided in OAR 660-012-0105 which includes an update to any project list, must update the
34 financially-constrained project list as provided in this rule.
- 35 (5) Cities and counties shall prioritize the implementation of projects from the financially-
36 constrained project list for their ability to reduce climate pollution and improve equitable
37 outcomes using the criteria provided in section (2) of this rule.

1 **New Rules 0300-0399: Coordinated Land Use and Transportation Planning**

2 The Transportation Planning Rules are, at their heart, a guide for local governments to make
3 coordinated plans for both land use and their transportation system. This part of the Transportation
4 Planning Rules focuses on land use requirements, including requirements for climate friendly areas.

5 **0300: Coordinated Land Use and Transportation System Planning**

6 This rule contains general provisions for cities and counties within metropolitan areas in how they
7 accomplish coordinated land use and transportation planning.

- 8 (1) Cities and counties must ensure land use and transportation plans are coordinated.
- 9 (2) Cities and counties must, if applicable, adopt and implement climate friendly areas as provided in
10 OAR 660-012-0310.
- 11 (3) Cities and counties must adhere to the applicable land use requirements as provided in OAR 660-
12 012-0330.
- 13 (4) Cities and counties must, in the development of transportation plans, use the land use assumptions
14 described as provided in OAR 660-0340.
- 15 (5) Cities and counties must develop a list of key destinations, as provided in OAR 660-012-0360.
- 16 (6) Cities and counties must meet the parking management requirements as provided in OAR 660-
17 012-0400.

18 **0310: Climate Friendly Areas**

19 This rule describes the requirements for the designation of climate friendly areas. The rule sets out
20 some basic standards for which areas should and should not be considered for designation as a climate
21 friendly area.

- 22 (1) “Climate friendly area” is defined in OAR 660-012-0005(6). Cities and counties shall designate
23 climate friendly areas in places that contain, or are planned to contain, a mixture of allowed uses
24 as provided in OAR 660-012-0325. Climate friendly areas may be designated in centers,
25 including planned or existing downtowns, neighborhood centers, or other districts. Climate
26 friendly areas shall be designated in areas that are served, or planned for service, by high quality
27 pedestrian, bicycle, and transit services. Cities and counties may not designate climate friendly
28 areas where development is not allowed under authority of Statewide Planning Goal 7. Climate
29 friendly areas may be designated in areas subject to Statewide Planning Goal 7 if the local
30 government has adopted requirements for development that will mitigate potential hazards to life
31 and property.
- 32 (2) Cities and counties outside a metropolitan service district shall designate climate friendly areas as
33 provided in OAR 660-012-0012. Counties with planning jurisdiction in areas provided with urban
34 water, sanitary sewer, stormwater, and transportation services within an identified urban growth
35 boundary shall coordinate with the respective city or cities to address climate friendly area
36 requirements for those areas as provided in OAR 660-012-0012. County areas outside urban
37 growth boundaries or where planning jurisdiction has been granted to cities for areas within urban
38 growth boundaries are not subject to this rule.

- 1 (3) A metropolitan service district and cities and counties within the urban growth boundary of a
2 metropolitan service district shall address applicable requirements as provided in OAR 660-012-
3 0012(6)(c).
- 4 (4) If a city, metropolitan service district, or county has not designated sufficient climate friendly
5 areas as provided in this rule, the commission may:
- 6 (a) Initiate periodic review for the subject local government to address the requirement; or
7 (b) Issue an enforcement order to the local government, consistent with ORS 197.646

8 **0315: Designation of Climate Friendly Areas**

9 This rule describes the process to be followed for cities and counties to designate climate friendly areas,
10 including consideration for, and mitigation of, potential inequitable impacts that might result from CFA
11 designation, such as the displacement of underserved populations.

- 12 (1) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of
13 10,000 or more shall designate climate friendly areas sufficient to accommodate at least thirty
14 percent of the total identified number of housing units necessary to meet all current and future
15 housing needs over the planning period by utilizing the calculations in Section (2). A local
16 government may designate one or several climate friendly areas in order to accommodate at least
17 thirty percent of housing units. No portion of a climate friendly area required by this Section may
18 be narrower than 1,000 feet in width.
- 19 (2) Cities and counties subject to Section (1) shall calculate the housing that can be accommodated in
20 climate friendly areas by estimating the buildable square footage within climate friendly areas,
21 based on net zoned area, allowed building heights, setbacks, and any other relevant development
22 standards that would limit buildable square footage established within climate friendly areas.
23 Where the local government has not established a maximum building height, assumed building
24 height shall be 85 feet. Local governments may assume that residential dwellings will occupy
25 thirty percent of the full buildable square footage within climate friendly areas. Local
26 governments may assume an average dwelling unit size of nine hundred square feet in order to
27 convert the estimated residential building area into an estimate of the number of dwelling units
28 that may be accommodated in climate friendly areas. Local governments that include height
29 bonuses for affordable housing to serve households with an income of 60% or less of the area
30 median household income may include 25 percent of the additional building envelope allowance
31 in their calculations of buildable square footage.
- 32 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of more
33 than 5,000 but less than 10,000 shall designate at least twenty-five acres of land as climate
34 friendly area, as provided in Sections (4) and (5). No portion of a climate friendly area required
35 by this Section may be narrower than 500 feet in width.
- 36 (4) Designation of climate friendly areas - Cities and counties shall designate climate friendly areas
37 as provided in this rule and in OAR 660-012-0012(6). Designation shall include the following
38 actions:
- 39 (a) Cities and counties subject to Section (1) shall provide maps showing the preliminary
40 location of all climate friendly areas, including calculations to demonstrate that climate
41 friendly areas are sufficient to accommodate thirty percent of total housing units, based
42 on existing or anticipated land use requirements in these areas as applied to Section (2) of
43 this rule. Cities and counties subject to Section (3) shall provide maps showing the
44 preliminary location of the climate friendly area.

- 1 (b) A narrative summary of the public engagement process used to consider and designate
 2 climate friendly areas, consistent with the requirements of OAR 660-012-0115 through
 3 660-012-0130.
- 4 (c) Plans for achieving fair and equitable housing outcomes within Climate friendly areas, as
 5 identified in OAR 660-008-0050(4)(a) - (f). Analysis of OAR 660-008-0050(4)(f) shall
 6 include analysis of spatial and other data to determine if potential climate friendly areas
 7 would be likely to displace residents who are members of state and federal protected
 8 classes. The local government shall also identify actions that will be employed to mitigate
 9 or avoid potential displacement.
- 10 (5) Land use requirements and comprehensive plan amendments for climate friendly areas – Cities
 11 and counties shall adopt land use requirements as provided in OAR 660-012-0320, and climate
 12 friendly elements to their comprehensive plans as provided in OAR 660-012-0012(6). Adoption
 13 of land use requirements and the climate friendly element of the comprehensive plan shall include
 14 the following:
- 15 (a) Cities and counties subject to Section (1) shall provide maps showing the location of all
 16 climate friendly areas, including calculations to demonstrate that climate friendly areas
 17 are sufficient to accommodate thirty percent of total housing units, as provided in Section
 18 (2) of this rule, and based on adopted land use requirements in these areas as provided in
 19 OAR 660-012-0320. Cities and counties subject to Section (3) shall provide maps
 20 showing the location of the climate friendly area. Any adjustments made between the
 21 preliminary and final designated climate friendly areas shall include findings
 22 demonstrating compliance with the provisions of Section (4).
- 23 (b) Documentation of the number of existing dwelling units and income-restricted dwelling
 24 units within all climate friendly areas.
- 25 (c) Documentation that all adopted and applicable land use requirements for climate friendly
 26 areas are consistent with the provisions of OAR 660-012-0320.
- 27 (d) Adoption of a climate friendly element into the comprehensive plan containing findings
 28 and analysis summarizing the local government decision process and demonstration of
 29 compliance with the provisions of OAR 660-012-0310 through -0325.
- 30 (6) For cities and counties identified in Section (1), the information provided in compliance with
 31 OAR 660-012-0315(5)(b) shall provide a basis for subsequent Housing Production Strategy
 32 Reports to assess progress towards fair and equitable housing production goals in climate friendly
 33 areas, per OAR 660-008-0050(4)(a).

34 **0320: Land Use Requirements in Climate Friendly Areas**

35 This rule describes development codes and other land use requirements cities and counties must adopt
 36 for climate friendly areas.

37 Cities and counties shall incorporate the requirements in Sections (1), (2), (3), and (4) of this rule into
 38 development regulations that apply in all climate friendly areas. Cities and counties shall either
 39 incorporate the provisions in Section (5) into development regulations for climate friendly areas, or shall
 40 demonstrate with adopted findings and analysis that alternative development regulations for climate
 41 friendly areas will result in equal or higher levels of development in climate friendly areas, per target
 42 residential and employment levels provided in Section (6).

- 1 (1) Except as noted in Section (2), development regulations for a climate friendly area shall allow
 2 mixed-use development within individual buildings or on development sites, including the
 3 following outright permitted uses:
- 4 (a) Multifamily residential;
 - 5 (b) Office;
 - 6 (c) Non-auto dependent retail, services, and other commercial uses;
 - 7 (d) Child care, schools, and public uses, including government services.
- 8 (2) Residential or employment-oriented zoned areas within ½ mile of a mixed use area zoned as
 9 provided in Section (1) may be included within a climate friendly area, if in compliance with (a)
 10 or (b).
- 11 (a) Residential areas with minimum residential densities or existing residential development
 12 equal to or greater than the densities provided in Section (6); or
 - 13 (b) Existing employment uses equal to or greater than the number of jobs per acre provided
 14 in Section (6).
- 15 (3) Local governments shall prioritize locating government facilities that serve the public within
 16 climate friendly areas and shall prioritize locating parks, open space, plazas, and similar public
 17 amenities in or near climate friendly areas that do not contain sufficient parks, open space, plazas,
 18 or similar public amenities.
- 19 (4) Local governments shall address the following requirements in climate friendly areas:
- 20 (a) The land use requirements as provided in OAR 660-012-0330;
 - 21 (b) The applicable parking requirements as provided in OAR 660-012-0410;
 - 22 (c) The applicable pedestrian system planning requirements as provided in OAR 660-012-
 23 0510;
 - 24 (d) The applicable bicycle system planning requirements as provided in OAR 660-012-0610;
 - 25 (e) The applicable bicycle parking requirements as provided in OAR 660-012-0630;
 - 26 (f) The applicable public transportation system planning requirements as in OAR 660-012-
 27 0710; and
 - 28 (g) The applicable street and highway system planning requirements in OAR 660-012-0810.
- 29 (5) Local governments may adopt the following provisions into development regulations for climate
 30 friendly areas, or may follow the requirements in Section (6).
- 31 (a) Local governments with a population of 5,000 to 24,999 shall adopt the following
 32 development regulations for climate-friendly areas:
 - 33 (A) A minimum residential density requirement of 15 dwelling units per net acre;
 - 34 (B) Maximum building height no less than 50 feet.
 - 35 (b) Local governments with a population of 25,000 to 49,999 shall adopt the following
 36 development regulations for climate-friendly areas:
 - 37 (A) A minimum residential density requirement of 20 dwelling units per net acre;
 - 38 (B) Maximum building height no less than 60 feet.

- 1 (c) Local governments with a population of 50,000 to 99,999 shall adopt the following
2 development regulations for climate-friendly areas:
- 3 (A) A minimum residential density requirement of 25 dwelling units per net acre;
- 4 (B) Maximum building height no less than 85 feet in at least one climate friendly
5 area. Maximum building height no less than 60 feet in all other climate friendly
6 areas.
- 7 (d) Local governments with a population of 100,000 or more shall adopt the following
8 development regulations for climate-friendly areas:
- 9 (A) A minimum residential density requirement of 30 dwelling units per net acre;
- 10 (B) Maximum building height no less than 85 feet in at least one climate friendly
11 area. Maximum building height no less than 60 feet in all other climate friendly
12 areas.
- 13 (6) As an alternative to adopting the development regulations in Section (5), local governments may
14 demonstrate with adopted findings and analysis that their adopted development regulations for
15 climate friendly areas will result in equal or higher levels of development in climate friendly
16 areas, per the following target residential and employment levels:
- 17 (a) Local governments with a population of 5,000 to 24,999 shall adopt development
18 regulations in climate friendly areas to facilitate at least 20 homes and jobs per net acre.
- 19 (b) Local governments with a population of 25,000 to 49,999 shall adopt development
20 regulations in climate friendly areas to facilitate at least 30 homes and jobs per net acre.
- 21 (c) Local governments with a population of 50,000 to 99,999 shall adopt development
22 regulations in climate friendly areas to facilitate at least 40 homes and jobs per net acre.
- 23 (d) Local governments with a population of 100,000 or more shall adopt development
24 regulations in climate friendly areas to facilitate at least 50 homes and jobs per net acre.

25 **0325: Transportation Review in Climate Friendly Areas**

26 This rule describes how local governments review changes to comprehensive plans and land use
27 regulations in climate friendly areas. The rule requires an interim multimodal plan when the climate
28 friendly area is implemented.

- 29 (1) Cities or counties must use this rule to review amendments to comprehensive plans or land use
30 regulations within a climate friendly area designated as provided in OAR 660-012-0315. Cities
31 and counties are exempt from requirements as provided in OAR 660-012-0060 when reviewing
32 amendments to comprehensive plans or land use regulations within a designated climate friendly
33 area.
- 34 (2) Cities and counties making amendments to comprehensive plans or land use regulations to meet
35 requirements as provided in OAR 660-012-0320 must either:
- 36 (a) Amend the transportation system plan as provided in 660-012-0100 and include a
37 multimodal transportation gap summary as provided in section (3) of this rule,
38 considering the proposed land uses in the climate friendly area; or
- 39 (b) Develop and adopt a multimodal transportation gap summary in coordination with
40 impacted transportation facility providers and transportation service providers as
41 provided in section (3) to meet requirements in OAR 660-012-0320.

- 1 (3) A multimodal transportation gap summary must be coordinated between the local jurisdiction,
2 transportation facility providers, and transportation services providers to consider multimodal
3 transportation needs in each climate friendly area as provided in OAR 660-012-0320. The
4 multimodal transportation gap summary must include:
- 5 (a) A summary of the existing multimodal transportation network within the climate friendly
6 area;
 - 7 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate friendly area
8 based on the summary of the existing multimodal transportation network;
 - 9 (c) If applicable as provided in section (4), a highway impacts summary as provided in
10 section (5); and
 - 11 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).
- 12 (4) A city or county shall include a highway impacts summary in the multimodal transportation gap
13 summary if the designated climate friendly area as provided in OAR 660-012-0315 contains a
14 ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.
- 15 (5) A highway impacts summary must identify how the transportation system may be affected by
16 implementation of the climate friendly area. The highway impacts summary must include:
- 17 (a) A summary of the existing and proposed development capacity of the climate friendly
18 area based on the proposed changes to the comprehensive plan and land use regulations;
 - 19 (b) A summary of the additional motor vehicle traffic generation that may be expected in the
20 planning period, considering reductions for expected complementary mixed-use
21 development, additional multimodal options, and assuming meeting goals for reductions
22 in vehicle miles traveled per capita; and
 - 23 (c) A summary of traffic-related deaths and serious injuries within the climate friendly area
24 in the past 10 years.
- 25 (6) Cities and counties making amendments to the adopted land use regulations identified under
26 section (2) of this rule, shall adopt findings including a highway impacts summary as provided in
27 section (5) of this rule if:
- 28 (a) If a city or county is reviewing a plan amendment within one-quarter mile of a ramp
29 terminal intersection, adopted Interchange Area Management Plan area, or adopted
30 ODOT Facility Plan area, or
 - 31 (b) The city or county is reviewing a plan amendment that would be reasonably likely to
32 result in increasing traffic on the state facility that exceeds the small increase in traffic
33 defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.
- 34 (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap
35 summary or a revised highway impacts summary to ODOT and other affected transportation
36 facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

1 **0330: Land Use Requirements**

2 These land use requirements apply to cities and counties within metropolitan areas and have to do with
3 how land use interacts with the transportation system. Many of these requirements are in the existing
4 rules, particularly OAR 660-012-0045. However, this rule extends and adds to the existing requirements.
5 These requirements apply across the urban area and are in addition to the climate friendly area specific
6 requirements in those areas.

7 The rule requires local governments to provide for pedestrian-friendly and connected neighborhoods;
8 for commercial and mixed-use districts to be oriented towards pedestrians and transit, to place limits on
9 auto-oriented land uses; some additional requirements for larger cities; and to have protections for
10 existing and future transportation facilities.

- 11 (1) Cities and counties must implement plans and land use regulations to support compact,
12 pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use
13 development patterns must support access by people using pedestrian, bicycle, and public
14 transportation networks.
- 15 (2) Cities and counties must have land use regulations that provide for pedestrian-friendly and
16 connected neighborhoods. Land use regulations must meet the following requirements for
17 neighborhood design and access:
- 18 (a) Neighborhoods must be designed with connected networks of streets, paths, accessways,
19 and other facilities to provide circulation within the neighborhood and pedestrian and
20 bicycle system connectivity to adjacent districts. A connected street network is desirable
21 for motor vehicle traffic but may be discontinuous where necessary to limit excessive
22 through travel, or to protect a safe environment for walking, using mobility devices, and
23 bicycling in the neighborhood.
- 24 (b) Neighborhoods must be designed with direct pedestrian access to key destinations as
25 provided in OAR 660-012-0360 via sidewalks, pedestrian crossings, pedestrian
26 accessways, or paths.
- 27 (c) Cities and counties must set block length and block perimeter standards at distances that
28 will provide for pedestrian network connectivity. Pedestrian accessways or pedestrian-
29 oriented public alleys through a block may be used to meet a block length or perimeter
30 standard. Cities and counties may choose to provide for exemptions in cases where
31 topography, natural features, railroads, or expressways would make these provisions
32 prohibitive. In these cases, the city or county must ensure that the block length and
33 perimeter are as short as possible.
- 34 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using
35 the pedestrian or bicycle networks.
- 36 (3) Cities and counties must have land use regulations in commercial and mixed-use districts that
37 provide for a compact character and easy ability to walk or use mobility devices, and allow direct
38 access on the pedestrian, bicycle, and public transportation networks. Land use regulations must
39 meet the following requirements for commercial or mixed-use site design:
- 40 (a) Primary pedestrian entrances to buildings shall be oriented to a public street. An
41 uninterrupted accessway, courtyard, plaza, or other pedestrian-oriented space must be
42 provided between primary pedestrian entrances and the public sidewalk, except where the
43 entrance opens directly to the sidewalk. All pedestrian entrances shall be designed to be
44 barrier-free. Where a building has more than one ground-floor business, each business
45 shall have at least one pedestrian entrance that meets the requirements of this subsection.

- 1 (b) No vehicular parking, circulation, access, or loading shall be permitted on-site between
2 buildings and public streets. Bicycle parking may be permitted.
- 3 (c) On-site accessways shall be provided to directly connect key pedestrian entrances to
4 public sidewalks, to any on-site parking, and to adjacent properties, as applicable.
- 5 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary
6 pedestrian entrances as required in this section. Primary pedestrian entrances must be
7 open during business hours.
- 8 (e) Large sites must be designed with a connected network of public streets to meet the
9 requirements of this section.
- 10 (f) Sites adjacent to a transit stop or station on a priority transit corridor must be oriented to
11 the transit stop or station. The site design must provide a high level of pedestrian
12 connectivity and amenities adjacent to the stop or station. Cities and counties must
13 require an easement or dedication for a transit shelter if there is inadequate space in the
14 existing right of way.
- 15 (4) Cities and counties must have land use regulations in residential neighborhoods that provide for
16 slow neighborhood streets comfortable for families, efficient and sociable development patterns,
17 and provide for connectivity within the neighborhood and to adjacent districts. Land use
18 regulations in residential neighborhoods must include:
- 19 (a) Front yard and street side yard setbacks must be limited or zero. Where a setback more
20 than zero is required, the city or county must set a standard that aims to minimize the
21 total width of the existing or planned street right of way and required setback on each
22 side of the street. Cities or counties may consider a standard related to the required
23 building height.
- 24 (b) Buildings must be designed to face the street, with direct pedestrian access from building
25 entrances to the sidewalk. Driveways and garages must be limited in width and must be
26 off alleys where possible.
- 27 (5) Cities and counties must have land use regulations that ensure auto-oriented land uses are
28 compatible with a community where it is easy to walk or use a mobility device. Land use
29 regulations must include:
- 30 (a) Auto-oriented land uses must meet the site design requirements in this rule.
- 31 (b) Auto-oriented land uses that provide goods or services not directly related to the
32 operation of an automobile must provide safe and convenient access opportunities for
33 people walking, using a mobility device, or riding a bicycle. Access to goods and services
34 must be equivalent to people driving a motor vehicle.
- 35 (c) Outside of climate friendly areas, where a permitted auto-oriented land use may not
36 reasonably meet a site design standard prescribed in this rule due to the nature of the use,
37 the city or county may prescribe an alternate standard. Alternate standards must protect
38 pedestrian facilities.
- 39 (6) Cities and counties with an urban area over 100,000 in population must have reasonable land use
40 regulations providing for the development of low-car districts. These districts must be developed
41 with no-car or low-car streets, where walking or using mobility devices are the primary methods
42 of travel within the district. Cities and counties must make provisions for emergency vehicle
43 access and local freight delivery. Low-car districts must be permitted in locations where
44 residential or mixed-use development is permitted.

- 1 (7) Cities and counties must implement land use regulations to protect transportation facilities,
 2 corridors, and sites for their identified functions. These regulations must include, but are not
 3 limited to:
- 4 (a) Access control actions consistent with the function of the transportation facility,
 5 including but not limited to driveway spacing, median control, and signal spacing;
 - 6 (b) Standards to protect future construction and operation of streets, transitways, paths, and
 7 other transportation facilities;
 - 8 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
 - 9 (d) Processes to make a coordinated review of future land use decisions affecting
 10 transportation facilities, corridors, or sites;
 - 11 (e) Processes to apply conditions to development proposals in order to minimize impacts and
 12 protect transportation facilities, corridors or sites;
 - 13 (f) Regulations to provide notice to public agencies providing transportation facilities and
 14 services, Metropolitan Planning Organizations, the Oregon Department of
 15 Transportation, and the Oregon Department of Aviation of:
 - 16 (A) Land use applications that require public hearings;
 - 17 (B) Subdivision and partition applications;
 - 18 (C) Other applications which affect private access to roads; and
 - 19 (D) Other applications within airport noise corridors and imaginary surfaces which
 20 affect airport operations.
 - 21 (g) Regulations assuring that amendments to land use designations, densities, and design
 22 standards are consistent with the functions, capacities and performance standards of
 23 facilities identified in the TSP.

24 **0340: Land Use Assumptions**

25 This rule describes how cities and counties make assumptions about the future development of the
 26 urban area, for purposes of transportation planning. These assumptions are based on the required
 27 population forecasts, existing comprehensive plans and land use regulations, and other provisions in the
 28 Transportation Planning Rules. These assumptions are used to help make coordinated land use and
 29 transportation plans.

- 30 (1) Cities and counties shall develop and adopt future land use assumptions for the purpose of
 31 transportation system planning. The requirements of this rule apply to provisions of this division.
 32 Future land use assumptions must include the planning horizon year of the transportation system
 33 plan and a common horizon year for all jurisdictions across the metropolitan area.
- 34 (2) Future land use assumptions must be consistent with the most recent final population forecast as
 35 provided in OAR 660-032-0020.
- 36 (3) Future land use assumptions must assume existing acknowledged comprehensive plan
 37 designations and policies, and existing land use regulations remaining in force throughout the
 38 planning period; except where these designations, policies, or regulations are superseded by
 39 statute or rule. Future land use assumptions must assume existing acknowledged Urban Growth
 40 Boundaries throughout the planning period.

- 1 (4) Where applicable, future land use assumptions must allocate growth assumptions within the
2 capacity of jobs and housing within climate friendly areas designated as provided in OAR 660-
3 012-0310 before allocating growth to other parts of the city or county. Notwithstanding section
4 (3), future land use assumptions may assume reasonable levels of development as provided in
5 OAR 660-012-0325 within climate friendly areas.
- 6 (5) Future land use assumptions must be developed at approximately a block-level of detail to
7 understand where future development is expected. Future land use assumptions are used for
8 transportation system development and analysis.

9 **0350: Urban Growth Boundary Expansions**

10 This rule includes requirements for local jurisdictions to ensure they are being consistent with
11 coordinated transportation planning requirements when proposing to expand an Urban Growth
12 Boundary. The rules provide for requirements prior to undertaking an Urban Growth Boundary
13 Expansion, and requirements as part of the process of expanding the Urban Growth Boundary.

- 14 (1) A city and county must meet the following requirements prior to undertaking an Urban Growth
15 Boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 16 (a) The city must have an acknowledged transportation system plan as provided in OAR
17 660-012-0100. If the county has responsibility for planning in urban unincorporated areas
18 as provided in OAR 660-012-0110, the county must also have an acknowledged
19 transportation system plan for the urban area as provided in OAR 660-012-0100.
- 20 (b) The city and county must have submitted all regular reports as provided in OAR 660-
21 012-0900 and have had each report approved by order as provided in OAR 660-012-
22 0905.
- 23 (c) The city and county must have designated climate friendly areas as provided in OAR
24 660-012-0310 and must demonstrate compliance with OAR 660-008-0010(2).
- 25 (d) The city and county must have adopted land use regulations as provided in OAR 660-
26 012-0330.
- 27 (2) A city and county must meet the following requirements as part of the Urban Growth Boundary
28 expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 29 (a) The city and county must assess the ability of lands within the existing Urban Growth
30 Boundary to accommodate the additional levels of growth expected. Cities and counties
31 must assume that the future development of climate friendly areas and more land-
32 efficient and transportation-efficient patterns of development across the urban area will
33 be different and more intensive than existing patterns of development.
- 34 (b) Lands otherwise of the same level of priority category for an Urban Growth Boundary
35 expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized
36 by determining the potential level of access to existing urban pedestrian, bicycle, and
37 transit networks, and the ability of those networks to be extended to the candidate areas
38 for expansion.
- 39 (c) Transportation system planning assumptions developed to make decisions about an
40 Urban Growth Boundary expansion must be consistent with targets set under measures as
41 provided in OAR 660-012-0910 and must result in a reduction in Vehicle Miles Traveled
42 per capita.

- 1 (d) Transportation system planning assumptions developed to make decisions about an
2 Urban Growth Boundary expansion may not assume the construction of any facility
3 required to be reviewed as a Vehicle Miles Traveled-Increasing facility as provided in
4 OAR 660-012-0830.
- 5 (e) The city and county must determine if the designation of additional lands as part of
6 climate friendly areas will be required to meet the targets for households within these
7 areas, as provided in OAR 660-012-0310.
- 8 (3) Where an Urban Growth Boundary is intended to follow an existing or planned street, road, or
9 highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or
10 planned right-of-way, so that the right-of-way is inside the Urban Growth Boundary.
- 11 (4) Cities and counties with areas added to an Urban Growth Boundary where the requirements of
12 OAR 660-012-0060 are not applied at the time of Urban Growth Boundary amendment as
13 provided in OAR 660-024-0020 or OAR 660-038-0020 must update the land use assumptions as
14 provided in OAR 660-012-0340 prior to an update of the transportation system plan as provided
15 in OAR 660-012-0105.

16 **0360: Key Destinations**

17 This rule lists key destinations for use in coordinated transportation and land use planning. These are
18 important places for all people to be able to access to meet daily needs and participate in society.

- 19 (1) Cities and counties shall use the key destinations described in this rule, as well as other
20 destinations determined locally, for purposes of coordinated land use and transportation planning.
- 21 (2) Key destinations include, but are not limited to:
- 22 (a) climate friendly areas;
- 23 (b) Pedestrian-oriented commercial areas outside of climate friendly areas;
- 24 (c) Transit stations, stops, and terminals;
- 25 (d) Retail and service establishments, including grocery stores;
- 26 (e) Child care facilities, schools, and colleges;
- 27 (f) Parks, recreation centers, paths, trails, and open spaces;
- 28 (g) Farmers markets;
- 29 (h) Libraries, government offices, community centers, arts facilities, post offices, social
30 service centers, and other civic destinations;
- 31 (i) Medical or dental clinics and hospitals;
- 32 (j) Major employers;
- 33 (k) Gyms and health clubs;
- 34 (l) Major sports or performance venues; and
- 35 (m) Other key destinations determined locally.

1 **New Rules 0400-0499: Parking**

2 This part of the Transportation Planning Rules relates to how cities and counties manage parking. The
3 rules follow current best practice and move cities and counties away from one-size-fits-all mandates for
4 development to build a large amount of costly off-street parking, towards more targeted management
5 strategy and more deference to builders and property owners to provide parking for the diversity of
6 development types as the market dictates.

7 **0400: Parking Management**

8 This rule directs jurisdictions to implement the parking rules.

- 9 (1) Cities and counties shall adopt comprehensive plans and land use regulations that implement
10 provisions of OAR 660-012-0405, OAR 660-012-0410, and OAR 660-012-0415.
- 11 (2) Except as provided in OAR 660-012-0420, cities and counties shall amend their comprehensive
12 plans and land use regulations to implement provisions of OAR 660-012-0425, OAR 660-012-
13 0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.
- 14 (3) [Under discussion: how these rules apply to Metro-area jurisdictions]

15 **0405: Parking Regulation Improvements**

16 This rule works to give priority parking – a usual sign of status – to those carpooling or vanpooling. It
17 aims to encourage the conversion of parking lots to higher uses, and to encourage shared parking.

18 It also aims to reduce the negative externalized impacts of parking. It works to make large parking lots
19 more pedestrian-friendly, and to address some of the heat island effects through trees. It aims to
20 mitigate the climate impacts of driving and parking through either increased clean energy or increased
21 tree canopy.

- 22 (1) Cities and counties shall adopt and enforce land use regulations as provided in this section:
 - 23 (a) Designated employee parking areas in new developments shall provide preferential
24 parking for carpools and vanpools; and
 - 25 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking
26 areas for bicycle-oriented and transit-oriented facilities and developments, including
27 bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, transit-
28 oriented developments, and similar facilities.
- 29 (2) Cities and counties shall adopt policies and land use regulations that allow and encourage the
30 conversion of existing underused parking areas to other uses.
- 31 (3) Cities and counties shall adopt policies and land use regulations that allow and encourage shared
32 parking.

- 1 (4) Cities and counties shall adopt land use regulations for new developments that include more than
 2 one acre of surface parking as provided below:
- 3 (a) Developments must provide one of the following:
- 4 (A) Installation of solar panels with a generation capacity of at least 0.5 kW per
 5 parking space on the property. In lieu of developing solar on site, cities may
 6 allow developers to pay \$1,500 per parking space in the development into a city
 7 fund dedicated to equitable solar or wind energy development or a fund at the
 8 Oregon Department of Energy designated for such purpose. Developments
 9 subject to OAR 330-135-0010 shall be exempt; or
- 10 (B) Creation of tree canopy covering at least 50% of the parking lot at maturity but
 11 no more than 15 years after planting. Trees planted under this requirement must
 12 meet the standards in subsection (3)(b).
- 13 (b) Developments must provide street trees along driveways. The tree species planted must
 14 be the largest appropriate for the site. Trees must be planted and maintained to maximize
 15 their root health and chances for survival, including having ample high-quality soil, space
 16 for root growth, and reliable irrigation. Trees should be planted in continuous trenches
 17 where possible. The city or county shall have minimum standards for planting and tree
 18 care no lower than 2021 American National Standards Institute A300 standards, and a
 19 process to ensure ongoing compliance with tree planting and maintenance provisions; and
- 20 (c) Developments must provide street-like design and features along driveways including
 21 curbs, sidewalks, and buildings built to the sidewalk.

22 **0410: Electric Vehicle Charging**

23 This rule works to encourage new buildings to be EV-capable, to install electrical capacity and conduit.
 24 Buildings would be ready to have wiring and charging stations added as demand calls for. As buildings
 25 are 80-100 year structures, and Oregon is aiming to have 90% of new vehicles be EVs by 2035, it is
 26 critical to install charging infrastructure as buildings are built.

27
 28 The rule focuses on electrical capacity and conduit, and allows some Level 1 charging capacity in
 29 residential buildings, which can be functional for many uses and saves money.

- 30 (1) Cities and counties shall adopt regulations requiring new development to support electric vehicle
 31 charging.
- 32 (a) For new construction with five or more parking spaces in a parking lot or garage on a lot
 33 or parcel, cities and counties shall require the installation of sufficient dedicated electrical
 34 capacity and conduit to accommodate:
- 35 (A) Level 2 or above electric vehicle charging stations serving 20% of all parking
 36 spaces for residential buildings, mixed-use buildings consisting of commercial
 37 space and residential units, and commercial buildings; and
- 38 (B) Level 1 or above electric vehicle charging stations serving an additional 30% of all
 39 parking spaces for residential buildings and mixed-use buildings consisting of
 40 commercial space and residential units.
- 41 (b) In areas with insufficient transformer capacity, where meeting the requirements of this
 42 ordinance would require significant utility upgrades, cities and counties may allow
 43 construction to provide capacity at Level 1 charging levels.

- 1 (2) Cities with populations over 50,000, and counties with populations over 50,000 in the urban area
 2 but outside of incorporated cities, [under discussion: and cities with populations over 25,000
 3 within a metropolitan service district] shall require sufficient dedicated electrical capacity and
 4 conduit to accommodate electric vehicle charging upon major remodel or renovation of certain
 5 buildings or parking lots.
- 6 (a) Requirements shall apply to existing parking garages or commercial buildings with more
 7 than 40 parking spots, residential developments with five or more parking spaces on a lot
 8 or parcel, and mixed-use buildings with five or more parking spaces on a lot or parcel.
- 9 (b) In non-residential parking garages and commercial buildings, dedicated electrical
 10 capacity and conduit must be sufficient to accommodate Level 2 or above electric vehicle
 11 charging stations.
- 12 (c) In residential and mixed-use buildings, dedicated electrical capacity and conduit must be
 13 sufficient to accommodate Level 1 or above electric vehicle charging stations.
- 14 (d) At least 20% of parking spots must have dedicated electrical capacity and conduit.
- 15 (e) For the purposes of this section, major remodel or renovation means the value of the
 16 proposed alterations on the site is 20% or more of existing building or parking lot
 17 valuation, or more than \$200,000.
- 18 (f) Local governments may grant an exemption if the cost of the charging installation
 19 exceeds 20% of the cost of the proposed alterations.

20 **0415: Parking Maximums and Evaluation in More Populous Communities**

21 This rule calls for parking maximums in areas where car-dominant development would undermine
 22 pedestrian-friendliness and other goals.

23
 24 It also calls on Oregon’s most populous three cities to manage on-street parking to ensure availability, to
 25 explore options to building new parking garages, and to ensure new parking garages can have life on the
 26 ground floor.

- 27 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
 28 but within the urban growth boundary [under discussion: and cities with populations over 25,000
 29 within a metropolitan service district,] shall study local conditions and set appropriate parking
 30 maximums to encourage development in climate-friendly areas and along priority transit
 31 corridors. Parking maximums shall include visitor parking and be no higher than 1.2 off-street
 32 parking spaces per studio unit and 2 off-street parking spaces per residential unit in a multi-unit
 33 development in such areas.
- 34 (2) Cities with populations over 150,000 shall, in addition to requirements in section (1) of this rule:
- 35 (a) Study use of priced on-street parking spaces at least every three years, and adjust prices
 36 to ensure availability of on-street parking spaces within two blocks of each location at all
 37 hours. This shall include metered spaces and spaces where a paid permit is required;
- 38 (b) Using permits, meters, or another method, price on-street parking spots in an area at least
 39 one year before authorizing any new public structured parking including more than 100
 40 spaces in that area after March 31, 2023;

- 1 (c) Adopt procedures ensuring prior to approval of construction of additional structured
2 parking projects of more than 300 parking spots designed to serve existing uses,
3 developer of that parking structure must implement transportation demand management
4 strategies for a period of at least six months designed to shift at least 10% of existing
5 vehicle trips ending within one-quarter mile of the proposed parking structure to other
6 modes; and
- 7 (d) Adopt design requirements to ensure the ground floor of new private and public
8 structured parking that fronts a public street and includes more than 100 parking spaces
9 shall be convertible to other uses in the future at a reasonable cost.

10 **0420: Exemption for Communities without Parking Mandates**

11 This clarifies the remainder of the 0400 parking series of rules apply only to those communities choosing
12 to continue to mandate parking.

- 13 (1) Cities and counties that adopt land use regulations that do not include parking mandates are
14 exempt from OAR 660-012-0425 through OAR 660-012-0450.

15 **0425: Reducing the Burden of Parking Mandates**

16 This rule allows builders to meet parking mandates by a variety of approaches, including taking action to
17 reduce climate pollution.

- 18 (1) Cities and counties shall adopt and enforce land use regulations as provided in this section. Cities
19 and counties shall not enforce regulations contrary to this section:
 - 20 (a) Garages and carports shall not be required for residential developments;
 - 21 (b) Garage parking spaces shall count towards off-street parking mandates;
 - 22 (c) Provision of on-street parking shall be allowed to meet parking mandates where there are
23 no adopted plans to remove the on-street parking. Cities and counties may limit this to the
24 on-street parking adjacent to the property frontage;
 - 25 (d) Provision of shared parking shall be allowed to meet parking mandates where there are
26 no adopted plans to remove the on-street parking;
 - 27 (e) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel,
28 except parking for people with disabilities which must be within a 100-foot distance;
 - 29 (f) Parking mandates shall be reduced by one off-street parking space for each 3 kilowatts of
30 capacity in solar panels or wind power that will be provided in a development;
 - 31 (g) Parking mandates shall be reduced by one off-street parking space for each dedicated car-
32 sharing parking space in a development; and
 - 33 (h) Parking mandates shall be reduced by two off-street parking spaces for every electric
34 vehicle charging station that will be provided in a development.
- 35 (2) Any reductions under section (1) shall be cumulative and not capped.

1 **0430: Reduction of Parking Mandates for Development Types**

2 This rule reduces parking mandates for housing, following the trend in planning practice and previous
3 Department rulemaking on traditional missing middle housing types. The rule works to reduce
4 regulatory burdens for developing certain types of needed development, such as child care facilities.

5 (1) Cities and counties shall adopt land use regulations that do not:

- 6 (a) Require more than one parking space per unit in residential developments with more than
7 one unit. Notwithstanding this requirement, cities must meet requirements as provided in
8 OAR 660-046-0220;
- 9 (b) Require parking for the following development types:
 - 10 (A) Facilities and homes designed to serve people with psychosocial, physical,
11 intellectual or developmental disabilities, including but not limited to residential
12 care facilities, residential training facilities, residential treatment facilities,
13 residential training homes, residential treatment homes, and conversion facilities
14 as defined in ORS 443.400;
 - 15 (B) Child care facilities as defined under ORS 329A.250;
 - 16 (C) Single-room occupancy housing;
 - 17 (D) Residential units smaller than 750 square feet;
 - 18 (E) Affordable housing units as defined in OAR 660-039-0010;
 - 19 (F) Publicly-supported housing as defined in ORS 456.250;
 - 20 (G) Emergency and transitional shelters for people experiencing homelessness; and
 - 21 (H) Domestic violence shelters.

22 **0435: Parking Reform in Climate Friendly Areas**

23 This rule encourages parking reform in climate-friendly areas, which tend to have lower demand for
24 parking, and are targeted for more pedestrian-friendly development patterns.

25 (1) Cities and counties shall adopt land use regulations for parking mandates in climate friendly areas
26 [under discussion: how this applies in Metro] as provided in OAR 660-012-0305. In each such
27 area, cities and counties shall either:

- 28 (a) Remove all parking mandates within the area and on parcels that include land within one-
29 quarter mile distance of those areas; or
- 30 (b) Significantly manage parking, by:
 - 31 (A) Adopting a parking benefit district with metered on-street parking and some
32 revenues dedicated to public improvements in the area.
 - 33 (B) Adopting land use amendments to require no more than one-half off-street
34 parking space per new housing unit in the area; and
 - 35 (C) Not enforcing parking mandates for commercial developments.

36 (2) Cities and counties not adopting land use regulations without parking mandates under OAR 660-
37 012-0420 shall adopt requirements requiring the parking for multi-family residential units in
38 climate-friendly areas be unbundled parking.

1 **0440: Parking Reform near Transit Corridors**

2 This rule encourages parking reform near transit corridors and stops, where parking demand tends to be
3 lower, and are areas targeted for more pedestrian-friendly development patterns.

- 4 (1) Cities and counties shall not require parking spaces for developments within one-half mile of
5 priority transit corridors or three-quarters mile of rail transit stops.
- 6 (2) Until cities and counties designate priority transit corridors under OAR 660-012-0710 and amend
7 land use regulations as provided in Section (1), cities and counties shall not enforce parking
8 mandates for developments:
- 9 (a) Within three-quarters mile of a rail transit stop;
- 10 (b) Within one-half mile of bus service arriving with a frequency of at least four times an
11 hour during peak service; and
- 12 (c) Within one-half mile of the most frequent transit routes in the community, if the
13 frequency is at least once per hour during peak service.
- 14 (3) Cities and counties not adopting land use regulations without parking mandates under OAR 660-
15 012-0420 shall adopt requirements requiring the parking for multi-family residential units in the
16 areas in Section (1) be unbundled parking.

17 **0445: Parking Management Alternative Approaches**

18 For those communities not repealing parking mandates, this rule provides two options for improved
19 parking management.

- 20 (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420,
21 cities and counties may select and implement either a fair parking policy approach as provided in
22 subsection (a) of this section, or a reduced regulation parking management approach as provided
23 in subsection (b) of this section. These provisions must be implemented by March 31, 2023, and
24 have effective dates no later than June 30, 2023.
- 25 (a) A fair parking policy approach shall include at least three of the following five
26 provisions:
- 27 (A) A requirement that parking spaces for each residential unit in developments
28 including five or more leased or sold residential units on a lot or parcel be
29 unbundled parking.
- 30 (B) A requirement that parking spaces serving leased commercial developments be
31 unbundled parking;
- 32 (C) A requirement for employers of 50 or more employees who provide free or
33 subsidized parking to their employees at the workplace provide a flexible
34 commute benefit of \$50 per month or the fair market value of that parking,
35 whichever is greater, to those employees eligible for that free or subsidized
36 parking who regularly commute via other modes instead of using that parking;
- 37 (D) A tax on the revenue from commercial parking lots collecting no less than 10%
38 of income, with revenues dedicated to improving transportation alternatives to
39 drive-alone travel; and

- 1 (E) A reduction of parking mandates for new multifamily residential development to
2 no higher than 0.5 space per unit, including visitor parking.
- 3 (b) A reduced regulation parking management approach shall include all of the following:
- 4 (A) A repeal of all parking mandates within ½ mile pedestrian travel of climate
5 friendly areas;
- 6 (B) A repeal of parking mandates for transit-oriented development and mixed-use
7 development;
- 8 (C) A repeal of parking mandates for group quarters, including but not limited to
9 dormitories, religious group quarters, adult care facilities, retirement homes, and
10 other congregate housing;
- 11 (D) A repeal of parking mandates for studio apartments, one-bedroom apartments
12 and condominiums in residential developments of five or more units on a lot or
13 parcel;
- 14 (E) A repeal of parking mandates for redevelopment of buildings vacant for more
15 than two years;
- 16 (F) A repeal of parking mandates requiring additional parking for change of use,
17 redevelopment, or expansion of existing businesses;
- 18 (G) A repeal of parking mandates for buildings within a National Historic District, on
19 the National Register of Historic Places, or on a local inventory of historic
20 resources or buildings;
- 21 (H) A repeal of parking mandates for businesses with fewer than ten on-site
22 employees or 3000 square feet floor space;
- 23 (I) A repeal of parking mandates for developments built under the Oregon
24 Residential Reach Code;
- 25 (J) A repeal of parking mandates for developments seeking certification under any
26 Leadership in Energy and Environmental Design (LEED) rating system, as
27 evidenced by either proof of pre-certification or registration and submittal of a
28 complete scorecard;
- 29 (K) A repeal of parking mandates for schools;
- 30 (L) A repeal of parking mandates for bars;
- 31 (M) Setting parking maximums in climate friendly areas and transit-oriented
32 developments. Parking maximums shall include visitor parking and be no higher
33 than 1.2 off-street parking spaces per studio unit and 2 off-street parking spaces
34 per residential unit in a multi-unit development in such areas;
- 35 and
- 36 (N) Designation of at least one residential parking district or parking benefit district
37 where on-street parking is managed through permits, meters, or time limits.

1 **0450: Parking Management in More Populous Communities**

2 The rule aims to ensure populous communities better understand and manage their existing parking
3 supply before requiring new parking.

- 4 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
5 but within the urban growth boundary [under discussion: and cities with populations over 25,000
6 within a metropolitan service district] shall either:
- 7 (A) Adopt land use regulations without mandates to provide parking spaces, other than
8 parking spaces reserved for people with disabilities, parking required for electric vehicles
9 when parking is provided, or parking for carpools and vanpools; or
- 10 (B) Price at least the percentage of on-street parking spaces specified in OAR 660-012-0012,
11 and report the percentage of on-street parking spaces that are priced as provided in OAR
12 660-012-0900. Residential parking permits priced at lower than \$15 per month or 50
13 cents per day per space do not count towards this total.
- 14 (2) Cities may revisit the decision made under (1) at any time.

15 **New Rules 0500-0599: Pedestrian System**

16 This part of the Transportation Planning Rules relates to planning for the pedestrian system. The
17 pedestrian system is intended to serve people walking, as well as people using mobility devices or other
18 vehicles that operate at a pedestrian speed and scale. Larger and faster vehicles are served through the
19 bicycle system.

20 **0500: Pedestrian System Planning**

21 This rule is the umbrella rule that describes how cities must plan for their pedestrian transportation
22 system. Cities and counties must plan for a pedestrian system that provides safe and comfortable access
23 for most trips under one mile.

- 24 (1) Urban transportation system plans must include a pedestrian system element that meets the
25 requirements of this rule. For the purposes of this division, the pedestrian system is intended to
26 serve people walking, as well as people using mobility devices, or other devices or vehicles that
27 operate at a similar speed and scale as people walking. The pedestrian system is intended to serve
28 most short trips under one mile in cities.
- 29 (2) A pedestrian system element must include the following elements:
- 30 (a) The complete pedestrian system as described in section (3) of this rule that includes the
31 full buildout of the pedestrian system within the Urban Growth Boundary;
- 32 (b) Identification of gaps and deficiencies in the pedestrian system as described in section (4)
33 of this rule;
- 34 (c) Locations of key pedestrian destinations as described in OAR 660-012-0360; and
- 35 (d) A list of prioritized pedestrian system projects as described in OAR 660-012-0520.

- 1 (3) The complete pedestrian system is the full build out of a complete pedestrian system within the
2 planning area. A city determines the complete pedestrian system plan by:
- 3 (a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;
- 4 (b) Adding the minimum pedestrian facilities to places that do not presently meet the
5 minimum pedestrian system requirements in OAR 660-012-0510; and
- 6 (c) Adding enhanced facilities above the minimum pedestrian system requirements where the
7 city finds that enhanced facilities are necessary or desirable to meet the goals of the city's
8 comprehensive plan.
- 9 (4) Cities must identify gaps and deficiencies in the pedestrian system by comparing the complete
10 pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-
11 0505. Any part of the complete pedestrian system not presently built to the standard in the
12 complete pedestrian system plan must be identified as a gap or deficiency.

13 **0505: Pedestrian System Inventory**

14 This rule describes how cities must inventory their pedestrian system.

- 15 (1) Pedestrian system inventories must include information on sidewalks and street crossings for all
16 areas within climate friendly areas, within ¼ mile of all schools, and along all arterials and
17 collectors. Pedestrian system inventories must also include information on all pedestrian and
18 multiuse paths.
- 19 (a) Inventories of sidewalks and paths must include information on width and condition.
- 20 (b) Inventories of street crossings must include crossing distances, the type of crossing,
21 closed crossings, curb ramps, and distance between crossings.
- 22 (2) Pedestrian system inventories must include the crash risk factors of inventoried pedestrian
23 facilities, including but not limited to speed, volume, and roadway width. Pedestrian system
24 inventories must also include the location of all reported injuries and deaths of people walking or
25 using a mobility device. This must include all reported incidents from at least 10 years prior to the
26 transportation system plan base year to the year of adoption of the pedestrian system inventory.

27 **0510: Pedestrian System Requirements**

28 This rule provides the minimum requirements for the planned pedestrian system. Cities may choose to
29 exceed the standards in this rule.

- 30 (1) Pedestrian facility owners must design, build, and maintain pedestrian facilities to permit
31 comfortable travel for all people, including people with disabilities.
- 32 (2) All streets and highways, other than expressways, shall have sidewalks, as provided in ORS
33 366.514.
- 34 (a) Sidewalks must be planned for both sides of each street.
- 35 (b) Cities must plan for progressively wider and more protected sidewalks and pedestrian
36 areas in the following contexts:
- 37 (A) Arterials must have wider and more protected sidewalks than collector streets,
38 which must have wider and more protected sidewalks than local streets.

- 1 (B) Streets and highways in climate friendly areas and in areas with concentrations of
 2 underserved populations as provided in OAR 660-012-0120 must be planned for
 3 wider and more protected sidewalks and more enhanced crossings than on similar
 4 facilities outside of these areas.
- 5 (C) A substantial portion of the right-of-way in climate friendly areas must be
 6 dedicated to pedestrian uses, including but not limited to sidewalks, pedestrian
 7 plazas, and protective buffers.
- 8 (c) Cities must plan for enhanced tree canopy and other infrastructure that uses natural and
 9 living materials in pedestrian spaces in climate friendly areas and areas with
 10 concentrations of underserved populations as provided in OAR 660-012-0120.
- 11 (3) Off-street multi-use paths must be designed to permit comfortable joint or separated use for
 12 people walking, using mobility devices, and cycling.
- 13 (4) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level
 14 of safety and priority to people crossing the street. Enhanced crossings must have adequate
 15 nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must
 16 be provided, at minimum, in the following locations:
- 17 (a) Closely spaced along arterial streets in climate friendly areas;
- 18 (b) Near transit stops on access-focused arterial or collector street in a climate friendly area
 19 or on a priority transit corridor; and
- 20 (c) At off-street path or trail crossings of any arterial or collector street.
- 21 (5) Cities may take exemptions to the standards in this rule through findings in the transportation
 22 system plan, for each location where an exemption is desired, for the following reasons:
- 23 (a) A city may plan for a sidewalk on one side of local streets in locations where topography
 24 would make it difficult to build a sidewalk on the other side of the street. Enhanced street
 25 crossings must be provided at each end of sections where there is a sidewalk on only one
 26 side of the street.
- 27 (b) A city may plan for no sidewalks on local streets that are sufficiently narrow, and carry
 28 little or no vehicular traffic, so that pedestrians are the primary users of the street.

29 **0520: Pedestrian System Projects**

30 This rule guides cities in determining the list of pedestrian system projects.

- 31 (1) Cities must develop a list of pedestrian system projects that would address all the gaps and
 32 deficiencies in the pedestrian system identified by the city under OAR 660-012-0500(4).
- 33 (2) Cities must develop pedestrian project prioritization factors that are able to sort the list of
 34 pedestrian system projects into a prioritized list of pedestrian system projects. Cities must develop
 35 pedestrian project prioritization factors by engaging underserved populations as provided in OAR
 36 660-012-0125.

- 1 (3) Cities must use pedestrian project prioritization factors to prioritize the following factors above
2 other factors:
- 3 (a) Pedestrian system investments in climate friendly areas;
 - 4 (b) Pedestrian system investments in areas with concentrations of underserved populations,
5 as provided in OAR 660-012-0120;
 - 6 (c) Pedestrian system investments in areas pedestrian safety risk factors such as roadways
7 with high speeds and high traffic volumes
 - 8 (d) Pedestrian system investments in areas with reported pedestrian serious injuries and
9 deaths;
 - 10 (e) Pedestrian system investments that provide access to key pedestrian destinations;
 - 11 (f) Pedestrian system investments that will connect to, fill gaps in, and expand the existing
12 pedestrian network;
 - 13 (g) Pedestrian system investments that prioritize pedestrian travel consistent with the
14 prioritization factors in OAR 660-012-0180; and
 - 15 (h) Where applicable, pedestrian system investments that implement a scenario plan
16 approved by order as provided in OAR 660-044-0120.
- 17 (4) The transportation system plan must include a description of the prioritization factors and method
18 of prioritizing pedestrian projects used to develop the prioritized list of pedestrian system
19 projects.

20 **New Rules 0600-0699: Bicycle System**

21 This part of the Transportation Planning Rules relates to planning for a safe, accessible and connected
22 bicycle system. The bicycle system is intended to serve people riding bicycles, as well as people using
23 other types of vehicles that operate at a bicycle speed and scale. These rules also include updated
24 requirements for bicycle parking.

25 **0600: Bicycle System Planning**

26 This rule, and subsequent rules, describe how cities must plan for a safe, accessible, and connected
27 bicycle network that serves a variety of users. The rule requires a bicycle system element that provides
28 for a substantial portion of short urban trips under 3 miles to be by bicycle.

- 29 (1) Transportation system plans must include a bicycle system element that meets the requirements
30 of this rule. The bicycle system must be designed to provide safe and comfortable routes for a
31 range of users and abilities. For the purposes of this division, the bicycle system is intended to
32 serve people riding bicycles and other vehicles that operate at a similar speed and scale to people
33 riding bicycles. These vehicles include, but are not limited to: electric bicycles, kick-style and
34 electric scooters, and skateboards; and do not include motorcycles.
- 35 (2) A bicycle system element must include the following elements:
 - 36 (a) The complete bicycle system as described in section (3) that includes the full buildout of
37 the bicycle system within the Urban Growth Boundary;
 - 38 (b) Identification of gaps and deficiencies in the bicycle system as described in section (4);

- 1 (c) Locations of key bicycle destinations as described in OAR 660-012-0360; and
- 2 (d) A list of prioritized bicycle system projects as described in OAR 660-012-0620.
- 3 (3) The complete bicycle system is the full build out of a complete bicycle system within the
- 4 planning area. A city determines the complete bicycle system plan by:
 - 5 (a) Using the bicycle system inventory developed under OAR 660-012-0605 as a base;
 - 6 (b) Adding the minimum bicycle facilities to places that do not presently meet the minimum
 - 7 bicycle system requirements in OAR 550-012-0610; and
 - 8 (c) Adding enhanced facilities above the minimum bicycle system requirements where the
 - 9 city finds that enhanced facilities are necessary or desirable to meet the goals of the city's
 - 10 comprehensive plan.
- 11 (4) Cities must identify gaps and deficiencies in the bicycle system by comparing the complete
- 12 bicycle system with the bicycle system inventory developed under OAR 660-012-0605. Any part
- 13 of the complete bicycle system not presently built to the standard in the complete bicycle plan
- 14 must be identified as a gap or deficiency.

15 **0605: Bicycle System Inventory**

16 This rule describes how cities must inventory their bicycle system. The rule requires an inventory of
 17 bicycle facilities in key areas, including multi-use paths.

- 18 (1) Bicycle system inventories must include information on bicycle lanes, bicycle routes, paths, and
- 19 other types of bicycle facilities. Inventories must include information on width, type, and
- 20 condition.
- 21 (2) Bicycle system inventories must include information on bicycle facilities of all types within
- 22 climate friendly areas, within ¼ mile of all schools, on designated neighborhood bikeways, and
- 23 along all arterials and collectors.
- 24 (3) Bicycle system inventories must include the crash risk factors of inventoried bicycle facilities,
- 25 including but not limited to speed, volume, separation, and roadway width. Bicycle system
- 26 inventories must also include the location of all reported injuries and deaths of people on
- 27 bicycles. This must include all reported incidents from at least 10 years prior to the transportation
- 28 system plan base year to the year of adoption of the bicycle system inventory.

29 **0610: Bicycle System Requirements**

30 This rule includes the minimum requirements for the bicycle system. We expect to build a bicycle system
 31 that meets a substantial portion of local travel needs under three miles. Updated requirements ensure
 32 cities and counties will plan for higher levels of separation beyond a standard bike lane for people riding
 33 bicycles on higher speed and volume roadways. These facilities have been shown to be necessary to
 34 allow the widest range of people to safely ride bikes within communities. The rules require the
 35 development of connected network of safe bicycle facilities.

- 36 (1) This rule describes the minimum planned bicycle facilities that must be included in plans. Cities
- 37 may choose to exceed the standards in this rule.

- 1 (2) Higher levels of protection and separation are necessary for bicycle facilities on higher speed and
2 volume streets and highways, such as arterials and collectors. Bicycle facilities include:
- 3 (a) Separated or protected bicycle facilities, which are on-street facilities that are physically
4 protected from motorized traffic by barriers that prevent intrusion into the bicycle
5 facility. Physical protection may include parked motor vehicles. Protected bicycle
6 facilities may be unidirectional or two-way. Protected bicycle facilities minimize
7 conflicting traffic at intersections and other vehicular accesses to the street or highway.
8 Bicycle traffic is highlighted and prioritized in locations where motor vehicle traffic does
9 cross the protected facility.
- 10 (b) Bicycle boulevards, which are local streets with very little to no motorized traffic that are
11 designated, signed, and prioritized for bicycle through travel. Protected or enhanced
12 crossings are located where bicycle boulevards cross arterial or collector streets.
- 13 (c) Bicycle paths, which are off-street facilities exclusively for the use of people cycling.
- 14 (d) Multi-use paths, which are off-street facilities for the use of people walking, using
15 mobility devices, and cycling.
- 16 (e) Buffered bicycle lanes, which are on-street bike facilities with a marked but not physical
17 buffer between the bike lane and traffic; and
- 18 (f) Bicycle lanes, which are on-street bicycle facilities without physical or buffered
19 protection from motorized traffic.
- 20 (3) Cities and counties must plan for a connected network of bicycle facilities that provides a safe
21 and comfortable experience for people of all ages and abilities. A connected network is
22 comprised of both the ability to access key destinations within a community and enough coverage
23 of safe and comfortable facilities to ensure most people within the community can travel by
24 bicycle.
- 25 (a) Cities and counties must develop an all ages, low stress, connected network of bicycle
26 facilities that provide protection and separate considering the context of the parallel street
27 or highway facility and land uses. This includes but is not limited to:
- 28 (A) Planning for higher levels of protection along and across arterials and collectors;
- 29 (B) Planning for connections to key destinations as provided in OAR 660-012-0360;
30 and
- 31 (C) Planning for a connected network of bicycle boulevards on low volume streets
32 and in residential districts.
- 33 (b) Cities and counties must plan for separated or protected bicycle facilities on arterials and
34 collectors in climate friendly areas.
- 35 (c) Cities and counties must plan a minimum of a buffered bicycle lane on arterials or
36 collectors where separated or protected bicycle facilities are not otherwise planned.

1 **0620: Bicycle System Projects**

2 This rule guides cities in determining the list of bicycle system projects.

- 3 (1) Cities must develop a list of bicycle system projects that would address all the gaps and
4 deficiencies in the bicycle system identified by the city under OAR 660-012-0600(4).
- 5 (2) Cities must develop bicycle project prioritization factors that are able to sort the list of bicycle
6 system projects into a prioritized list of bicycle system projects. Cities must develop bicycle
7 project prioritization factors by engaging underserved populations as provided in OAR 660-012-
8 0125.
- 9 (3) Cities must use bicycle project prioritization factors to prioritize the following factors above other
10 factors:
- 11 (a) Bicycle system investments in climate friendly areas;
- 12 (b) Bicycle system investments in areas with concentrations of underserved populations, as
13 determined under OAR 660-012-0120;
- 14 (c) Bicycle system investments in areas with safety risk factors such as roadways with high
15 speeds and high traffic volumes;
- 16 (d) Bicycle system investments in areas with reported serious injuries and deaths to people
17 riding bicycles;
- 18 (e) Bicycle system investments that provide access to key bicycle destinations;
- 19 (f) Bicycle system investments system investments that will connect to, fill gaps in, and
20 expand the existing bicycle system network;
- 21 (g) Bicycle system investments that prioritize bicycle travel consistent with the prioritization
22 factors in OAR 660-012-0180; and
- 23 (h) Where applicable, bicycle system investments that implement a scenario plan approved
24 by order as provided in OAR 660-044-0120.
- 25 (4) The transportation system plan must include a description of the prioritization factors and method
26 of prioritizing bicycle projects used to develop the prioritized list of bicycle system projects.

27 **0630: Bicycle Parking**

28 This rule includes updated requirements for bicycle parking. Existing statewide requirements require
29 bicycle parking for commercial and multi-family land uses. This rule expands this to require covered and
30 secure parking for some uses where longer-term parking is expected, and short-term parking at retail
31 uses, transit facilities, and other key destinations. The rule requires that long-term parking include
32 provisions for electric charging and to accommodate a range of devices beyond bicycles.

- 33 (1) Cities and counties must require and plan for adequate bicycle parking to meet the increasing
34 need for travel by bicycle.

- 1 (2) Cities and counties shall require covered, secure bicycle parking for all new multifamily
2 development or mixed-use development of four units or more, and new office and institutional
3 developments. Such bicycle parking must include at least one bicycle parking space for each
4 residential unit and facilities for charging electric bicycles, electric wheelchairs, and other small-
5 scale electric mobility devices. Charging must be available for simultaneous charge of electric
6 mobility devices parked in 40% of spaces.
- 7 (3) Cities and counties shall require covered, secure bicycle parking for all new retail development.
8 Such bicycle parking shall be located within 100 feet of the main retail entrance.
- 9 (4) Cities and counties shall require covered, secure bicycle parking for all major transit stations and
10 park-and-ride lots.
- 11 (5) Cities and counties must require covered, secure bicycle parking in climate friendly areas, and
12 near key destinations as provided in OAR 660-012-0360.
- 13 (6) Cities and counties must allow and provide for parking and ancillary facilities for shared bicycles
14 or other small-scale mobility devices in climate friendly areas, and near key destinations as
15 provided in OAR 660-012-0360.
- 16 (7) For any use, cities and counties must require at least as many bicycle parking spaces as mandated
17 off-street motor vehicle parking spaces.
- 18 (8) Cities and counties must ensure that all bicycle parking provided must:
- 19 (a) Allow ways to secure at least two points on a bicycle;
- 20 (b) Be installed in a manner to allow space for the bicycle to be maneuvered to a position
21 where it may be secured without conflicts from other parked bicycles, walls, or other
22 obstructions;
- 23 (c) Be in a location that is convenient and well-lit; and
- 24 (d) Include sufficient bicycle parking spaces to accommodate large bicycles, including
25 family and cargo bicycles.

26 **New Rules 0700-0799: Public Transportation System**

27 This part of the Transportation Planning Rules relates to planning for the public transportation system.
28 The public transportation system is intended to serve people riding transit within urban areas, as well as
29 travel within regions or between cities. This set of rules also includes requirements for a local
30 Transportation Options plan element.

31 ***0700: Public Transportation System Planning***

32 This rule and subsequent rules describe how cities must plan for their public transportation system.

- 33 (1) transportation system plans must include a public transportation system element that meets the
34 requirements of this rule. Cities and counties must work in close cooperation with transit service
35 providers in order to complete the public transportation system element of the transportation
36 system plan.
- 37 (a) Cities and counties shall coordinate with public transportation service providers to
38 develop the public transportation system plan element.

- 1 (b) The public transportation system plan element must include elements of the public
2 transportation system that are in the control of the city, county, and coordinating
3 transportation facility owners.
- 4 (c) The public transportation system plan element must identify elements of the public
5 transportation system that the city or county will work with transit service providers to
6 realize or improve, including transit priority corridors, transit supportive infrastructure,
7 and stop amenities.
- 8 (d) Cities and counties must align the public transportation system plan transit element with
9 Transit Development Plans, goals, and other strategic planning documents developed by
10 a transit service provider.
- 11 (e) transportation system plans do not control public transportation elements exclusively
12 controlled by transit service providers. These include funding or details of transit service
13 provision, including timetables and routing.
- 14 (2) A public transportation system element must include the following elements:
- 15 (a) The complete public transportation system as described in section (3) that includes the
16 full buildout and provision of services of the public transportation system within the
17 Urban Growth Boundary;
- 18 (b) Identification of gaps and deficiencies in the public transportation system as described in
19 section (4);
- 20 (c) Locations of key public transportation destinations as described in OAR 660-012-0360;
- 21 (d) A list of prioritized public transportation system projects as described in OAR 660-012-
22 0720; and
- 23 (e) The Transportation Options plan as provided in OAR 660-012-0750.
- 24 (3) The complete public transportation system is the full build out of a complete public transportation
25 system within the planning area. The city or county determines the complete public transportation
26 system plan by:
- 27 (a) Using the public transportation system inventory developed under OAR 660-012-0705 as
28 a base; and
- 29 (b) Adding the minimum public transportation services and facilities to places that do not
30 presently meet the minimum public transportation system requirements in OAR 660-012-
31 0710.
- 32 (4) Cities and counties must identify gaps and deficiencies in the public transportation system by
33 comparing the complete public transportation system with the public transportation system
34 inventory developed under OAR 660-012-0705. Any part of the complete public transportation
35 system not presently built or operated to the standards in the complete public transportation
36 system plan must be identified as a gap or deficiency. Cities and counties must identify gaps in
37 the transit supportive facilities provided on priority transit corridors and other transit corridors
38 identified as provided in OAR 660-012-0710. Transit supportive facilities include, but are not
39 limited to:
- 40 (a) Stations, hubs, stops, shelters, signs, and ancillary features; and
- 41 (b) Transit priority infrastructure, including signals, queue jumps, and semi exclusive or
42 exclusive bus lanes or transitways.

1 **0705: Public Transportation System Inventory**

2 This rule describes how cities must inventory their public transportation system.

- 3 (1) The public transportation system inventory must include information on local and intercity transit
4 services, including the location of routes, major stations, transit stops, transitways, transit lanes,
5 transit priority signals, queue jumps, on-route charging, and other transit supportive facilities not
6 otherwise inventoried. Accessibility for people with disabilities must be inventoried where
7 applicable.
- 8 (2) The public transportation system inventory must include the identification of existing service
9 characteristics, including frequency and span of service for all services along identified transit
10 priority corridors, serving key destinations, and serving major transit stations.
- 11 (3) Where local or intercity transit services travel outside of the planning area to other cities, the
12 public transportation system inventory must include the identification of routes connecting to the
13 next nearest cities with a population exceeding 9,000, as well as key destinations and major
14 stations these routes.

15 **0710: Public Transportation System Requirements**

16 This rule includes the minimum requirements for safe, connected, and accessible public transportation
17 system facilities.

- 18 (1) Cities must plan for a connected local transit network that serves key destinations as provided in
19 OAR 660-012-0360, and can be accessed by housing and jobs within the planning area. Cities
20 must identify:
- 21 (a) Priority transit corridors, which are transit corridors that are planned for the highest levels
22 of regional transit service providing for a wide range of mobility needs; and
- 23 (b) Other transit corridors, which are planned to carry at least a moderate level of transit
24 service providing for basic mobility needs.
- 25 (2) Cities and counties must plan for a range of transit supportive facilities along priority transit
26 corridors and in other locations where transit priority is desired.
- 27 (a) Cities and counties must coordinate with transit service providers to determine transit
28 priority infrastructure needed on priority transit routes for efficient transit service.
- 29 (b) Cities and counties shall prioritize expedited access for transit vehicles to and from major
30 stops, stations, and terminals.
- 31 (c) Cities and counties shall consider intercity transit access to stations or terminals.
- 32 (3) Cities must plan for safe and accessible transit stops and stations.
- 33 (a) Along priority transit corridors and other locations where transit priority is desired, cities
34 and counties must coordinate with transit service providers on the construction of transit
35 supportive facilities. Cities must allow transit service providers to construct amenities at
36 stops outright, with limited permitting requirements. These amenities include but are not
37 limited to: sidewalk repair and extension, signage, lighting, benches, and shelters.
- 38 (b) Cities shall limit on-street parking at transit stop locations at the request of a transit
39 service provider.

- 1 (4) Cities must coordinate with transit service providers to identify needs for intercity transit services
2 at a level appropriate to the size of the urban area and the size and distance of intercity markets.
- 3 (5) Cities must coordinate with transit service providers to identify gaps in transit service provided in
4 the transportation system plan, and gaps for each priority transit corridor and other transit
5 corridors.

6 **0720: Public Transportation System Projects**

7

This rule guides cities in determining the list of public transportation projects.
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- 8 (1) Cities must develop a list of public transportation projects that would address all the gaps and
9 deficiencies in the public transportation system identified by the city under OAR 660-012-
10 0700(4).
- 11 (2) Cities must coordinate with transit service providers to identify the gaps in transit service
12 provided in the transportation system plan and OAR 660-044-0140 or the Statewide
13 Transportation Strategy, including the gap in transit miles per capita, and gaps for each priority
14 transit corridor and other transit corridors. The purpose of identifying these gaps is to illustrate
15 the need for transit service operating funds for services operated within the planning area. The
16 transportation system plan need not make provisions for funding operations of transit services
17 directly.
- 18 (3) Cities must develop public transportation system project prioritization factors that are able to sort
19 the list of public transportation system projects into a prioritized list of public transportation
20 system projects. Cities must develop public transportation project prioritization factors by
21 engaging underserved populations as provided in OAR 660-012-0125.
- 22 (4) Cities must use public transportation project prioritization factors to prioritize the following
23 factors above other factors:
 - 24 (a) Public transportation system investments in climate friendly areas;
 - 25 (b) Public transportation system investments in areas with concentrations of underserved
26 populations, as determined under OAR 660-012-0120, particularly in areas with
27 concentrations of people dependent on public transportation;
 - 28 (c) Public transportation system investments that provide access to key public transportation
29 destinations;
 - 30 (d) Public transportation system investments that will connect to, fill gaps in, and expand the
31 existing public transportation network;
 - 32 (e) Public transportation system investments that prioritize transit travel consistent with the
33 prioritization factors in OAR 660-012-0180; and
 - 34 (f) Where applicable, public transportation system investments that implement a scenario
35 plan approved by order as provided in OAR 660-044-0120.
- 36 (5) The transportation system plan must include a description of the prioritization factors and method
37 of prioritizing public transportation projects used to develop the prioritized list of public
38 transportation projects.

1 **0750: Transportation Options Plan**

2 This rule describes how cities develop a transportation options element of their transportation system
3 plan. The rule requires cities and counties to coordinate closely with transportation options providers,
4 public transportation providers, and other cities and counties to identify existing programs, services, and
5 projects; as well as future needs.

- 6 (1) Transportation system plans must include a transportation options element that includes:
- 7 (a) The existing programs, services, and projects identified in section (2);
 - 8 (b) The future transportation demand management needs identified in section (3) and the
9 performance targets as provided in OAR 660-012-0910; and
 - 10 (c) A trip reduction strategy for large employers.
- 11 (2) Cities and counties shall coordinate with transportation options providers, public transportation
12 service providers, and other cities and counties to identify existing transportation options and
13 transportation demand management programs, services, and projects. This must include, but is
14 not limited to:
- 15 (a) The identification of education, outreach, and other transportation demand management
16 programs and services that focus on multi-modal forms of transportation;
 - 17 (b) The identification of transportation demand management programs and policies that
18 discourage the use of single occupancy vehicles; and
 - 19 (c) The identification of the transportation options needs of underserved populations.
- 20 (3) Cities and counties shall coordinate with transportation options providers, public transportation
21 service providers, and other cities and counties to identify future transportation demand
22 management needs. This must include, but is not limited to:
- 23 (a) Commute Trip Reduction consultation and promotion of programs such as the provision
24 of transit passes;
 - 25 (b) Physical improvements such as carpool parking spaces and park and ride locations; and
 - 26 (c) Regional solutions for intercity travel.

27 **New Rules 0800-0899: Streets and Highways System**

28 This part of the Transportation Planning Rules relates to planning for the street and highway system. The
29 rules consider that the street and highway system is mostly fully built out. Future planning must assume
30 a reduction in the amount of driving people do, in favor of increased travel in other modes.

31 **0800: Street and Highway System Planning**

32 This rule, and subsequent rules, describes how cities must plan for their street and highway
33 transportation system.

- 34 (1) Urban Transportation System Plans must include a street and highway system element that meet
35 the requirements of this rule.

- 1 (2) A street and highway system element must include the following elements:
- 2 (a) The complete street and highway system as described in section (3) that includes the full
3 buildout of the street and highway system within the Urban Growth Boundary.
- 4 (b) Identification of gaps or deficiencies in the street and highway system as described in
5 section (4);
- 6 (c) Locations of key destinations as described in OAR 660-012-0360; and
- 7 (d) A list of prioritized street and highway system projects as described in OAR 660-012-
8 0820.
- 9 (3) The complete street and highway system is the full build out of a complete street and highway
10 system within the planning area. A city determines the ultimate street and highway system plan
11 by:
- 12 (a) Using the street and highway system inventory developed under OAR 660-012-0805 as a
13 base;
- 14 (b) Adding the minimum street and highway facilities to places that do not presently meet the
15 minimum street and highway system requirements in OAR 660-012-0810; and
- 16 (c) Accommodating the reallocation of right of way on facilities where this is deemed
17 necessary as provided in this division.
- 18 (4) Cities must identify gaps and deficiencies in the street and highway system by comparing the
19 complete street and highway system with the street and highway system inventory developed
20 under OAR 660-012-0805. Any part of the complete street and highway system not presently
21 built to the standard in the ultimate street and highway plan must be identified as a gap or
22 deficiency.

23 ***0805: Street and Highway System Inventory***

24 This rule describes how cities must inventory their street and highway system.

- 25 (1) Street and highway system inventories must include information on all streets and highways,
26 including the functional classification of each facility.
- 27 (a) For local streets, inventories must include location.
- 28 (b) For collector streets, inventories must include location, condition, and number of general-
29 purpose travel lanes, and turn lanes.
- 30 (c) For arterial streets, inventories must include location, condition, and number of general-
31 purpose travel lanes, turn lanes, and lane width.
- 32 (d) For expressways and other limited-access highways, inventories must include location,
33 condition, number of general-purpose travel lanes, and lane width. Inventories must also
34 include locations and type of interchanges.
- 35 (2) Street and highway system inventories must include the location of all reported serious injuries
36 and deaths of people related to vehicular crashes. This must include all reported incidents for at
37 least 10 years prior to the transportation system plan base year.
- 38 (3) Street and highway system inventories must include an overview of pricing strategies in use,
39 including specific facility pricing, area or cordon pricing, and parking pricing. Inventories must
40 include pricing mechanisms and rates.

- 1 (4) Street and highway system inventories must include the location of designated freight routes, and
2 the location of all key freight terminals within the planning area, including intermodal terminals.

3 **0810: Street and Highway System Requirements**

4 This rule includes the minimum requirements for the street and highway system. The rules require
5 narrow and slow local streets. Cities and counties must plan, design, build, and maintain a connected
6 streets and highway network in a manner that respects the prioritization factors in OAR 660-012-0180.

- 7 (a) Cities and counties must plan and streets and highways for the minimum size necessary
8 for the identified function, land use context, and expected users of the facility.
- 9 (b) Cities and counties must consider and reduce excessive standards for local streets and
10 accessways in order to reduce the cost of construction, increase safety, provide for more
11 efficient use of urban land, provide for emergency vehicle access while discouraging
12 inappropriate traffic volumes and speeds, and support connected and safe pedestrian and
13 bicycle networks.
- 14 (c) Cities and counties must plan for an equitable allocation of right-of-way consistent with
15 the prioritization factors as provided in OAR 660-012-0180. Streets in Climate-Friendly
16 Areas and along priority transit corridors must be designed to prioritize pedestrian,
17 bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and
18 OAR 660-012-0710.
- 19 (1) Cities and counties must plan local streets to provide local access to property and localized
20 circulation within neighborhoods.
- 21 (a) Cities and counties must plan and design local streets for low and safe travel speeds
22 compatible with shared pedestrian and bicycle use.
- 23 (b) Cities and counties shall establish standards for local streets with pavement width and
24 right-of-way width as narrow as practical to meet needs, reduce the cost of construction,
25 efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve
26 safety, and accommodate convenient pedestrian and bicycle circulation. Local street
27 standards may allow pavement 28-foot wide where on-street parking is provided on both
28 sides of the street and narrower widths where on-street parking is not permitted. Local
29 street standards adopted by a city or county must be developed as provided in ORS
30 368.039.
- 31 (c) Cities and counties must plan and design a complete and connected network of local
32 streets. Cities may plan for chicanes, diverters, or other strategies or devices in local
33 street networks where needed to prevent excessive speed or through travel. These
34 measures must continue to provide for connected and pedestrian and bicycle networks.
- 35 (d) Cities and counties must avoid planning or designing local streets with a dead end. Dead
36 end local streets may be permitted in locations with topographic or other barriers, or
37 where the street is planned to continue to a connected network in the future.
- 38 (e) Cities and counties must plan for multimodal travel on local streets as provided in OAR
39 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must
40 plan local streets in climate-friendly areas to prioritize pedestrian and bicycle systems,
41 and be limited to local access for motor vehicles.
- 42 (f) A city or county may plan for local streets to be wider than otherwise permitted in this
43 rule when used exclusively for access to industrial or commercial properties outside of

- 1 climate-friendly areas, and where plans do not permit residential or mixed-use
2 development.
- 3 (g) Transportation system plans need not include the specific location of all planned local
4 streets but must describe areas where they will be necessary.
- 5 (2) Cities and counties must plan collector streets to provide access to property and collect and
6 distribute traffic between local streets and arterials. Cities and counties must plan and design a
7 collector street network that is complete and connected with local streets and arterials.
- 8 (a) Cities and counties must plan for multimodal travel on collector streets as provided in
9 OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 10 (b) Cities and counties must plan collectors in climate-friendly areas to prioritize pedestrian,
11 bicycle, and public transportation systems.
- 12 (3) Cities and counties must plan arterial streets and highways to provide travel between
13 neighborhoods and across urban areas. Cities and counties must plan an arterial street network
14 that is complete and connected with local streets and collectors.
- 15 (a) Cities and counties must designate each segment of an arterial as one of the three
16 categories below in the transportation system plan. These designations must be made
17 considering the intended function, the land use context, and the expected users of the
18 facility. Cities and counties must address these considerations to ensure local plans
19 include different street standards for each category of arterial segment.
- 20 (A) Cities and counties must plan for local access priority arterial segments to
21 prioritize access to property and connected streets when balancing needs on the
22 facility. Local access priority arterial segments will generally allow for more
23 access locations from property, more opportunities to make turns, more frequent
24 intersections with other streets, and slower speeds.
- 25 (B) Cities and counties must plan for through movement priority arterial segments to
26 prioritize through movement of traffic when balancing needs on the facility.
27 Through movement priority arterial segments will generally prioritize access
28 limited to intersections with the street network, limited access to individual
29 properties, and safe speeds.
- 30 (C) Cities and counties must plan for arterial segments in a climate-friendly area to
31 prioritize multimodal travel as provided in subsection (b). This includes
32 prioritizing complete, connected, and safe pedestrian, bicycle, and public
33 transportation facilities.
- 34 (b) Cities must plan for multimodal travel on or along arterial streets as provided in OAR
35 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 36 (A) Cities and counties must plan arterials in climate-friendly areas to prioritize
37 pedestrian, bicycle, and public transportation systems.
- 38 (B) Cities and counties must plan arterials along transit priority corridors to prioritize
39 transit service reliability and frequency over general-purpose traffic.
- 40 (4) Cities and counties must plan freeways to provide travel between urban areas. Cities and counties
41 must carefully consider new or expanded freeways considering goals for reductions in vehicle
42 miles traveled per capita.
- 43 (a) Cities and counties must plan for high-occupancy vehicle lanes, including transit lanes,
44 and managed priced lanes on expressways.

- 1 (b) Pedestrian and bicycle facilities should be parallel to expressways, rather than on them.
- 2 Transit facilities on or along expressways must be designed for direct transit vehicle
- 3 access.
- 4 (5) Notwithstanding other provisions of this rule, where appropriate, cities and counties must plan
- 5 and design streets and highways to accommodate:
- 6 (a) Transit vehicles on a segment of a priority transit corridor or transit corridor without
- 7 dedicated transit lanes or transitway.
- 8 (b) Freight travel on designated freight routes and key freight terminals inventoried as
- 9 provided in OAR 660-012-0805.
- 10 (c) Agricultural equipment on streets or highways connecting to agriculturally zoned land
- 11 used for agricultural purposes where equipment access is necessary.

12 **0820: Street and Highway System Projects**

13 This rule guides cities in determining the list of street and highway system projects.

- 14 (1) Cities must develop a list of street and highway system projects that would address the gaps and
- 15 deficiencies in the street and highway system.
- 16 (2) Cities must develop street and highway project prioritization factors that are able to sort the list of
- 17 street and highway system projects into a prioritized list of street and highway system projects.
- 18 Cities must develop street and highway project prioritization factors by engaging underserved
- 19 populations as provided in OAR 660-012-0125.
- 20 (3) Cities must use street and highway project prioritization factors to prioritize the following factors
- 21 above other factors:
- 22 (a) Street and highway investments that reallocate right-of-way from facilities dedicated to
- 23 moving motor vehicles to those for use by the pedestrian, bicycle, and public
- 24 transportation systems, particularly:
- 25 (A) In climate-friendly areas;
- 26 (B) In areas with concentrations of underserved populations, as provided in OAR
- 27 660-012-0120; and
- 28 (C) In areas with reported serious injuries and deaths.
- 29 (b) Street and highway system investments that will fill gaps in the existing street network;
- 30 (c) Street and highway system investments consistent with the prioritization factors in OAR
- 31 660-012-0180;
- 32 (d) Street and highway system investments that will help meet the performance targets as
- 33 provided in OAR 660-012-0910; and
- 34 (e) Street and highway system investments consistent with a scenario plan approved by order
- 35 as provided in OAR 660-044-0120.
- 36 (4) The transportation system plan must include a description of the prioritization factors and method
- 37 of prioritizing street and highway projects used to develop the prioritized list of street and
- 38 highway system projects.

- 1 (5) Cities choosing to include a proposed facility requiring authorization as provided in OAR 660-
2 012-0830 in the transportation system plan must first meet the requirements as provided in OAR
3 660-012-0830.

4 **0830: Authorization of Facilities That Increase Driving and Capacity**

5 This rule provides for an additional level of review of transportation facilities that could increase climate
6 pollution. The rule is intended to ensure that additional alternatives are reviewed before investments
7 are made in transportation facilities that are not consistent with the state's climate goals.

8 The authorization of a facility provided in this rule is only to allow a proposed facility to be put into the
9 local transportation system plan, it does not replace any other requirements.

10 The process is intended to provide time for local governments to identify, review, assess, and potentially
11 implement alternatives to the proposed facility. The goal is to avoid implementation of as many of these
12 facilities as possible, limiting them only to those that are truly necessary to meet the transportation
13 needs of the state and community.

- 14 (1) Cities and counties choosing to include any of the proposed facilities listed in this section as a
15 planned project or illustrative project in any part of the local comprehensive plan, including the
16 transportation system plan, must authorize the proposed facility as provided in this rule.

- 17 (a) A new or extended arterial street, highway, or freeway;
18 (b) New or expanded interchanges; or
19 (c) An increase in capacity for any existing collector or arterial street or highway, or
20 freeway, but not including reallocation of right-of-way to provide more space for
21 pedestrian, bicycle, transit, or high-occupancy vehicle facilities.

- 22 (2) Cities and counties choosing to authorize a proposed facility as provided in this rule must:

- 23 (a) Initiate the authorization process thorough action of the governing body of the city or
24 county;
25 (b) Include the authorization process as part of an update to a transportation system plan to
26 meet the requirements as provided in OAR 660-012-0100, or have an existing
27 acknowledged transportation system plan meeting these requirements;
28 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
29 (d) Designate the project limits and characteristics of the proposed facility, including length,
30 number of lanes, or other key features;
31 (e) Designate a facility impact area and determine affected jurisdictions as provided in
32 section (3);
33 (f) Initiate an equity analysis of the proposed facility as provided in OAR 660-012-0130;
34 (g) Develop a public involvement strategy as provided in section (4);
35 (h) Conduct an alternatives review as provided in sections (5) and (6);
36 (i) Choose to move forward with an authorization report as provided in section (7);
37 (j) Complete an authorization report as provided in section (8); and
38 (k) Publish the authorization report as provided in section (9).

- 1 (3) A city or county choosing to designate a facility impact area and determine affected jurisdictions
2 must:
- 3 (a) Coordinate with all cities and counties with planning jurisdictions within 2 miles of the
4 limits of the proposed facility to determine the extent of the facility impact area;
- 5 (b) Review the extent of the impact of the proposed facility by including all areas where
6 implementation of the proposed facility is expected to change levels or patterns of traffic
7 or otherwise change the transportation system or land use development patterns;
- 8 (c) Take particular care when reviewing the facility impact area in places with concentrations
9 of underserved populations as provided in OAR 660-012-0120. The city or county must
10 consider the special impact of new Vehicle Miles Travelled per Capita-Increasing
11 facilities in the context of historic patterns of discrimination, disinvestment, and
12 malinvestment;
- 13 (d) Designate a facility impact area to include, at minimum, areas within one mile of the
14 proposed facility.
- 15 (e) Determine affected jurisdictions by including all cities or counties with planning
16 jurisdictions in the designated facility impact area.
- 17 (4) A city or county choosing to develop a public involvement strategy must, in coordination with
18 affected jurisdictions:
- 19 (a) Develop the public involvement strategy as provided in OAR 660-012-0125.
- 20 (b) Ensure the public involvement strategy provides for opportunities for meaningful public
21 participation in decision-making over the course of the authorization process;
- 22 (c) Ensure the public involvement strategy includes regular reports to the affected governing
23 bodies, planning commissions, and the public on the progress of the authorization
24 process.
- 25 (5) A city or county choosing to undertake an alternatives review must, in coordination with affected
26 jurisdictions:
- 27 (a) Have designated the facility impact area, determined affected jurisdictions, transit service
28 providers, and transportation options providers; and developed a public consultation
29 strategy as provided in this rule;
- 30 (b) Develop a summary of the expected impacts of the proposed facility on underserved
31 populations as provided in OAR 660-012-0120, particularly, but not exclusively, in
32 neighborhoods with concentrations of underserved populations. These impacts must
33 include, but are not limited to, additional household costs, and changes in the ability to
34 access jobs and services without the use of a motor vehicle.
- 35 (c) Develop a summary of the estimated additional motor vehicle travel that is expected to be
36 induced by implementation of the proposed facility over the first 20 years of service,
37 using best available science;
- 38 (d) Investigate alternatives to the proposed facility through investments in the pedestrian and
39 bicycle systems. The city or county must:
- 40 (A) Review the transportation system plan for identified gaps and deficiencies in
41 pedestrian and bicycle facilities within the facility impact area;
- 42 (B) Determine how much of the need for the proposed facility may be met through
43 enhanced investments in the pedestrian and bicycle networks;

- 1 (C) Identify pedestrian and bicycle system investments that could contribute to
 2 meeting the identified need which do not require implementation of the proposed
 3 facility; and
- 4 (D) Identify pedestrian and bicycle system investments that could contribute to
 5 meeting the identified need which may be implemented without the proposed
 6 facility, and may be retained if the proposed facility is implemented.
- 7 (e) Investigate alternatives to the proposed facility through investments in the public
 8 transportation system. The city or county must:
- 9 (A) Review the transportation system plan for identified gaps and deficiencies in
 10 public transportation facilities and services within the facility impact area;
- 11 (B) Coordinate with transit service providers to identify opportunities for providing
 12 additional transit service within or to the facility impact area; and
- 13 (C) Identify potential transit facility and service investments that contribute to
 14 meeting the identified need which may be implemented without the proposed
 15 facility.
- 16 (f) Investigate alternatives to the proposed facility through investments in transportation
 17 options programs; or other means to reduce demand for motor vehicle travel. The city or
 18 county must:
- 19 (A) Review the transportation system plan for identified existing and needed
 20 transportation demand management services within the facility impact area;
- 21 (B) Coordinate with transportation options providers to identify opportunities for
 22 providing transportation demand management services in and around the facility
 23 impact area;
- 24 (C) Identify potential transportation options program investments that contribute to
 25 meeting the identified need which may be implemented without the proposed
 26 facility.
- 27 (g) Investigate alternatives to the proposed facility that include system pricing. The city or
 28 county must:
- 29 (A) Determine if various types of pricing could substantially reduce the need for the
 30 proposed facility;
- 31 (B) Investigate a range of pricing methods, including, but not limited to: parking
 32 pricing, facility pricing, cordon pricing, or congestion pricing; and
- 33 (C) Identify pricing methods where it is reasonably expected to meet the need for the
 34 facility, may reasonably be implemented, and can be expected to generate
 35 sufficient revenue to cover the costs of operating the collection apparatus.
- 36 (6) A city or county choosing to complete an alternatives review must, in coordination with affected
 37 jurisdictions:
- 38 (a) Review the projects identified in section (5) to determine sets of investments that may be
 39 made that could substantially meet the need for the proposed facility without
 40 implementation of the proposed facility. A city or county must consider adopted state,
 41 regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse
 42 gas emissions when making determinations of substantially meeting the need for the
 43 proposed facility; and

- 1 (b) Complete an alternatives review report upon completion of the alternatives review phase.
2 The alternatives review report must include a description of the effectiveness of identified
3 alternatives. The alternatives review report must include the summaries developed in
4 section (5), subsections (b) and (c). The alternatives review report must be provided to
5 the public, and the governing bodies and planning commissions of each affected city or
6 county. The alternatives review report must also be included in the next annual report to
7 the director as provided in OAR 660-012-0900.
- 8 (7) The governing body of the city or county shall review the alternatives review report and may
9 either:
- 10 (a) Select a set of investments reviewed in the alternatives review report intended to
11 substantially meet the identified need for the proposed facility. These investments may be
12 added to the multimodal project list of the transportation system plan as provided in OAR
13 660-012-0200; or
- 14 (b) Choose to complete the authorization report for the proposed facility, as provided in
15 section (8).
- 16 (8) A city or county choosing to complete an authorization report as provided in section (7) must,
17 after completion of the alternatives review, include the following within the authorization report:
- 18 (a) A record of the initiation of the authorization process by the governing body;
- 19 (b) The public involvement strategy developed as provided in section (5), and how each part
20 of the public involvement strategy was met;
- 21 (c) The alternatives review report;
- 22 (d) A summary of the estimated additional long-term costs of maintaining the proposed
23 facility, including expected funding sources and responsible transportation facility
24 operator.
- 25 (9) A city or county, upon completing an authorization report, must publish the authorization report
26 and provide it to the public and governing bodies of each affected jurisdiction.
- 27 (10) A city or county, having completed and published an authorization report, is permitted to place
28 the proposed project on a prioritized project list with other projects as provided in OAR 660-012-
29 0200. A proposed project authorized as provided in this rule may remain on a project list in the
30 transportation system plan as long there are no substantial changes to the proposed project as
31 described in the authorization report.

1 **New Rules 0900-0999: Monitoring and Reporting**

2 This part of the Transportation Planning Rules relates to how cities and counties will regularly report
3 progress through compilation of submission of regular reports to the department. Annual reports will
4 include a narrative of progress made over the past year, with more substantial reports required every
5 four to five years.

6 **0900: Monitoring and Reporting**

7 This rule requires cities and counties to submit a report to the department annually. Most years the
8 report will be a minor report, with an update of activities. However, every four or five years a major
9 report must also include additional information on how the city and region are performing across a
10 range of performance measures.

- 11 (1) Cities and counties outside of the planning area of Metro shall report annually on progress toward
12 meeting the requirements in OAR 660-044 and this division.
- 13 (2) Metro shall prepare a report annually on progress toward meeting the requirements in OAR 660-
14 044 and this division. Cities and counties within the planning area of Metro shall coordinate with
15 Metro and provide information to Metro. Cities and counties within the planning area of Metro
16 are not required to report directly to the department as provided in this rule.
- 17 (3) Cities, counties, and Metro shall submit the report to the director.
- 18 (4) Reports are due to the director no later than May 31 of each year for the report for the previous
19 calendar year. The director shall review reports as provided in OAR 660-012-0905.
- 20 (5) Cities, counties, and Metro shall submit either a minor report, as provided in section (6), or a
21 major report, as provided in section (7), each year.
- 22 (a) Minor reports shall be submitted each year where a major report is not submitted.
- 23 (b) Major reports shall be submitted for each year in which the metropolitan planning
24 organization representing the city or county approved a regional transportation plan as
25 provided in 23 CFR 450.324.
- 26 (6) A minor report must include the following information:
- 27 (a) A narrative summary of the state of coordinated land use and transportation planning in
28 the planning area over the reporting year, including any relevant activities or projects
29 undertaken or planned by the city or county;
- 30 (b) A copy of the order approving the report from the previous reporting year as provided in
31 OAR 660-012-0905;
- 32 (c) The planning horizon date of the acknowledged transportation system plan, a summary of
33 any amendments made to the transportation system plan over the reporting year, and an
34 estimate of planning activities over the near future which may include amendments to the
35 transportation system plan;
- 36 (d) The findings from reports made in the reporting year for all equity analyses conducted as
37 provided in OAR 660-012-0130;
- 38 (e) Any temporary projects implemented as provided in OAR 660-012-0145;

- 1 (f) Any reviews of Vehicle Miles Traveled per Capita-Increasing facilities as provided in
2 OAR 660-012-0830 including those with consultations underway, suspended, or
3 completed; and
- 4 (g) A description of what immediate actions the city or county has considered to be taken to
5 reduce greenhouse gas emissions as provided in ORS 184.899(2).
- 6 (h) A description of the consultations with the metropolitan planning organization on how
7 the regional transportation plan could be altered to reduce greenhouse gas emissions as
8 provided in ORS 184.899(2).
- 9 (7) A major report must include the following information:
- 10 (a) All information required in a minor report as provided in section (5);
- 11 (b) Reporting for each regional and local performance measures as provided in OAR 660-
12 012-0910 and either OAR 660-044-0110 or 660-044-0210, including:
- 13 (A) Baseline data;
- 14 (B) Baseline projections of expected outcomes from existing adopted plans;
- 15 (C) An assessment of whether the city or county has met or is on track to meet each
16 performance target for each reporting year between the base year and planning
17 horizon year;
- 18 (D) For any performance targets that were not met, a proposal for the corrective
19 actions that will be taken to meet the performance target by the next major report;
- 20 (E) An assessment of whether the reporting city or county has adopted local
21 amendments to implement the approved land use and transportation scenario plan
22 as provided in OAR 660-044-0130;
- 23 (F) For any amendments to implement the approved land use and transportation
24 scenario plan as provided in OAR 660-044-0130 that have not yet been adopted,
25 a proposal for the corrective actions that will be taken to adopt the amendments;
26 and
- 27 (G) Status of any corrective actions identified in prior reports.
- 28 (8) The director may grant an exemption to a city or county from a requirement to include any
29 required element of a report when the director determines that collection and reporting of the
30 information would not be possible or would place an undue burden on the city or county. The city
31 or county must request an exemption in writing prior to the due date of the report.
- 32 (9) Counties need only report for those portions of the county within an Urban Growth Boundary
33 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
34 area of the city.
- 35 (10) Reports as provided by this rule are not land use decisions.

1 **0905: Orders Approving a Report**

2 This rule provides a process for receipt, review, and approval of submitted reports. The rule gives the
3 director of DLCD the opportunity to review a report for completeness, then either approve the report or
4 refer it to the commission. There is an appeal process for approved reports to the commission. The
5 commission may either approve or remand a report that was referred or appealed to the commission.

- 6 (1) For the purposes of this section, “local government” means a city, county, or Metro that is
7 submitting a report as required by OAR 660-012-0900.
- 8 (2) Upon receipt of a submitted report as provided in OAR 660-012-0900;
- 9 (a) The director shall make a preliminary determination of completeness within 30 calendar
10 days of receipt and shall notify the reporting local government of any missing items
11 required under OAR 660-012-0900(6) or 660-012-0900(7).
- 12 (b) The reporting local government must supply information within 30 days of the director’s
13 notification. If the reporting city or county does not supply additional information, the
14 director shall consider the original submission complete.
- 15 (c) If the director does not notify the reporting local government of missing items within 30
16 days of submittal, the report shall be deemed complete.
- 17 (3) Upon a determination of completeness, the director shall:
- 18 (a) Post a timely and complete copy of the submitted report on the department’s website
19 along with the alternative findings the director may make in section (4), and a statement
20 that any person may file a written comment regarding the submitted report no more than
21 21 days after the posting of the report.
- 22 (b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the
23 posting described in subsection (a) of this section and informing them that they may file a
24 written comment regarding the submitted report no more than 21 days after the posting of
25 the report.
- 26 (4) Within 60 days of determining completeness, the director shall;
- 27 (a) Find that the local government has met the performance targets, and has adopted local
28 amendments to implement any approved land use and transportation scenario plan as
29 provided in OAR 660-044-0130;
- 30 (b) Find that the local government has proposed adequate corrective actions to address any
31 performance targets that were not met and adequate to implement any approved land use
32 and transportation scenario plan as provided in OAR 660-044-0130;
- 33 (c) Find, that the local government has not met any performance targets and that the local
34 government has proposed inadequate corrective actions; or
- 35 (d) Find that the local government has not implemented an approved land use and
36 transportation scenario plan as provided in OAR 660-044-0130 and that the local
37 government proposed inadequate corrective actions.
- 38 (5) If the director has made findings described in subsections (4)(a) or (4)(b), then the director shall
39 issue an order approving the report and provide the order to the commission its next regularly
40 scheduled meeting. If the next regularly scheduled meeting begins less than 21 days after the date
41 of the order, the director shall provide the order to the commission at the next subsequent
42 regularly scheduled meeting.

- 1 (6) If the director has made findings described in subsections (4)(c) or (4)(d), then the director shall
2 provide the findings to the commission at its next subsequent meeting and recommend that the
3 commission schedule a compliance hearing. If the next regularly scheduled meeting begins less
4 than 21 days after the date of the order, the director shall provide the findings to the commission
5 at the next subsequent regularly scheduled meeting.
- 6 (7) If the director does not issue an order approving the submittal or make a referral to the
7 commission within 60 days of determining completeness, the submittal shall be deemed
8 approved.
- 9 (8) The director shall cause copies of an approval order to be sent to the reporting local government,
10 posted on a public website, and provided to persons who provided written comment under section
11 (3). The order must include information on the process to appeal the director's order as described
12 in this rule.
- 13 (9) A person who has provided written comment under section (3) may appeal the director's order to
14 the commission. An appeal must be submitted at least seven days prior to the regularly scheduled
15 commission meeting where the director provides the report to the commission . An appeal must
16 clearly identify a deficiency in the submitted report based on the requirements of this division.
- 17 (10) Upon receiving the order or findings from the director, the commission may:
- 18 (a) Approve the order. The commission may not accept public testimony at the meeting.
19 (b) On its own motion, schedule a compliance hearing for consideration of the director's
20 order.
21 (c) If the director has made findings under subsection (4)(b) or (4)(c), or if an appeal has
22 been filed under section (9), schedule a compliance hearing.
- 23 (11) The commission shall conduct a compliance hearing within 90 days of the date of the commission
24 meeting where the commission scheduled the hearing.
- 25 (12) At the compliance hearing the commission shall:
- 26 (a) Consider the director's written and oral report
27 (b) Consider oral testimony and written testimony provided at least 14 days prior to the
28 hearing from the local government and any persons who provided written comment under
29 section (3)
30 (c) Approve an order;
- 31 (A) Remanding the submitted report to the reporting local government with specific
32 directions for needed changes, consistent with the requirements of this division;
33 or
34 (B) Approving the submitted report.
- 35 (13) Compliance includes, but is not limited to, meeting deadlines established in OAR 660-044-0015
36 and OAR 660-012-0012, submitting reports or implementing corrective actions as provided in
37 OAR 660-012-0900.
- 38 (14) The commission may evaluate the compliance the cities and counties within a metropolitan area
39 in a collective evaluation, or the commission may evaluate the compliance of an individual city or
40 county separately.

- 1 (15) If the commission finds a local government or a collection of local governments out of
 2 compliance with the requirements of this division, the commission may use any authority granted
 3 to commission, including but not limited to the actions below.
- 4 (a) Issue an enforcement order as provided in ORS 197.319 through 197.335.
- 5 (b) Issue an order to invalidate the acknowledgement of local transportation system plans
 6 that are not consistent with an approved Land use and Transportation Scenario Plan.
- 7 (c) Provide notice to the Oregon Department of Transportation and the United States
 8 Department of Transportation of the lack of compliance with state planning requirements.
- 9 (16) The director shall cause an order of the commission’s decision to be issued, with copies sent to
 10 the reporting local government, and all parties that participated in the hearing.
- 11 (17) Final orders under this rule may be reviewed as provided in ORS 183.484 for orders in other than
 12 a contested case. Reports and orders as provided in this rule are not land use decisions.

13 **0910: Land Use and Transportation Performance Measures**

14 This rule requires reporting on local action performance measures to demonstrate that the actions
 15 necessary to achieve the greenhouse gas reduction targets are being implemented. Transportation
 16 system plans are required to include policies and projects that will meet the local target for each
 17 performance measure.

- 18 (1) Cities, counties, and Metro must use land use and transportation system performance measures as
 19 means of measuring progress towards developing and implementing land use and transportation
 20 systems plans that meet the Metropolitan Greenhouse Reduction Targets in OAR 660-044-0020
 21 and 660-044-0025.
- 22 (2) Cities, counties, and Metro that have a land use and transportation scenario approved by the
 23 commission as provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the
 24 performance measures from the approved regional scenario plan.
- 25 (3) Cities and counties that do not have a land use and transportation scenario approved by the
 26 commission as provided in OAR 660-044-0120 shall report on the specific actions, including
 27 capital improvements and the adoption of policies that they have or will undertake to reduce
 28 pollution and increase equitable outcomes for underserved populations. At a minimum, this report
 29 must include the following performance measures:
- 30 (a) Compact Mixed-use Development
- 31 (A) Number of publicly supported affordable housing units in climate friendly areas.
- 32 (B) Number of existing and permitted dwelling units in climate friendly areas and
 33 percentage of existing and permitted dwelling units in climate friendly areas
 34 relative to total number of existing and permitted dwelling units in the
 35 jurisdiction.
- 36 (C) Share of retail/service jobs in climate friendly areas relative to retail/service jobs
 37 in the jurisdiction.

- 1 (b) Active Transportation
- 2 (A) Percent of collector and arterials streets in climate friendly areas and underserved
- 3 population neighborhoods with bicycle and pedestrian facilities with Level of
- 4 Traffic Stress 1 or 2.
- 5 (B) Percent of collector and arterial roadways in climate friendly areas and
- 6 underserved population neighborhoods with safe and convenient marked
- 7 pedestrian crossings.
- 8 (C) Percent of transit stops with safe and marked pedestrian crossings within 100
- 9 feet.
- 10 (c) Transportation Options
- 11 (A) Number of employees covered by an Employee Commute Options Program.
- 12 (B) Number of households engaged with Transportation Options activities.
- 13 (C) Percent of all Transportation Options activities that were focused on underserved
- 14 population communities.
- 15 (d) Transit
- 16 (A) Share of households within ½ mile of a priority transit corridor.
- 17 (B) Share of low-income households within ½ mile of a priority transit corridor.
- 18 (C) Share of key destinations within ½ mile of a priority transit corridor.
- 19 (e) Parking Costs and Management
- 20 (A) Average daily public parking fees in climate friendly areas.
- 21 (f) Transportation Systems Investments
- 22 (A) Percent of jurisdiction transportation budget spent in climate friendly areas and
- 23 underserved population neighborhoods.
- 24 (B) Share of investments that support low carbon modes of transportation.
- 25 (4) Cities and counties shall use the performance measures and targets adopted in section (2) of this
- 26 rule to develop and implement transportation and land use plans, projects, and policies that will
- 27 help meet the applicable Metropolitan Greenhouse Gas Reduction Targets in OAR 660-044-0020
- 28 and 660-044-0025.

1 **0915: Land Use and Transportation Performance Targets**

2 This rule requires cities and counties to set performance targets for the implementation of actions
3 necessary to achieve the greenhouse gas reduction targets. If a city or county has an approved regional,
4 they will set performance targets included in that plan. If a city or county does not have an approved
5 regional plan, they will set performance targets in a major update to their transportation systems plan
6 or a major report, whichever comes first. Performance targets must be set at levels that are reasonably
7 likely to achieve the greenhouse gas reduction targets and the Statewide Transportation Strategy
8 targets.

- 9 (1) Cities and counties must set performance targets for each reporting year for each performance
10 measure provided in OAR 660-044-0110 and OAR 660-012-0910 in their local transportation
11 system plan. Performance targets for the performance measures provided in OAR 660-012-0910
12 must be set at levels that are reasonably likely to achieve the regional performance targets from
13 an approved land use and transportation scenario plan as provided in OAR 660-044-0110(7)(a) or
14 the regional performance targets from the Statewide Transportation Strategy as adopted by the
15 Oregon Transportation Commission.
- 16 (2) Cities and counties that have a land use and transportation scenario approved by the commission
17 as provided in OAR 660-044-0120 must set targets for equity performance measures in a
18 transportation system plan as provided in OAR 660-044-0110(7)(c).
- 19 (3) Cities and counties shall set the performance targets in any major update to their transportation
20 systems plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is
21 submitting a major report as provided in OAR 660-012-0900(4), then the city or county shall set
22 the performance targets and include as a minor update to their transportation system plan.