

Climate-Friendly and Equitable Communities Proposed Amendments to Division 12 (Transportation Planning Rules)

DRAFT – March 17, 2022

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, the advisory committee, and input from the public and other interested parties.

About This Document

- This document is organized with proposed changes to existing rules first, followed by new proposed rules.
- Where we are making changes to **existing rules**, we use ~~strikethrough~~ and underline for deleted and new text. Where the entire rule is new, we just have the text.
- The rules have been divided into several parts, this is just for ease of reading and not part of the rules.
- The summary 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.
- The summary box above each rule also notes if there have been substantive changes from the last draft distributed in December. If there have been changes, these are described and highlighted in **bold text**.

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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 There have been no substantive changes from the December draft amended rule.

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

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

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

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

30 (d) Foster the ability of Oregon to meet its statutory and executive goals to reduce climate
31 pollution by reducing pollution from transportation;

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

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

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

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

- 1 (i) Provide for the construction and implementation of transportation facilities,
- 2 improvements, and services necessary to support acknowledged comprehensive plans;
- 3 (j) Identify how transportation facilities are provided on rural lands consistent with the
- 4 goals;
- 5 (k) Protect and restore safe passage for fish and wildlife, flood waters, and other natural
- 6 system functions at roadway crossings of waterbodies and other native habitat corridors;
- 7 (l) Require coordination among affected local governments and transportation service
- 8 providers and consistency between state, regional, and local transportation plans; and
- 9 (m) Encourage that changes to comprehensive plans are supported by adequate planned
- 10 transportation facilities for all modes.

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

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

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

44 (3) The extent of planning required by this division and the outcome of individual transportation
 45 plans will vary depending on community size, needs and circumstances. Generally, larger and
 46 faster growing communities and regions will need to prepare more comprehensive and detailed
 47 plans, while smaller communities and rural areas will have more general plans. For all
 48 communities, the mix of planned transportation facilities and services should be sufficient to

1 ~~ensure~~ promote economic, sustainable and environmentally sound mobility and accessibility for
2 all Oregonians. Coordinating land use and transportation planning will also complement efforts to
3 meet other state and local objectives, including containing urban development, reducing the cost
4 of public services, protecting farm and forest land, reducing air, water, and noise pollution,
5 conserving energy and reducing climate pollution ~~emissions of greenhouse gases that contribute~~
6 ~~to global climate change.~~

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

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

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

33 (4) This division sets requirements for coordination among affected levels of government and
34 transportation service providers for preparation, adoption, refinement, implementation and
35 amendment of transportation system plans. Transportation system plans adopted pursuant to this
36 division fulfill the requirements for public facilities required under ORS 197.712(2)(e), Goal 11
37 and OAR chapter 660, division 11, as they relate to transportation facilities. The rules in this
38 division are not intended to make local government determinations “land use decisions” under
39 ORS 197.015(10). The rules recognize, however, that under existing statutory and case law, many
40 determinations relating to the adoption and implementation of transportation plans will be land
41 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) "Accessible dwelling unit" means a dwelling unit constructed to accommodate persons with
13 disabilities, in compliance with the Americans with Disabilities Act and applicable construction
14 requirements in adopted building codes.
- 15 (3) "Accessibility" means:
- 16 (a) In the context of people with disabilities, measures to ensure equal access to goods,
17 products, and services, both in the built environment, and processes such as
18 communication.
- 19 (b) In the context of transportation, the ability to reach destinations in a safe, convenient, and
20 comfortable way.
- 21 (4) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between
22 streets or from a street to a building or other destination such as a school, park, or transit stop.
23 Accessways generally include a walkway and additional land on either side of the walkway, often
24 in the form of an easement or right-of-way, to provide clearance and separation between the
25 walkway and adjacent uses. Accessways through parking lots are generally physically separated
26 from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include
27 landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised,
28 paved, or marked in a manner which provides convenient access for pedestrians.
- 29 (5) "Affected Local Government" means a city, county, or metropolitan service district that is
30 directly impacted by a proposed transportation facility or improvement.
- 31 (6) "Approach Road" means a legally constructed, public or private connection that provides
32 vehicular access either to or from or to and from a highway and an adjoining property.
- 33 (7) "Area, gross" means the total area of an area considered for development or redevelopment.
- 34 (8) "Area, net" means the total area of an area considered for development or redevelopment, minus
35 proposed or existing public street rights of way, public parks and open space areas, areas with
36 protected natural features, and any other areas permanently precluded from development due to
37 development constraints, easements, or similar legal instruments.
- 38 (9) "At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or
39 includes a major transit stop generally including portions of such parcels or ownerships that are
40 within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300
41 feet of a major transit stop. The term "generally" is intended to allow local governments through
42 their plans and ordinances to adopt more specific definitions of these terms considering local

- 1 needs and circumstances consistent with the overall objective and requirement to provide
2 convenient pedestrian access to transit.
- 3 (10) “Bicycle boulevard” means bicycle facilities on streets with low motorized traffic volumes and
4 speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs,
5 markings, and other measures such as traffic diverters to discourage through trips by motor
6 vehicles and create safe, convenient bicycle crossings of busy streets.
- 7 (11) “Climate Friendly Area” means an urban mixed-use area containing, or planned to contain, a
8 mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or
9 planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to
10 provide frequent and convenient connections to key destinations within the city and region. These
11 areas feature a well-designed and connected pedestrian environment. To maximize community
12 benefits these areas typically do not contain or require large parking lots, and are provided with
13 abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors,
14 residents, and employees. Climate friendly areas will reduce the reliance on light duty motor
15 vehicle trips for residents, workers, and visitors by providing more proximate destinations within
16 climate friendly areas, improved connectivity to key destinations elsewhere in the community,
17 and enhanced alternative transportation options.
- 18 (12) “Commercial parking lot” means a location without a primary use on the lot or parcel where
19 parking spaces are rented or leased to individual drivers. It does not include shared parking
20 arrangements.
- 21 (13) "Committed transportation facilities" means those proposed transportation facilities and
22 improvements which are consistent with the acknowledged comprehensive plan and have
23 approved funding for construction in a public facilities plan or the Six-Year Highway or
24 Transportation Improvement Program.
- 25 (14) “Demand management" means actions which are designed to change travel behavior in order to
26 improve performance of transportation facilities and to reduce need for additional road capacity.
27 Methods may include, but are not limited to, the use of alternative modes, ride-sharing and
28 vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid
29 parking.
- 30 (15) “Direct current fast charger” means a device or facility for delivering electricity to motor vehicles
31 that offers means for remotely managing charging levels, is rated 120 kW power rating or higher
32 per charger, and offers at least one connector to plug into electric vehicles.
- 33 (16) “Freeway” means a limited-access highway with access points exclusively from interchanges
34 with other streets and highways. Freeways may provide very limited access for rural land uses in
35 rural areas where no other access is available.
- 36 (17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal
37 measured on the crossroad away from the mainline.
- 38 (18) “Level 1 electric vehicle charging” means a device or facility for delivering electricity to motor
39 vehicles that operates on at least a 20 ampere breaker on a 125 volt AC circuit.
- 40 (19) “Level 2 electric vehicle charging station” means a device or facility for delivering electricity to
41 motor vehicles that operates on at least a 40 ampere breaker on a 208/240 volt AC circuit.
- 42 (20) "Local streets" means streets that are functionally classified as local streets to serve primarily
43 local access to property and circulation within neighborhoods or specific areas. Local streets do
44 not include streets functionally classified as collector or arterials.

- 1 (21) "Local Street Standards" include but are not limited to standards for right-of-way, pavement
2 width, travel lanes, parking lanes, curb turning radius, and accessways.
- 3 (22) "Major" means, in general, those facilities or developments which, considering the size of the
4 urban or rural area and the range of size, capacity or service level of similar facilities or
5 developments in the area, are either larger than average, serve more than neighborhood needs or
6 have significant land use or traffic impacts on more than the immediate neighborhood:
- 7 (a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation
8 facilities means those facilities which are most important to the functioning of the system
9 or which provide a high level, volume or frequency of service;
- 10 (b) "Major" as it modifies industrial, institutional and retail development means such
11 developments which are larger than average, serve more than neighborhood needs or
12 which have traffic impacts on more than the immediate neighborhood;
- 13 (c) Application of the term "major" will vary from area to area depending upon the scale of
14 transportation improvements, transit facilities and development which occur in the area.
15 A facility considered to be major in a smaller or less densely developed area may,
16 because of the relative significance and impact of the facility or development, not be
17 considered a major facility in a larger or more densely developed area with larger or more
18 intense development or facilities.
- 19 (23) "Major transit stop" means:
- 20 ~~(a) Existing~~ existing and planned transit stations, including light rail stations and other transit
21 transfer stations, except for temporary facilities; other planned stops designated as major
22 transit stops in a transportation system plan and existing stops which:
- 23 ~~(A)~~ (a) Have or are planned for an above average frequency of scheduled, fixed-route
24 service when compared to region wide service. In urban areas of 1,000,000 or
25 more population major transit stops are generally located along routes that have
26 or are planned for ~~20 minute~~ 15-minute or better service frequency throughout
27 the day and on weekends during the peak hour; and
- 28 ~~(B)~~ (b) Are located in a transit oriented development or within one-quarter mile of an
29 area planned and zoned for:
- 30 ~~(i)~~ (A) Medium or high density residential development; or
- 31 ~~(ii)~~ (B) Intensive commercial or institutional uses within one-quarter mile of
32 land uses in paragraph (A) subsection (i); or
- 33 ~~(iii)~~ (C) Uses likely to generate a relatively high level of transit ridership.
- 34 (24) "Metropolitan area" means the local governments that are responsible for adopting local or
35 regional transportation system plans within a metropolitan planning organization (MPO)
36 boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.
- 37 (25) "Metropolitan Planning Organization (MPO)" means an organization located within the State of
38 Oregon and designated by the Governor to coordinate transportation planning in an urbanized
39 area of the state including such designations made subsequent to the adoption of this rule. The
40 Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the
41 purposes of this division.
- 42 (26) "Minor transportation improvements" include, but are not limited to, signalization, addition of
43 turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets,
44 transportation system management measures, modification of existing interchange facilities

1 within public right of way and design modifications located within an approved corridor. Minor
2 transportation improvements may or may not be listed as planned projects in a TSP where the
3 improvement is otherwise consistent with the TSP. Minor transportation improvements do not
4 include new interchanges; new approach roads within the influence area of an interchange; new
5 intersections on limited access roadways, highways, or expressways; new collector or arterial
6 streets, road realignments or addition of travel lanes.

- 7 (27) "ODOT" means the Oregon Department of Transportation.
- 8 (28) "Parking benefit district" means a designated area where some of the revenues from parking fees
9 or permits in the designated area are dedicated to public improvements in the area.
- 10 (29) "Parking mandates" means requirements to include a minimum number of off-street parking
11 spaces as a condition of development or redevelopment, or a fee-in-lieu of providing parking for
12 residential development.
- 13 (30) "Parking maximums" means limits on the number of off-street parking spaces that can be
14 included in a development.
- 15 (31) "Parking spaces" means on and off street spaces designated for automobile parking ~~in areas~~
16 ~~planned for industrial, commercial, institutional or public uses. The following are not considered~~
17 ~~parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped~~
18 ~~parking, and parking spaces for carpools and vanpools., other than parking spaces reserved for~~
19 carpools, vanpools, or accessible parking for people with disabilities.
- 20 (32) "Pedestrian ~~connection~~ facility" means a continuous, unobstructed, reasonably direct route
21 between two points that is intended and suitable for pedestrian use. Pedestrian facilities
22 ~~connections~~ include but are not limited to sidewalks, walkways, accessways, stairways and
23 pedestrian bridges. On developed parcels, pedestrian facilities ~~connections~~ are generally hard
24 surfaced. In parks and natural areas, pedestrian facilities ~~connections~~ may be soft-surfaced
25 pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities
26 ~~connections~~ may also include rights of way or easements for future pedestrian improvements.
- 27 (33) "Pedestrian district" means a comprehensive plan designation or implementing land use
28 regulations, such as an overlay zone, that establish requirements to provide a safe and convenient
29 pedestrian environment in an area planned for a mix of uses likely to support a relatively high
30 level of pedestrian activity. Such areas include but are not limited to:
- 31 (a) Lands planned for a mix of commercial or institutional uses near lands planned for
32 medium to high density housing; or
- 33 (b) Areas with a concentration of employment and retail activity; and
- 34 (c) Which have or could develop a network of streets and accessways which provide
35 convenient pedestrian circulation.
- 36 (34) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop
37 which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete,
38 pavers, bricks or similar material and include seating, pedestrian scale lighting and similar
39 pedestrian improvements. Low walls or planters and landscaping are usually provided to create a
40 semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle
41 maneuvering areas. Plazas are generally located at a transit stop, building entrance or an
42 intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings. A
43 plaza including 150-250 square feet would be considered "small."
- 44 (35) "Pedestrian scale" means site and building design elements that are dimensionally less than those
45 intended to accommodate automobile traffic, flow and buffering. Examples include ornamental

- 1 lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a
2 variety of planting and landscaping materials; arcades or awnings that reduce the height of walls;
3 and signage and signpost details that can only be perceived from a short distance.
- 4 (36) “People with disabilities” means people who have long-term physical, mental, intellectual, or
5 sensory impairments which in interaction with various barriers may hinder their full and effective
6 participation in society on an equal basis with others.
- 7 (37) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to
8 meet the requirements of this rule.
- 9 (38) "Preliminary Design" means an engineering design which specifies in detail the location and
10 alignment of a planned transportation facility or improvement.
- 11 (39) “Priority Transit Corridor” means a corridor which has a high existing or planned level of transit
12 service relative to other transit service in the community, including service frequency and span of
13 service. The corridor may be described as a series of stations when served by high-capacity transit
14 services with widely spaced stations.
- 15 (40) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line
16 or a route that does not involve a significant amount of out-of-direction travel for likely users.
- 17 (41) "Refinement Plan" means an amendment to the transportation system plan, which resolves, at a
18 systems level, determinations on function, mode or general location which were deferred during
19 transportation system planning because detailed information needed to make those determinations
20 could not reasonably be obtained during that process.
- 21 (42) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and
22 adopted by a metropolitan planning organization for a metropolitan area as provided for in federal
23 law.
- 24 (43) "Roads" means streets, roads, and highways.
- 25 (44) "Rural community" means areas defined as resort communities and rural communities in
26 accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need
27 only meet the definitions contained in the Unincorporated Communities Rule although the area
28 may not have been designated as an unincorporated community in accordance with OAR 660-
29 022-0020.
- 30 (45) “Separated or protected bicycle facilities” means bicycle facilities that are physically separated or
31 protected from motorized traffic by barriers that prevent intrusion into the bicycle facility.
32 Physical protection may include parked motor vehicles. Separated or protected bicycle facilities
33 may be unidirectional or two-way. Separated or protected bicycle facilities minimize conflicting
34 traffic at intersections and other vehicular accesses to the street or highway.
- 35 (46) “Shared parking” means parking spaces used to meet the parking mandates for two or more uses,
36 structures, or parcels of land, to the extent that the owners or operators show the overall demand
37 for parking spaces can be met by the shared parking.
- 38 (47) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a
39 supporting network of roads, bicycle and pedestrian ways focused on a major transit stop
40 designed to support a high level of transit use. The key features of transit oriented development
41 include:
- 42 (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian
43 and bicycle travel from the surrounding area;

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

- 1 (59) "Urban Fringe" means:
- 2 (a) Areas outside the urban growth boundary that are within five miles of the urban growth
- 3 boundary of an MPO area; and
- 4 (b) Areas outside the urban growth boundary within two miles of the urban growth boundary
- 5 of an urban area containing a population greater than 25,000.
- 6 (60) "Vehicle Miles of Travel (VMT)" means all light vehicle travel by members of households or
- 7 university group quarters living within a metropolitan area regardless of where the travel occurs,
- 8 and local commercial vehicle travel that is a function of household labor or demand regardless of
- 9 where the travel occurs. Examples include commuting to work, going to school, going shopping,
- 10 traveling for recreation, delivery vehicles, service vehicles, travel to business meetings, and travel
- 11 to jobsites."
- 12 (61) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including
- 13 sidewalks and surfaced portions of accessways.

14 **0015: Preparation and Coordination of Transportation System Plans**

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

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

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

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

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

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

- 1 (3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning
2 jurisdiction in compliance with this division:
- 3 (a) Local TSPs shall establish a system of transportation facilities and services adequate to
4 meet identified local transportation needs and shall be consistent with regional TSPs and
5 adopted elements of the state TSP;
- 6 (b) Where the regional TSP or elements of the state TSP have not been adopted, the city or
7 county shall coordinate the preparation of the local TSP with the regional transportation
8 planning body and ODOT to assure that regional and state transportation needs are
9 accommodated.
- 10 (4) Cities and counties shall adopt regional and local TSPs required by this division as part of their
11 comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be
12 adopted as a supporting document to the comprehensive plan.
- 13 (5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local
14 governments, special districts, and private providers of transportation services.
- 15 (6) Mass transit, transportation, airport, and port districts shall participate in the development of TSPs
16 for those transportation facilities and services they provide. These districts shall prepare and
17 adopt plans for transportation facilities and services they provide. Such plans shall be consistent
18 with and adequate to carry out relevant portions of applicable regional and local TSPs.
19 Cooperative agreements executed under ORS 195.020(2) shall include the requirement that mass
20 transit, transportation, airport, and port districts adopt a plan consistent with the requirements of
21 this section.
- 22 (7) Where conflicts are identified between proposed regional TSPs and acknowledged
23 comprehensive plans, representatives of affected local governments shall meet to discuss means
24 to resolve the conflicts. These may include:
- 25 (a) Changing the draft TSP to eliminate the conflicts; or
- 26 (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts.
- 27 ~~(c) For MPOs which are not metropolitan service districts, if conflicts persist between~~
28 ~~regional TSPs and acknowledged comprehensive plans after efforts to achieve~~
29 ~~compatibility, an affected local government may petition the Commission to resolve the~~
30 ~~dispute.~~

31 **0016: Coordination with Federally-Required Regional Transportation Plans in Metropolitan Areas**

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

36 Updated local transportation planning requirements in metropolitan areas will require advanced local
37 actions, including the development of financially-constrained local plans, that will inform federally-
38 required RTPs. In the Portland Metropolitan Area, many of these regional planning requirements will be
39 retained. Additionally, metropolitan areas will be required to undertake regional scenario planning,
40 which is required in the Metropolitan Greenhouse Gas Reduction Rules (OAR Chapter 660, Division 44).

- 41 ~~(1) In metropolitan areas, local governments shall prepare, adopt, amend and update transportation~~
42 ~~system plans required by this division in coordination with regional transportation plans (RTPs)~~

1 prepared by MPOs required by federal law. Insofar as possible, regional transportation system
2 plans for metropolitan areas shall be accomplished through a single coordinated process that
3 complies with the applicable requirements of federal law and this division. Nothing in this rule is
4 intended to make adoption or amendment of a regional transportation plan by a metropolitan
5 planning organization a land use decision under Oregon law.

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

9 ~~(a) — Make a finding that the proposed regional transportation plan amendment or update is
10 consistent with the applicable provisions of adopted regional and local transportation
11 system plan and comprehensive plan and compliant with applicable provisions of this
12 division; or~~

13 ~~(b) — Adopt amendments to the relevant regional or local transportation system plan that make
14 the regional transportation plan and the applicable transportation system plans consistent
15 with one another and compliant with applicable provisions of this division. Necessary
16 plan amendments or updates shall be prepared and adopted in coordination with the
17 federally required plan update or amendment. Such amendments shall be initiated no
18 later than 30 days from the adoption of the RTP amendment or update and shall be
19 adopted no later than one year from the adoption of the RTP amendment or update or
20 according to a work plan approved by the commission. A plan amendment is "initiated"
21 for purposes of this subsection where the affected local government files a post-
22 acknowledgement plan amendment notice with the department as provided in OAR
23 chapter 660, division 18.~~

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

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

29 ~~(a) — Changes plan policies;~~

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

32 ~~(c) — Modifies the general location of a planned transportation facility or improvement;~~

33 ~~(d) — Changes the functional classification of a transportation facility; or~~

34 ~~(e) — Changes the planning period or adopts or modifies the population or employment forecast
35 or allocation upon which the plan is based.~~

36 ~~(4) — The following amendments to a regional transportation plan do not relate to compliance with this
37 division for purposes of section (2):~~

38 ~~(a) — Adoption of an air quality conformity determination;~~

39 ~~(b) — Changes to a federal revenue projection;~~

40 ~~(c) — Changes to estimated cost of a planned transportation project; or~~

1 ~~(d) Deletion of a project from the list of planned projects where the project has been~~
2 ~~constructed or completed.~~

3 ~~(5) Adoption or amendment of a regional transportation plan that extends the planning period beyond~~
4 ~~that specified in the applicable acknowledged comprehensive plan or regional transportation~~
5 ~~system plan is consistent with the requirements of this rule where the following conditions are~~
6 ~~met:~~

7 ~~(a) The future year population forecast is consistent with those issued or adopted under ORS~~
8 ~~195.033 or 195.036;~~

9 ~~(b) Land needed to accommodate future urban density population and employment and other~~
10 ~~urban uses is identified in a manner consistent with Goal 14 and relevant rules;~~

11 ~~(c) Urban density population and employment are allocated to designated centers and other~~
12 ~~identified areas to provide for implementation of the metropolitan area's integrated land~~
13 ~~use and transportation plan or strategy; and~~

14 ~~(d) Urban density population and employment or other urban uses are allocated to areas~~
15 ~~outside of an acknowledged urban growth boundary only where:~~

16 ~~(A) The allocation is done in conjunction with consideration by local governments of~~
17 ~~possible urban growth boundary amendments consistent with Goal 14 and~~
18 ~~relevant rules, and~~

19 ~~(B) The RTP clearly identifies the proposed UGB amendments and any related~~
20 ~~projects as illustrative and subject to further review and approval by the affected~~
21 ~~local governments.~~

22 **0035: Evaluation and Selection of Transportation System Alternatives**

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

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

31 (a) Improvements to existing facilities or services;

32 (b) New facilities and services, including different modes or combinations of modes that
33 could reasonably meet identified transportation needs;

34 (c) Transportation system management measures;

35 (d) Demand management measures; and

36 (e) A no-build system alternative required by the National Environmental Policy Act of 1969
37 or other laws.

38 ~~(2) Local governments in MPO areas of larger than 1,000,000 population shall, and other~~
39 ~~governments may also, evaluate alternative land use designations, densities, and design standards~~

1 to meet local and regional transportation needs. Local governments preparing such a strategy
2 shall consider:

3 (a) ~~Increasing residential densities and establishing minimum residential densities within one~~
4 ~~quarter mile of transit lines, major regional employment areas, and major regional retail~~
5 ~~shopping areas;~~

6 (b) ~~Increasing allowed densities in new commercial office and retail developments in~~
7 ~~designated community centers;~~

8 (c) ~~Designating lands for neighborhood shopping centers within convenient walking and~~
9 ~~cycling distance of residential areas; and~~

10 (d) ~~Designating land uses to provide a better balance between jobs and housing considering:~~

11 (A) ~~The total number of jobs and total of number of housing units expected in the~~
12 ~~area or subarea;~~

13 (B) ~~The availability of affordable housing in the area or subarea; and~~

14 (C) ~~Provision of housing opportunities in close proximity to employment areas.~~

15 ~~(3)~~(2) The following standards shall be used to evaluate and select alternatives:

16 (a) The transportation system shall support urban and rural development by providing types
17 and levels of transportation facilities and services appropriate to serve the land uses
18 identified in the acknowledged comprehensive plan;

19 (b) The transportation system shall be consistent with state and federal standards for
20 protection of air, land and water quality including the State Implementation Plan under
21 the Federal Clean Air Act and the State Water Quality Management Plan;

22 (c) The transportation system shall minimize adverse economic, social, environmental and
23 energy consequences;

24 (d) The transportation system shall minimize conflicts and facilitate connections between
25 modes of transportation; and

26 (e) The transportation system shall avoid principal reliance on any one mode of
27 transportation by increasing transportation choices to reduce principal reliance on the
28 automobile. ~~In MPO areas this shall be accomplished by selecting transportation~~
29 ~~alternatives which meet the requirements in section (4) of this rule.~~

30 ~~(4) In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for~~
31 ~~increasing transportation choices and reducing reliance on the automobile. Adopted standards are~~
32 ~~intended as means of measuring progress of metropolitan areas towards developing and~~
33 ~~implementing transportation systems and land use plans that increase transportation choices and~~
34 ~~reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish~~
35 ~~reduced reliance by changing land use patterns and transportation systems so that walking,~~
36 ~~cycling, and use of transit are highly convenient and so that, on balance, people need to and are~~
37 ~~likely to drive less than they do today.~~

38 ~~(5) MPO areas shall adopt standards to demonstrate progress towards increasing transportation~~
39 ~~choices and reducing automobile reliance as provided for in this rule:~~

40 (a) ~~The commission shall approve standards by order upon demonstration by the~~
41 ~~metropolitan area that:~~

- 1 (A) — Achieving the standard will result in a reduction in reliance on automobiles;
- 2 (B) — Achieving the standard will accomplish a significant increase in the availability
3 or convenience of alternative modes of transportation;
- 4 (C) — Achieving the standard is likely to result in a significant increase in the share of
5 trips made by alternative modes, including walking, bicycling, ridesharing and
6 transit;
- 7 (D) — VMT per capita is unlikely to increase by more than five percent; and
- 8 (E) — The standard is measurable and reasonably related to achieving the goal of
9 increasing transportation choices and reducing reliance on the automobile as
10 described in OAR 660-012-0000.
- 11 (b) — In reviewing proposed standards for compliance with subsection (a), the commission
12 shall give credit to regional and local plans, programs, and actions implemented since
13 1990 that have already contributed to achieving the objectives specified in paragraphs
14 (A)–(E) above;
- 15 (c) — If a plan using a standard, approved pursuant to this rule, is expected to result in an
16 increase in VMT per capita, then the cities and counties in the metropolitan area shall
17 prepare and adopt an integrated land use and transportation plan including the elements
18 listed in paragraphs (A)–(E) below. Such a plan shall be prepared in coordination with
19 the MPO and shall be adopted within three years of the approval of the standard.
- 20 (A) — Changes to land use plan designations, densities, and design standards listed in
21 subsections (2)(a)–(d);
- 22 (B) — A transportation demand management plan that includes significant new
23 transportation demand management measures;
- 24 (C) — A public transit plan that includes a significant expansion in transit service;
- 25 (D) — Policies to review and manage major roadway improvements to ensure that their
26 effects are consistent with achieving the adopted strategy for reduced reliance on
27 the automobile, including policies that provide for the following:
- 28 (i) — An assessment of whether improvements would result in development or
29 travel that is inconsistent with what is expected in the plan;
- 30 (ii) — Consideration of alternative measures to meet transportation needs;
- 31 (iii) — Adoption of measures to limit possible unintended effects on travel and
32 land use patterns including access management, limitations on
33 subsequent plan amendments, phasing of improvements, etc.; and
- 34 (iv) — For purposes of this section a "major roadway expansion" includes new
35 arterial roads or streets and highways, the addition of travel lanes, and
36 construction of interchanges to a limited access highway
- 37 (E) — Plan and ordinance provisions that meet all other applicable requirements of this
38 division.
- 39 (d) — Standards may include but are not limited to:
- 40 (A) — Modal share of alternative modes, including walking, bicycling, and transit trips;

- 1 (B) — Vehicle hours of travel per capita;
- 2 (C) — Vehicle trips per capita;
- 3 (D) — Measures of accessibility by alternative modes (i.e. walking, bicycling and
4 transit); or
- 5 (E) — The Oregon Benchmark for a reduction in peak hour commuting by single
6 occupant vehicles.
- 7 (e) — Metropolitan areas shall adopt TSP policies to evaluate progress towards achieving the
8 standard or standards adopted and approved pursuant to this rule. Such evaluation shall
9 occur at regular intervals corresponding with federally required updates of the regional
10 transportation plan. This shall include monitoring and reporting of VMT per capita.
- 11 (6) — A metropolitan area may also accomplish compliance with requirements of subsection (3)(e),
12 sections (4) and (5) by demonstrating to the commission that adopted plans and measures are
13 likely to achieve a five percent reduction in VMT per capita over the 20 year planning period.
14 The commission shall consider and act on metropolitan area requests under this section by order.
15 A metropolitan area that receives approval under this section shall adopt interim benchmarks for
16 VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the
17 regional transportation system plan.
- 18 (7) — Regional and local TSPs shall include benchmarks to assure satisfactory progress towards
19 meeting the approved standard or standards adopted pursuant to this rule at regular intervals over
20 the planning period. MPOs and local governments shall evaluate progress in meeting benchmarks
21 at each update of the regional transportation plan. Where benchmarks are not met, the relevant
22 TSP shall be amended to include new or additional efforts adequate to meet the requirements of
23 this rule.
- 24 (8) — The commission shall, at regular intervals, evaluate the results of efforts to achieve the reduction
25 in VMT and the effectiveness of approved plans and standards in achieving the objective of
26 increasing transportation choices and reducing reliance on the automobile.
- 27 (9)(3) Where existing and committed transportation facilities and services have adequate capacity to
28 support the land uses in the acknowledged comprehensive plan, the local government shall not be
29 required to evaluate alternatives as provided in this rule.
- 30 (10)(4) Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and
31 located in an urban fringe may be included in a TSP only if the improvement project identified in
32 the transportation system plan as described in section (12)(6) of this rule, will not significantly
33 reduce peak hour travel time for the route as determined pursuant to section (11)(5) of this rule, or
34 the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose
35 of the improvement project:
- 36 (a) Improvements to transportation facilities and services within the urban growth boundary;
- 37 (b) Transportation system management measures that do not significantly increase capacity;
38 or
- 39 (c) Transportation demand management measures. The jurisdiction needs only to consider
40 alternatives that are safe and effective, consistent with applicable standards and that can
41 be implemented at a reasonable cost using available technology.

1 ~~(11)~~(5) An improvement project significantly reduces peak hour travel time when, based on recent data,
2 the time to travel the route is reduced more than 15 percent during weekday peak hour conditions
3 over the length of the route located within the urban fringe. For purposes of measuring travel
4 time, a route shall be identified by the predominant traffic flows in the project area.

5 ~~(12)~~(6) A "transportation improvement project" described in section ~~(10)~~(4) of this rule:

- 6 (a) Is intended to solve all of the reasonably foreseeable transportation problems within a
7 general geographic location, within the planning period; and
- 8 (b) Has utility as an independent transportation project.

9 **0045: Implementation of the Transportation System Plan**

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

- 14 (1) Each local government shall amend its land use regulations to implement the TSP.
 - 15 (a) The following transportation facilities, services and improvements need not be subject to
16 land use regulations except as necessary to implement the TSP and, under ordinary
17 circumstances do not have a significant impact on land use:
 - 18 (A) Operation, maintenance, and repair of existing transportation facilities identified
19 in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and
20 major regional pipelines and terminals;
 - 21 (B) Dedication of right-of-way, authorization of construction and the construction of
22 facilities and improvements, where the improvements are consistent with clear
23 and objective dimensional standards;
 - 24 (C) Uses permitted outright under ORS 215.213(1)(j)–(m) and 215.283(1)(h)–(k),
25 consistent with the provisions of OAR 660-012-0065; and
 - 26 (D) Changes in the frequency of transit, rail and airport services.
 - 27 (b) To the extent, if any, that a transportation facility, service or improvement concerns the
28 application of a comprehensive plan provision or land use regulation, it may be allowed
29 without further land use review if it is permitted outright or if it is subject to standards
30 that do not require interpretation or the exercise of factual, policy or legal judgment;
 - 31 (c) In the event that a transportation facility, service or improvement is determined to have a
32 significant impact on land use or to concern the application of a comprehensive plan or
33 land use regulation and to be subject to standards that require interpretation or the
34 exercise of factual, policy or legal judgment, the local government shall provide a review
35 and approval process that is consistent with OAR 660-012-0050. To facilitate
36 implementation of the TSP, each local government shall amend its land use regulations to
37 provide for consolidated review of land use decisions required to permit a transportation
38 project.

- 1 (2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with
2 applicable federal and state requirements, to protect transportation facilities, corridors, and sites
3 for their identified functions. Such regulations shall include:
- 4 (a) Access control measures, for example, driveway and public road spacing, median control
5 and signal spacing standards, which are consistent with the functional classification of
6 roads and consistent with limiting development on rural lands to rural uses and densities;
 - 7 (b) Standards to protect future operation of roads, transitways and major transit corridors;
 - 8 (c) Measures to protect public use airports by controlling land uses within airport noise
9 corridors and imaginary surfaces, and by limiting physical hazards to air navigation;
 - 10 (d) A process for coordinated review of future land use decisions affecting transportation
11 facilities, corridors or sites;
 - 12 (e) A process to apply conditions to development proposals in order to minimize impacts and
13 protect transportation facilities, corridors or sites;
 - 14 (f) Regulations to provide notice to public agencies providing transportation facilities and
15 services, MPOs, and ODOT 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; and
 - 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 (3) Local governments shall adopt land use or subdivision regulations for urban areas and rural
25 communities as set forth below. The purposes of this section are to provide for safe and
26 convenient pedestrian, bicycle and vehicular circulation consistent with access management
27 standards and the function of affected streets, to ensure that new development provides on-site
28 streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in
29 areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids
30 wherever possible levels of automobile traffic which might interfere with or discourage
31 pedestrian or bicycle travel.
- 32 (a) Bicycle parking facilities as part of new multi-family residential developments of four
33 units or more, new retail, office and institutional developments, and all transit transfer
34 stations and park-and-ride lots;
 - 35 (b) On-site facilities shall be provided which accommodate safe and convenient pedestrian
36 and bicycle access from within new subdivisions, multi-family developments, planned
37 developments, shopping centers, and commercial districts to adjacent residential areas
38 and transit stops, and to neighborhood activity centers within one-half mile of the
39 development. Single-family residential developments shall generally include streets and
40 accessways. Pedestrian circulation through parking lots should generally be provided in
41 the form of accessways.

- 1 (A) "Neighborhood activity centers" includes, but is not limited to, existing or
2 planned schools, parks, shopping areas, transit stops, or employment centers;
- 3 (B) Bikeways shall be required along arterials and major collectors. Sidewalks shall
4 be required along arterials, collectors and most local streets in urban areas, except
5 that sidewalks are not required along controlled access roadways, such as
6 freeways;
- 7 (C) Cul-de-sacs and other dead-end streets may be used as part of a development
8 plan, consistent with the purposes set forth in this section;
- 9 (D) Local governments shall establish their own standards or criteria for providing
10 streets and accessways consistent with the purposes of this section. Such
11 measures may include but are not limited to: standards for spacing of streets or
12 accessways; and standards for excessive out-of-direction travel;
- 13 (E) Streets and accessways need not be required where one or more of the following
14 conditions exist:
- 15 (i) Physical or topographic conditions make a street or accessway
16 connection impracticable. Such conditions include but are not limited to
17 freeways, railroads, steep slopes, wetlands or other bodies of water
18 where a connection could not reasonably be provided;
- 19 (ii) Buildings or other existing development on adjacent lands physically
20 preclude a connection now or in the future considering the potential for
21 redevelopment; or
- 22 (iii) Where streets or accessways would violate provisions of leases,
23 easements, covenants, restrictions or other agreements existing as of May
24 1, 1995, which preclude a required street or accessway connection.
- 25 (c) Where off-site road improvements are otherwise required as a condition of development
26 approval, they shall include facilities accommodating convenient pedestrian and bicycle
27 travel, including bicycle ways along arterials and major collectors;
- 28 (d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian
29 routes, facilities and improvements which:
- 30 (A) Are reasonably free from hazards, particularly types or levels of automobile
31 traffic which would interfere with or discourage pedestrian or cycle travel for
32 short trips;
- 33 (B) Provide an accessible and a reasonably direct route of travel between destinations
34 such as between a transit stop and a store; and
- 35 (C) Meet travel needs of cyclists and pedestrians considering destination and length
36 of trip; and considering that the ~~optimum~~ most common trip length of pedestrians
37 is generally ~~1/4 to~~ under 1/2 mile.
- 38 (e) Internal pedestrian circulation within new office parks and commercial developments
39 shall be provided through clustering of buildings, construction of accessways, walkways
40 and similar techniques.
- 41 (4) To support transit in urban areas containing a population greater than 25,000, where the area is
42 already served by a public transit system or where a determination has been made that a public

1 transit system is feasible, local governments shall adopt land use and subdivision regulations as
2 provided in subsections (a)–(g) below:

3 (a) Transit routes and transit facilities shall be designed to support transit use through
4 provision of bus stops, pullouts and shelters, optimum road geometrics, on-road parking
5 restrictions and similar facilities, as appropriate;

6 (b) New retail, office, and institutional buildings at or near major transit stops shall provide
7 for convenient pedestrian access to transit through the measures listed in paragraphs (A)
8 and (B) below.

9 (A) Accessible Walkways shall be provided connecting building entrances and streets
10 adjoining the site;

11 (B) Accessible Pedestrian connections facilities connecting to adjoining properties
12 shall be provided except where such a connection is impracticable as provided
13 for in ~~OAR 660-012-0045~~ paragraph (3)(b)(E). Pedestrian connections facilities
14 shall connect the on-site circulation system to existing or proposed streets,
15 walkways, and driveways that abut the property. Where adjacent properties are
16 undeveloped or have potential for redevelopment, streets, accessways and
17 walkways on site shall be laid out or stubbed to allow for extension to the
18 adjoining property;

19 (C) In addition to paragraphs (A) and (B) above, on sites at major transit stops
20 provide the following:

21 (i) Either locate buildings within 20 feet of the transit stop, a transit street or
22 an intersecting street or provide a pedestrian plaza at the transit stop or a
23 street intersection;

24 (ii) An accessible and reasonably direct pedestrian connection facility
25 between the transit stop and building entrances on the site;

26 (iii) A transit passenger landing pad accessible to ~~disabled persons~~ people
27 with disabilities;

28 (iv) An easement or dedication for a passenger shelter if requested by the
29 transit provider; and

30 (v) Lighting at the transit stop.

31 (c) Local governments may implement (4)(b)(A) and (B) above through the designation of
32 pedestrian districts and adoption of appropriate implementing measures regulating
33 development within pedestrian districts. Pedestrian districts must comply with the
34 requirement of (4)(b)(C) above;

35 (d) Designated employee parking areas in new developments shall provide preferential
36 parking for carpools and vanpools;

37 (e) Existing development shall be allowed to redevelop a portion of existing parking areas
38 for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride
39 stations, transit-oriented developments, and similar facilities, where appropriate;

- 1 (f) Road systems for new development shall be provided that can be adequately served by
- 2 transit, including provision of pedestrian access to existing and identified future transit
- 3 routes. This shall include, where appropriate, separate accessways to minimize travel
- 4 distances;
- 5 (g) Along existing or planned transit routes, designation of types and densities of land uses
- 6 adequate to support transit.
- 7 ~~(5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce~~
- 8 ~~reliance on the automobile which:~~
- 9 ~~(a) Allow transit-oriented developments (TODs) on lands along transit routes;~~
- 10 ~~(b) Implements a demand management program to meet the measurable standards set in the~~
- 11 ~~TSP in response to OAR 660-012-0035(4);~~
- 12 ~~(c) Implements a parking plan which:~~
- 13 ~~(A) Achieves a 10 percent reduction in the number of parking spaces per capita in the~~
- 14 ~~MPO area over the planning period. This may be accomplished through a~~
- 15 ~~combination of restrictions on development of new parking spaces and~~
- 16 ~~requirements that existing parking spaces be redeveloped to other uses;~~
- 17 ~~(B) Aids in achieving the measurable standards set in the TSP in response to OAR~~
- 18 ~~660-012-0035(4);~~
- 19 ~~(C) Includes land use and subdivision regulations setting minimum and maximum~~
- 20 ~~parking requirements in appropriate locations, such as downtowns, designated~~
- 21 ~~regional or community centers, and transit-oriented developments; and~~
- 22 ~~(D) Is consistent with demand management programs, transit-oriented development~~
- 23 ~~requirements and planned transit service.~~
- 24 ~~(d) As an alternative to (c) above, local governments in an MPO may instead revise~~
- 25 ~~ordinance requirements for parking as follows:~~
- 26 ~~(A) Reduce minimum off-street parking requirements for all non-residential uses~~
- 27 ~~from 1990 levels;~~
- 28 ~~(B) Allow provision of on-street parking, long-term lease parking, and shared~~
- 29 ~~parking to meet minimum off-street parking requirements;~~
- 30 ~~(C) Establish off-street parking maximums in appropriate locations, such as~~
- 31 ~~downtowns, designated regional or community centers, and transit-oriented~~
- 32 ~~developments;~~
- 33 ~~(D) Exempt structured parking and on-street parking from parking maximums;~~
- 34 ~~(E) Require that parking lots over 3 acres in size provide street-like features along~~
- 35 ~~major driveways (including curbs, sidewalks, and street trees or planting strips);~~
- 36 ~~and~~
- 37 ~~(F) Provide for designation of residential parking districts.~~
- 38 ~~(e) Require all major industrial, institutional, retail and office developments to provide either~~
- 39 ~~a transit stop on-site or connection to a transit stop along a transit trunk route when the~~
- 40 ~~transit operator requires such an improvement.~~

1 ~~(6)~~(5) In developing a bicycle and pedestrian circulation plan as required by OAR 660-012-0020(2)(d),
2 local governments shall identify improvements to facilitate bicycle and pedestrian trips to meet
3 local travel needs in developed areas. Appropriate improvements should provide for more direct,
4 convenient, accessible, and safer bicycle or pedestrian travel within and between residential areas
5 and neighborhood activity centers (i.e., schools, shopping, transit stops). Specific measures
6 include, for example, constructing walkways between cul-de-sacs and adjacent roads, providing
7 walkways between buildings, and providing direct access between adjacent uses.

8 ~~(7)~~(6) Local governments shall establish standards for local streets and accessways that minimize
9 pavement width and total right-of-way consistent with the operational needs of the facility. The
10 intent of this requirement is that local governments consider and reduce excessive standards for
11 local streets and accessways in order to reduce the cost of construction, provide for more efficient
12 use of urban land, provide for emergency vehicle access while discouraging inappropriate traffic
13 volumes and speeds, and which accommodate convenient pedestrian and bicycle circulation. Not
14 withstanding section (1) or (3) of this rule, local street standards adopted to meet this requirement
15 need not be adopted as land use regulations.

16 **0060: Plan and Land Use Regulation Amendments**

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

20 Substantive changes to this rule are outside of the scope of the Climate-Friendly and Equitable
21 Communities Rulemaking.

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

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

29 (a) Change the functional classification of an existing or planned transportation facility
30 (exclusive of correction of map errors in an adopted plan);

31 (b) Change standards implementing a functional classification system; or

32 (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a
33 local government is evaluating a performance standard based on projected levels of motor
34 vehicle traffic, then the results must be based on projected conditions measured at the end
35 of the planning period identified in the adopted TSP. As part of evaluating projected
36 conditions, the amount of traffic projected to be generated within the area of the
37 amendment may be reduced if the amendment includes an enforceable, ongoing
38 requirement that would demonstrably limit traffic generation, including, but not limited
39 to, transportation demand management. This reduction may diminish or completely
40 eliminate the significant effect of the amendment.

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

- 1 (B) Degrade the performance of an existing or planned transportation facility such
2 that it would not meet the performance standards identified in the TSP or
3 comprehensive plan; or
- 4 (C) Degrade the performance of an existing or planned transportation facility that is
5 otherwise projected to not meet the performance standards identified in the TSP
6 or comprehensive plan.
- 7 (2) If a local government determines that there would be a significant effect, then the local
8 government must ensure that allowed land uses are consistent with the ~~identified function,~~
9 ~~capacity, and~~ performance standards of the facility measured or projected at the end of the
10 planning period identified in the adopted TSP through one or a combination of the remedies listed
11 in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection
12 (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local
13 government using subsection (2)(e), section (3), section (10) or section (11) to approve an
14 amendment recognizes that additional motor vehicle traffic congestion may result and that other
15 facility providers would not be expected to provide additional capacity for motor vehicles in
16 response to this congestion.
- 17 (a) Adopting measures that demonstrate allowed land uses are consistent with the ~~planned~~
18 ~~function, capacity, and~~ performance standards of the transportation facility.
- 19 (b) Amending the TSP or comprehensive plan to provide transportation facilities,
20 improvements or services adequate to support the proposed land uses consistent with the
21 requirements of this division; ~~s.~~ Such amendments shall include a funding plan or
22 mechanism consistent with section (4) or include an amendment to the transportation
23 finance plan so that the facility, improvement, or service will be provided by the end of
24 the planning period.
- 25 (c) Amending the TSP to modify the ~~planned function, capacity or~~ performance standards of
26 the transportation facility.
- 27 (d) Providing other measures as a condition of development or through a development
28 agreement or similar funding method, including, but not limited to, transportation system
29 management measures or minor transportation improvements. Local governments shall,
30 as part of the amendment, specify when measures or improvements provided pursuant to
31 this subsection will be provided.
- 32 (e) Providing improvements that would benefit modes other than the significantly affected
33 mode, improvements to facilities other than the significantly affected facility, or
34 improvements at other locations, if:
- 35 (A) The provider of the significantly affected facility provides a written statement
36 that the system-wide benefits are sufficient to balance the significant effect, even
37 though the improvements would not result in consistency for all performance
38 standards;
- 39 (B) The providers of facilities being improved at other locations provide written
40 statements of approval; and
- 41 (C) The local jurisdictions where facilities are being improved provide written
42 statements of approval.

- 1 (3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment
2 that would significantly affect an existing transportation facility without assuring that the allowed
3 land uses are consistent with the ~~function, capacity and~~ performance standards of the facility
4 where:
- 5 (a) In the absence of the amendment, planned transportation facilities, improvements and
6 services as set forth in section (4) of this rule would not be adequate to achieve
7 consistency with the ~~identified function, capacity or~~ performance standard for that facility
8 by the end of the planning period identified in the adopted TSP;
- 9 (b) Development resulting from the amendment will, at a minimum, mitigate the impacts of
10 the amendment in a manner that avoids further degradation to the performance of the
11 facility by the time of the development through one or a combination of transportation
12 improvements or measures;
- 13 (c) The amendment does not involve property located in an interchange area as defined in
14 paragraph (4)(d)(C); and
- 15 (d) For affected state highways, ODOT provides a written statement that the proposed
16 funding and timing for the identified mitigation improvements or measures are, at a
17 minimum, sufficient to avoid further degradation to the performance of the affected state
18 highway. However, if a local government provides the appropriate ODOT regional office
19 with written notice of a proposed amendment in a manner that provides ODOT
20 reasonable opportunity to submit a written statement into the record of the local
21 government proceeding, and ODOT does not provide a written statement, then the local
22 government may proceed with applying subsections (a) through (c) of this section.
- 23 (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected
24 transportation facility and service providers and other affected local governments.
- 25 (a) In determining whether an amendment has a significant effect on an existing or planned
26 transportation facility under subsection (1)(c) of this rule, local governments shall rely on
27 existing transportation facilities and services and on the planned transportation facilities,
28 improvements and services set forth in subsections (b) and (c) below.
- 29 (b) Outside of interstate interchange areas, the following are considered planned facilities,
30 improvements and services:
- 31 (A) Transportation facilities, improvements or services that are funded for
32 construction or implementation in the Statewide Transportation Improvement
33 Program or a locally or regionally adopted transportation improvement program
34 or capital improvement plan or program of a transportation service provider.
- 35 (B) Transportation facilities, improvements or services that are authorized in a local
36 transportation system plan and for which a funding plan or mechanism is in place
37 or approved. These include, but are not limited to, transportation facilities,
38 improvements or services for which: transportation systems development charge
39 revenues are being collected; a local improvement district or reimbursement
40 district has been established or will be established prior to development; a
41 development agreement has been adopted; or conditions of approval to fund the
42 improvement have been adopted.

- 1 (C) Transportation facilities, improvements or services in a metropolitan planning
2 organization (MPO) area that are part of the area's federally-approved, financially
3 constrained regional transportation system plan.
- 4 (D) Improvements to state highways that are included as planned improvements in a
5 regional or local transportation system plan or comprehensive plan when ODOT
6 provides a written statement that the improvements are reasonably likely to be
7 provided by the end of the planning period.
- 8 (E) Improvements to regional and local roads, streets or other transportation facilities
9 or services that are included as planned improvements in a regional or local
10 transportation system plan or comprehensive plan when the local government(s)
11 or transportation service provider(s) responsible for the facility, improvement or
12 service provides a written statement that the facility, improvement or service is
13 reasonably likely to be provided by the end of the planning period.
- 14 (c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C)
15 are considered planned facilities, improvements and services, except where:
- 16 (A) ODOT provides a written statement that the proposed funding and timing of
17 mitigation measures are sufficient to avoid a significant adverse impact on the
18 Interstate Highway system, then local governments may also rely on the
19 improvements identified in paragraphs (b)(D) and (E) of this section; or
- 20 (B) There is an adopted interchange area management plan, then local governments
21 may also rely on the improvements identified in that plan and which are also
22 identified in paragraphs (b)(D) and (E) of this section.
- 23 (d) As used in this section and section (3):
- 24 (A) Planned interchange means new interchanges and relocation of existing
25 interchanges that are authorized in an adopted transportation system plan or
26 comprehensive plan;
- 27 (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- 28 (C) Interstate interchange area means:
- 29 (i) Property within one-quarter mile of the ramp terminal intersection of an
30 existing or planned interchange on an Interstate Highway; or
- 31 (ii) The interchange area as defined in the Interchange Area Management
32 Plan adopted as an amendment to the Oregon Highway Plan.
- 33 (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D),
34 (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility
35 provider, as appropriate, shall be conclusive in determining whether a transportation
36 facility, improvement or service is a planned transportation facility, improvement or
37 service. In the absence of a written statement, a local government can only rely upon
38 planned transportation facilities, improvements and services identified in paragraphs
39 (b)(A)–(C) to determine whether there is a significant effect that requires application of
40 the remedies in section (2).
- 41 (5) The presence of a transportation facility or improvement shall not be a basis for an exception to
42 allow residential, commercial, institutional or industrial development on rural lands under this
43 division or OAR 660-004-0022 and 660-004-0028.

- 1 (6) ~~If a local government is~~ determining whether proposed land uses would affect or be consistent
2 with planned transportation facilities as provided in sections (1) and (2), using a performance
3 standard based on projected levels of motor vehicle traffic, then the local governments shall give
4 full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-
5 friendly centers, and neighborhoods as provided in subsections (a)–(d) below;
- 6 (a) Absent adopted local standards or detailed information about the vehicle trip reduction
7 benefits of mixed-use, pedestrian-friendly development, local governments shall assume
8 that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will
9 generate 10 percent fewer daily and peak hour trips than are specified in available
10 published estimates, such as those provided by the Institute of Transportation Engineers
11 (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-
12 use, pedestrian-friendly development. The 10 percent reduction allowed for by this
13 subsection shall be available only if uses which rely solely on auto trips, such as gas
14 stations, car washes, storage facilities, and motels are prohibited;
- 15 (b) Local governments shall use detailed or local information about the trip reduction
16 benefits of mixed-use, pedestrian-friendly development where such information is
17 available and presented to the local government. Local governments may, based on such
18 information, allow reductions greater than the 10 percent reduction required in
19 subsection (a) ~~above~~;
- 20 (c) Where a local government assumes or estimates lower vehicle trip generation as provided
21 in subsection (a) or (b) ~~above~~, it shall assure through conditions of approval, site plans, or
22 approval standards that subsequent development approvals support the development of a
23 mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and
24 pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3)
25 and (4). The provision of on-site bike and pedestrian connectivity and access to transit
26 may be accomplished through application of acknowledged ordinance provisions which
27 comply with 660-012-0045(3) and (4) or through conditions of approval or findings
28 adopted with the plan amendment that assure compliance with these rule requirements at
29 the time of development approval; and
- 30 (d) The purpose of this section is to provide an incentive for the designation and
31 implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering
32 the regulatory barriers to plan amendments which accomplish this type of development.
33 The actual trip reduction benefits of mixed-use, pedestrian-friendly development will
34 vary from case to case and may be somewhat higher or lower than presumed pursuant to
35 subsection (a) ~~above~~. The Commission concludes that this assumption is warranted given
36 general information about the expected effects of mixed-use, pedestrian-friendly
37 development and its intent to encourage changes to plans and development patterns.
38 Nothing in this section is intended to affect the application of provisions in local plans or
39 ordinances which provide for the calculation or assessment of systems development
40 charges or in preparing conformity determinations required under the federal Clean Air
41 Act.
- 42 (7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of
43 the criteria listed in subsections (a)–(c) ~~below~~ shall include an amendment to the comprehensive
44 plan, transportation system plan, the adoption of a local street plan, access management plan,
45 future street plan, or other binding local transportation plan to provide for on-site alignment of
46 streets or accessways with existing and planned arterial, collector, and local streets surrounding
47 the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-
48 0045(3):

- 1 (a) The plan or land use regulation amendment results in designation of two or more acres of
2 land for commercial use;
- 3 (b) The local government has not adopted a TSP or local street plan which complies with
4 OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with
5 Metro's requirement for street connectivity as contained in Title 1, Section 3.08.110 of
6 the Regional Transportation Functional Plan ~~Title 6, Section 3 of the Urban Growth~~
7 ~~Management Functional Plan~~; and
- 8 (c) The proposed amendment would significantly affect a transportation facility as provided
9 in section (1).
- 10 (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- 11 (a) Any one of the following:
- 12 (A) An existing central business district or downtown;
- 13 (B) An area designated as a central city, regional center, town center or main street in
14 the Portland Metro 2040 Regional Growth Concept;
- 15 (C) An area designated in an acknowledged comprehensive plan as a transit oriented
16 development or a pedestrian district; or
- 17 (D) An area designated as a special transportation area as provided for in the Oregon
18 Highway Plan.
- 19 (b) An area other than those listed in subsection (a) above which includes or is planned to
20 include the following characteristics:
- 21 (A) A concentration of a variety of land uses in a well-defined area, including the
22 following:
- 23 (i) Medium to high density residential development (12 or more units per
24 acre);
- 25 (ii) Offices or office buildings;
- 26 (iii) Retail stores and services;
- 27 (iv) Restaurants; and
- 28 (v) Public open space or private open space which is available for public
29 use, such as a park or plaza.
- 30 (B) Generally include civic or cultural uses;
- 31 (C) A core commercial area where multi-story buildings are permitted;
- 32 (D) Buildings and building entrances oriented to streets;
- 33 (E) Street connections and crossings that make the center safe and conveniently
34 accessible from adjacent areas;

- 1 (F) A network of streets and, where appropriate, accessways and major driveways
2 that make it attractive and highly convenient for people to walk between uses
3 within the center or neighborhood, including streets and major driveways within
4 the center with wide sidewalks and other features, including pedestrian-oriented
5 street crossings, street trees, pedestrian-scale lighting and on-street parking;
- 6 (G) One or more transit stops (in urban areas with fixed route transit service); and
- 7 (H) Limit or do not allow low-intensity or land extensive uses, such as most
8 industrial uses, automobile sales and services, and drive-through services.
- 9 (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a
10 zoning map does not significantly affect an existing or planned transportation facility if all of the
11 following requirements are met.
- 12 (a) The proposed zoning is consistent with the existing comprehensive plan map designation
13 and the amendment does not change the comprehensive plan map;
- 14 (b) The local government has an acknowledged TSP and the proposed zoning is consistent
15 with the TSP; and
- 16 (c) The area subject to the zoning map amendment was not exempted from this rule at the
17 time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d),
18 or the area was exempted from this rule but the local government has a subsequently
19 acknowledged TSP amendment that accounted for urbanization of the area.
- 20 (10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional
21 plan, a comprehensive plan, or a land use regulation without applying performance standards
22 related to motor vehicle traffic congestion (*e.g.* volume to capacity ratio or V/C), delay or travel
23 time if the amendment meets the requirements of subsection (a) of this section. This section does
24 not exempt a proposed amendment from other transportation performance standards or policies
25 that may apply including, but not limited to, safety for all modes, network connectivity for all
26 modes (*e.g.* sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency
27 required by the development.
- 28 (a) A proposed amendment qualifies for this section if it:
- 29 (A) Is a map or text amendment affecting only land entirely within a multimodal
30 mixed-use area (MMA); and
- 31 (B) Is consistent with the definition of an MMA and consistent with the function of
32 the MMA as described in the findings designating the MMA.
- 33 (b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:
- 34 (A) With a boundary adopted by a local government as provided in subsection (d) or
35 (e) of this section and that has been acknowledged;
- 36 (B) Entirely within an urban growth boundary;
- 37 (C) With adopted plans and development regulations that allow the uses listed in
38 paragraphs (8)(b)(A) through (C) of this rule and that require new development
39 to be consistent with the characteristics listed in paragraphs (8)(b)(D) through
40 (H) of this rule;

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

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

- 1 (c) A local government that proposes to use this section must coordinate with Oregon
2 Business Development Department, Department of Land Conservation and Development,
3 area commission on transportation, metropolitan planning organization, and
4 transportation providers and local governments directly impacted by the proposal to
5 allow opportunities for comments on whether the proposed amendment meets the
6 definition of economic development, how it would affect transportation facilities and the
7 adequacy of proposed mitigation. Informal consultation is encouraged throughout the
8 process starting with pre-application meetings. Coordination has the meaning given in
9 ORS 197.015 and Goal 2 and must include notice at least 45 days before the first
10 evidentiary hearing. Notice must include the following:
- 11 (A) Proposed amendment.
- 12 (B) Proposed mitigating actions from section (2) of this rule.
- 13 (C) Analysis and projections of the extent to which the proposed amendment in
14 combination with proposed mitigating actions would fall short of being
15 consistent with the ~~function, capacity, and~~ performance standards of
16 transportation facilities.
- 17 (D) Findings showing how the proposed amendment meets the requirements of
18 subsection (a) of this section.
- 19 (E) Findings showing that the benefits of the proposed amendment outweigh the
20 negative effects on transportation facilities.

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

2 These rules are intended to help implement the new rules numbered 0100 and above, which will only
3 apply to urban areas inside metropolitan areas. The existing rules will continue to apply to areas outside
4 of urban areas in metropolitan areas. These rules help make it clear what rules apply to which
5 jurisdictions, and when those rules apply.

6 **0011: Applicable Rules**

7 This rule provides for local governments in metropolitan areas to use the new rules in OAR 660-012-
8 0100 and above. Local governments in other parts of the state will continue to use the existing rules,
9 although cities outside metropolitan areas may opt into using the updated rules if they wish.

10 We are working with Metro and will be consulting with potentially affected local governments to
11 determine how rules may apply in the Portland Metropolitan Area.

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

13 OAR 660-012-0000, Purpose

14 OAR 660-012-0005, Definitions

15 OAR 660-012-0010, Transportation Planning

16 OAR 660-012-0050, Transportation Project Development

17 OAR 660-012-0060, Plan and Land Use Regulation Amendments

18 OAR 660-012-0065, Transportation Improvements on Rural Lands

19 OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land

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

21 (1) OAR 660-012-0000, OAR 660-012-0005, OAR 660-012-0010, OAR 660-12-0011, OAR 660-12-
22 0050, OAR 660-012-0060, OAR 660-012-0065, and OAR 660-012-0070 apply statewide, where
23 this division is applicable.

24 (2) OAR 660-012-0012 and OAR 660-012-0100 through OAR 660-012-0920 apply to the following
25 local governments:

26 (a) Cities within metropolitan areas;

27 (b) Portions of counties within urban growth boundaries of cities in metropolitan areas; and

28 (c) Metro.

29 (3) OAR 660-012-0010 through OAR 660-012-0055 apply to all local governments other than those
30 listed in section (2) of this rule, where this division is applicable.

31 (4) Cities that otherwise would be required to use rules as provided in section (3) of this rule, may
32 choose to instead adopt a transportation system plan meeting the rules that apply to jurisdictions
33 as provided in section (2) of this rule. Upon acknowledgement of such a transportation system
34 plan, the city shall continue to be subject to these rules in all respects.

35 (5) All cities are either subject to the rules in section (2) or section (3) of this rule, but not both.

1 (6) Counties may have different applicable rules in different parts of the county.

2 **0012: Effective Dates and Transition Period**

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

6 (1) The rules in this division adopted on [May XX, 2022], and amendments to rules in this division
7 adopted on that date, are effective [June XX, 2022], except as provided in this rule.

8 (2) A city or county adopting, amending, or updating a transportation system plan that is required to
9 meet the requirements as provided in OAR 660-012-0100 may instead use existing requirements
10 as provided in OAR 660-012-0015 if the city or county:

11 (a) Has submitted notice of the proposed change to the comprehensive plan to the
12 department as provided in OAR 660-018-0020 no later than December 31, 2022; or

13 (b) Is amending a transportation system plan to include one or more elements required in
14 OAR 660-012-0100, the amendment is not a major transportation system plan update as
15 provided in OAR 660-012-0105, and the city or county has submitted notice of the
16 proposed change to the comprehensive plan to the department as provided in OAR 660-
17 018-0020 no later than June 30, 2027.

18 (3) Cities, counties, or Metro may choose to submit a work program to set effective dates or alternate
19 deadlines for requirements in lieu of the effective dates or deadlines in sections (4) through (9) of
20 this rule.

21 (a) Cities, counties, or Metro choosing to submit a work program must submit a joint work
22 program that coordinates the actions of all affected jurisdictions in the metropolitan area.

23 (b) A proposed work program shall include the following items:

24 (A) A description of work already underway to begin complying with the new
25 requirements of this division as soon as possible;

26 (B) Effective dates or deadlines in this rule that would continue to apply;

27 (C) Proposed dates for accomplishing requirements in lieu of effective dates or
28 deadlines provided in this rule; and

29 (D) A schedule for updating local transportation system plans to comply with new
30 requirements of this division.

31 (c) A proposed work program must demonstrate early progress toward meeting the updated
32 requirements of this division, with at least some work implemented by December 31,
33 2023, and expected completion of all elements in the work program by June 30, 2027.

34 (d) A work program may not be submitted to the department after December 1, 2022.

35 (e) Local governments in regions required to submit a work program as provided in OAR
36 660-044-0015 may submit a single combined work program that meets the requirements
37 of both this rule and OAR 660-044-0100. Notwithstanding subsection (d), the combined
38 work program must be submitted by the date as provided in OAR 660-044-0015.

- 1 (f) The director shall review the proposed work program to make a recommendation to the
2 commission as to whether the proposed work program meets the following criteria:
- 3 (A) Achieves equitable outcomes;
- 4 (B) Ensures urgent action;
- 5 (C) Coordinates actions across jurisdictions within the metropolitan area;
- 6 (D) Coordinates with work required as provided in OAR 660-044-0100;
- 7 (E) Sequences elements of the work program into a logical progression; and
- 8 (F) Considers availability of funding and other resources to complete the work.
- 9 (g) The commission shall hold a hearing to review the proposed work program and the
10 director's recommendation. If the commission finds that the proposed work program is
11 complete and meets the criteria in subsection (e), then the commission shall issue an
12 order approving the work program; otherwise, the commission shall remand the proposed
13 work program with specific directions for changes needed. Upon approval by the
14 commission, the dates in the work program supersede the effective dates or deadlines in
15 this rule.
- 16 (h) The commission may modify dates in a work program at any time as necessary to achieve
17 the purposes of this division.
- 18 (4) The provisions of OAR 660-012-0215 requiring the adoption of multiple transportation
19 performance standards take effect upon the date of adoption of a major or minor transportation
20 system plan update as provided in OAR 660-012-0105.
- 21 (5) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall adopt land use
22 requirements for climate friendly areas and a climate friendly comprehensive plan element as
23 provided in OAR 660-012-0315(6) by June 30, 2024.
- 24 (6) Metro shall amend the urban growth management functional plan in conjunction with its next
25 growth management analysis under ORS 197.296 and no later than December 31, 2024, to
26 require local government adoption of Region 2040 centers and land use regulations as described
27 in the acknowledged urban growth management functional plan. Within the Metro urban growth
28 boundary, a county with planning jurisdiction in unincorporated areas provided with urban water,
29 sanitary sewer, stormwater, and transportation services, or a city shall comply with the adopted
30 requirements of the urban growth management functional plan by December 31, 2025.
- 31 (7) Cities and counties shall adopt land use regulations to meet the requirements of OAR 660-012-
32 0330 no later than the date of adoption of a major or minor transportation system plan update as
33 provided in OAR 660-012-0105.
- 34 (8) Cities, and counties with an unincorporated population over 5,000 within an urban growth
35 boundary, shall adopt comprehensive plan amendments and land use regulations meeting
36 requirements as provided in OAR 660-012-0400 through OAR 660-012-0450 no later than March
37 31, 2023, except as provided below. If a city or county has not done so, it may not apply parking
38 mandates after that date.
- 39 (a) Cities and counties required to adopt parking maximums under OAR 660-012-0415 must
40 do so when updating their transportation system plan.

- 1 (b) Cities and counties that pass population thresholds in OAR 660-012-0410, OAR 660-
2 012-0415, or OAR 660-012-0450 must adopt comprehensive plan amendments and land
3 use regulations meeting requirements within 12 months of passing those population
4 thresholds.
- 5 (c) If cities and counties adopt an approach in OAR 660-012-0445, policies must take effect
6 no later than June 30, 2023.
- 7 (d) Cities and counties implementing an approach in OAR 660-012-0435 shall do so
8 concurrently with adoption of any climate friendly area under OAR 660-012-0320.
- 9 (9) Cities and counties choosing to report on the share of on-street parking spaces that are priced as
10 provided in OAR 660-012-0450(1)(b) must:
- 11 (a) Demonstrate at least five percent of on-street parking spaces are priced by September 30,
12 2023; and
- 13 (b) Demonstrate at least 10 percent of on-street parking spaces are priced by September 30,
14 2025.
- 15 (10) Cities and counties with voter-approved bond-funded projects where the election occurred before
16 January 1, 2022 may use approved bond funding as a factor when prioritizing projects in an
17 unconstrained project list as provided in OAR 660-012-0170(4).
- 18 (11) A city or county that is subject to the requirements of OAR 660-012-0310(2) shall submit a study
19 of climate friendly areas as provided in OAR 660-012-0315(4) and (5) by June 30, 2023.
- 20 (12) The provisions of OAR 660-012-0310(2)(a) and (b) take effect June 30, 2023.
- 21 (13) Cities and counties shall implement the requirements for electric vehicle charging as provided in
22 OAR 660-012-0410 by March 31, 2023.
- 23 (14) Cities and counties shall implement the requirements of OAR 660-012-0430 and 660-012-0440
24 when reviewing development applications submitted after December 31, 2022.
- 25 (15) Requirements as provided in OAR 660-012-0900 are modified as follows:
- 26 (a) The first reporting year for the reporting requirements as provided in OAR 660-012-0900
27 is 2022, with reports due no later than May 31, 2023.
- 28 (b) Cities and counties otherwise required to complete a major report for the 2022 reporting
29 year as provided in OAR 660-012-0900 may delay submission of the major report until
30 the 2023 reporting year. A city or county electing to do so must submit a minor report for
31 the 2022 reporting year and cite this provision in that report.

1 **New Rules 0100-0215: General Provisions**

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

7 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

8 **0100: Transportation System Plans in Metropolitan Areas**

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

13 (1) Cities shall develop and adopt a transportation system plan. A transportation system plan includes
14 the following elements:

- 15 (a) The core transportation system plan elements as provided in section (2) of this rule;
- 16 (b) Funding projections as provided in OAR 660-012-0115;
- 17 (c) A transportation options element as provided in OAR 660-012-0145;
- 18 (d) An unconstrained project list as provided in OAR 660-012-0170;
- 19 (e) A constrained project list as provided in OAR 660-012-0180;
- 20 (f) Transportation system inventories as provided in OAR 660-012-0150;
- 21 (g) A financially-constrained project list as provided in OAR 660-012-0180;
- 22 (h) A pedestrian system element as provided in OAR 660-012-0500;
- 23 (i) A bicycle system element as provided in OAR 660-012-0600;
- 24 (j) A public transportation system element as provided in OAR 660-012-0700; and
- 25 (k) A street and highway system element as provided in OAR 660-012-0800.

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;
- 33 (b) Minor core elements to be updated with major or minor updates to a transportation
34 system plan as provided in OAR 660-012-0105:
 - 35 (A) A list of all components of the plan, and the date of adoption or amendment of
36 each;

- 1 (B) The policies in the city’s comprehensive plan that apply to coordinated land use
2 and transportation system planning;
- 3 (C) The goals and policies of the transportation system plan;
- 4 (D) Those areas designated by the city with concentrations of underserved
5 populations as provided in OAR 660-012-0125;
- 6 (E) A record of the engagement, involvement, and decision-making processes used in
7 development of the plan, as provided in OAR 660-012-0130, and an equity
8 analysis as provided in OAR 660-012-0135.
- 9 (F) The dates of each report made to the director as provided in OAR 660-012-0900.
10 These must include all reports made for the planning area, including city and
11 county reports, if applicable.
- 12 (3) Cities shall determine the base and horizon years of transportation system plans as follows:
- 13 (a) The base year for a transportation system plan is the present or past year which is used
14 for the development of plan elements. The base year must be the year of adoption of a
15 major update to the Transportation System Update, or no earlier than five years prior.
- 16 (b) The horizon year for a transportation system plan is the future year for which the plan
17 contains potential projects. The horizon year is a minimum of twenty years from the year
18 of adoption of a major update to the transportation system plan.
- 19 (4) Cities must coordinate the development of transportation system plans with counties,
20 transportation facility owners, and transportation service providers.
- 21 (5) Cities must develop transportation system plans and amendments to those plans consistent with
22 the provisions of OAR 660-012-0105 through OAR 660-012-0215.
- 23 (6) Adoption or amendment of a transportation system plan shall constitute the land use decision
24 regarding the need for transportation facilities, services, and major improvements; and their
25 function, mode, and general location.
- 26 (7) Cities shall make findings of compliance with applicable statewide planning goals and
27 acknowledged comprehensive plan policies and land use regulations in conjunction with the
28 adoption or amendment of the transportation system plan.
- 29 (8) Cities and counties must design transportation system plans to achieve transportation
30 performance targets as provided in OAR 660-012-0910 for increasing transportation choices,
31 avoiding principal reliance on the automobile, and reducing transportation-related climate
32 pollution.
- 33 (9) Metro must adopt a regional transportation system plan provided in OAR 660-012-0140.
- 34 (10) Cities and counties in the Portland Metropolitan area must meet the requirements as provided in
35 OAR 660-012-0140.

1 **0105: Transportation System Plan Updates**

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

7 No substantive changes have been made to this rule since the December draft.

- 8 (1) Cities may adopt a major update to a transportation system plan as provided in section (2), or a
9 minor update as provided in section (4).
- 10 (2) A major update to a transportation system plan is any update that:
- 11 (a) Includes a change to the horizon year of the plan;
 - 12 (b) Any update where the adoption date is fewer than five years prior to January 1 of the
13 planning horizon year of the acknowledged plan; or
 - 14 (c) Newly includes a facility authorized as provided in OAR 660-012-0830.
- 15 (3) A city making a major update to a transportation system plan must:
- 16 (a) Include an update to the core transportation system plan elements as provided in OAR
17 660-012-0100, and include all other applicable elements as provided in OAR 660-012-
18 0100.
 - 19 (b) Follow the engagement requirements of OAR 660-012-0120 in the development of the
20 major update to the transportation system plan.
 - 21 (c) Complete the review of any proposed facility required to be reviewed as provided in
22 OAR 660-012-0830 prior to adoption in the transportation system plan.
- 23 (4) A minor update to a transportation system plan is any update which is not a major update as
24 provided in section (2) of this rule. A city making a minor update to a transportation system plan
25 must:
- 26 (a) Include, at minimum, an update to core transportation system plan elements as provided
27 in OAR 660-012-0100.
 - 28 (b) Follow the engagement requirements of OAR 660-012-0120 in the development of the
29 minor update to the transportation system plan.

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 No substantive changes have been made to this rule since the December draft.

- 36 (1) The planning area for transportation system plans is the area encompassed by the acknowledged
37 urban growth boundary, including both incorporated and unincorporated areas. The
38 unincorporated area within urban growth boundaries is the urbanizable area.

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

24 **0115: Funding Projections**

25 This rule describes how cities develop funding projections in the transportation system plan. Funding
 26 projections include a list of funding sources that are expected to fund transportation facilities and
 27 services, and the amount of funding available for transportation projects over the planning period.

- 28 (1) Cities and counties must include funding projections in the transportation system plan. Funding
 29 projections must include the list of funding sources and amount of funding available, as provided
 30 in this rule.
- 31 (2) Cities and counties must include a list of transportation system funding sources in the
 32 transportation system plan. The list of funding sources must include all funding sources that the
 33 city expects to use over the planning period to operate, maintain, or construct the transportation
 34 system. These sources include, but are not limited to:
- 35 (a) Local, regional, state, and federal funding sources; and
- 36 (b) Sources expected to be directed to transportation facilities or services within the planning
 37 area controlled by any transportation facility or service operator.
- 38 (3) The list of funding sources must include, for each source of funding identified:
- 39 (a) The expected amounts of funding for each year over the remainder of the planning
 40 period;

- 1 (b) The purpose of the source of funding and any key limitations on the use of the funding;
- 2 and
- 3 (c) Reasons for expecting the finding source to be available during the planning period.
- 4 These reasons may include, but are not limited to:
- 5 (A) The source comes from transportation facility pricing revenues, including
- 6 parking revenues;
- 7 (B) The source comes from tax or bond revenues;
- 8 (C) The source comes from fees, charges, or other local revenues;
- 9 (D) The source comes from grants given using a formula or other regular
- 10 disbursement;
- 11 (E) The source comes from regional funds provided through a Metropolitan Planning
- 12 Organization; and
- 13 (F) The source previously provided funds to the city or county and can reasonably
- 14 expected to provide more in the future.
- 15 (4) The city or county must use the list of funding sources to determine the amount of funding
- 16 expected to be available for use to develop transportation projects over the planning period.
- 17 Funding amounts which are expected to be used to maintain and operate the transportation
- 18 system, or used for other purposes than to fund transportation projects, must be excluded. The
- 19 transportation system plan must clearly describe the amounts that are included and excluded.

20 **0120: Transportation System Planning Engagement**

21 This rule directs how cities must engage the public, and specifically underserved populations, in the

22 development and approval of transportation system plans.

- 23 (1) Cities and counties must develop transportation system plans using methods of engaging the
- 24 public and making decisions consistent with the statewide planning goals and provisions of the
- 25 local comprehensive plan.
- 26 (2) Public engagement and decision making must place an increased emphasis on centering the
- 27 voices of underserved populations as provided in OAR 660-012-0125.
- 28 (3) Cities or counties engaged in a major update of the transportation system plan as provided in
- 29 OAR 660-012-0105, or an update of the future land use assumptions as provided in OAR 660-
- 30 012-0340, must make a special effort to ensure underserved populations, identified as provided in
- 31 OAR 660-012-0125, are informed about the choices that need to be made in the planning process,
- 32 given a meaningful opportunity to inform the planning process, and to the extent possible, have
- 33 an equitable share of the decision-making power over key decisions.

1 **0125: 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) To implement provisions of this division, cities and counties must prioritize community-led
13 engagement and decision-making, with specific attention to the underserved populations listed in
14 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 and refugees;
 - 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 **0130: 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 660-012-0135;
 - 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 federally recognized sovereign tribes whose ancestral
22 lands include the area now within the city or county. The city or county must engage with
23 affected tribes to notify them of coordinated land use and transportation planning activities and
24 projects under this division.
- 25 (3) Cities and counties must regularly assess and report on progress made under this rule by:
- 26 (a) Reporting to the department annually as provided in OAR 660-012-0900;
 - 27 (b) Making regular reports to the planning commission and governing body of the city or
28 county; and
 - 29 (c) Making regular public reports to the community.

30 **0135: Equity Analysis**

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

- 35 (1) Cities and counties must determine whether the land use and transportation plans required in this
36 division improve outcomes for underserved populations by using an equity analysis. An equity
37 analysis is intended to determine benefits and burdens on underserved populations, as provided in
38 OAR 660-012-0125.

- 1 (2) A city or county engaging in an equity analysis must:
- 2 (a) Engage with members of underserved populations as provided in OAR 660-012-0125 to
3 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) Assess, document, acknowledge, and address where current and past racism has harmed
7 and continues to harm underserved populations;
- 8 (d) Recognize where and how intersectional discrimination compounds disadvantages;
- 9 (e) Gather, collect, and value lived experience, qualitative, and quantitative information from
10 the community on how the proposed change benefits or burdens underserved populations;
- 11 (f) Analyze the proposed changes for impacts and alignment with desired key community
12 outcomes;
- 13 (g) Develop strategies to create greater equity or minimize negative consequences;
- 14 (h) Develop and track key indicators over time and continue to communicate with and
15 involve the people in the community who are members of underserved populations; and
- 16 (i) Report back and share the information learned from the analysis and unresolved issues
17 with people in the community who are members of underserved populations.

18 ***0140: Transportation System Planning in the Portland Metropolitan Area***

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

- 22 (1) This rule applies to cities and counties in the Portland Metropolitan Area, and Metro. In the
23 Portland Metropolitan Area, cities and counties shall develop and adopt local transportation
24 system plans, and Metro shall develop and adopt a regional transportation system plan as
25 provided in this rule.
- 26 (2) Cities and counties shall amend comprehensive plans, land use regulations, and transportation
27 system plans to be consistent with Metro's regional transportation system plan. Consistent means
28 city and county comprehensive plans and implementing ordinances, conform with the policies
29 and projects in the regional transportation system plan. If Metro finds a local transportation
30 system plan is consistent with the Regional Transportation Functional Plan, the transportation
31 system plan shall be deemed consistent with the regional transportation system plan.
- 32 (3) Metro shall prepare, adopt, amend, and update a regional transportation system plan in
33 coordination the with regional transportation plan required by federal law. Insofar as possible, the
34 regional transportation system plan shall be accomplished through a single coordinated process
35 that complies with the applicable requirements of federal law and this division.
- 36 (a) When Metro adopts or amends the regional transportation plan to comply with this
37 division as provided in this section, Metro shall review the adopted plan or amendment
38 and either:

- 1 (A) Adopt findings that the proposed regional transportation plan amendment or
2 update is consistent with the applicable provisions of adopted regional
3 transportation system plan and compliant with applicable provisions of this
4 division; or
- 5 (B) Adopt amendments to the regional transportation system plan that make the
6 regional transportation plan consistent and compliant with applicable provisions
7 of this division. Necessary plan amendments or updates shall be prepared and
8 adopted in coordination with the federally-required plan update or amendment.
9 Such amendments shall be initiated no later than 30 days from the adoption of the
10 regional transportation plan amendment or update and shall be adopted no later
11 than one year from the adoption of the regional transportation plan amendment or
12 update or according to a work program approved by the commission. A plan
13 amendment is initiated for purposes of this subsection where the affected local
14 government files a post-acknowledgement plan amendment notice with the
15 department as provided in OAR 660-018-0020.
- 16 (b) Adoption or amendment of the regional transportation plan relates to compliance with
17 this division for purposes of this section if it does one or more of the following:
- 18 (A) Changes plan policies;
- 19 (B) Adds or deletes a project from the list of planned transportation facilities,
20 services, or improvements or from the financially-constrained project list
21 required by federal law;
- 22 (C) Modifies the general location of a planned transportation facility or
23 improvement;
- 24 (D) Changes the functional classification of a transportation facility; or
- 25 (E) Changes the planning period or adopts or modifies the population or employment
26 forecast or allocation upon which the plan is based.
- 27 (c) The following amendments to the regional transportation plan do not relate to compliance
28 with this division for purposes of this section:
- 29 (A) Adoption of an air quality conformity determination;
- 30 (B) Changes to a federal revenue projection;
- 31 (C) Changes to estimated cost of a planned transportation project; or
- 32 (D) Deletion of a project from the list of planned projects where the project has been
33 constructed or completed.
- 34 (4) Notwithstanding any requirement in this division, Metro may adopt provisions into a regional
35 functional plan that require cities and counties to meet an additional requirement for
36 transportation system planning where Metro finds that the additional requirement is necessary to
37 meet regional planning objectives and supports the purposes of this division.
- 38 (5) Notwithstanding requirements for transportation system planning areas provided in OAR 660-
39 012-0110:
- 40 (a) Metro shall work cooperatively with cities and counties to determine responsibility for
41 planning areas in the urbanizable area. Where a county has responsibility for a planning
42 area, the county must meet the requirements as provided for counties in OAR 660-012-
43 0110;

- 1 (b) Counties planning for unincorporated areas with the urban growth boundary shall meet
 2 all applicable requirements based on the population of the planning area; and
- 3 (c) Counties and cities need not have the same planning horizon year.
- 4 (6) Notwithstanding requirements for transportation system inventories as provided in OAR 660-012-
 5 0150, Metro shall prescribe inventory requirements in transportation system plans for cities and
 6 counties in a regional functional plan.
- 7 (7) Metro may propose alternative requirements in lieu of requirements provided in this division.
- 8 (a) The director shall review proposed alternative requirements to make a recommendation
 9 to the commission as to whether the proposed alternative requirements would meet the
 10 objectives of the original requirements and support the purposes of this division.
- 11 (b) The commission shall hold a hearing to review the proposed alternative requirements and
 12 the director's recommendation. If the commission finds that the proposed alternative
 13 requirements meet the objectives of the original requirements and support the purposes of
 14 this division, then the commission shall issue an order approving the proposed alternative
 15 requirements; otherwise, the commission shall remand the proposed alternative
 16 requirements to Metro with specific directions for changes needed to meet the objectives
 17 of the original requirement and support the purposes of this division.
- 18 (c) Upon approval by the commission, Metro may adopt the proposed alternative
 19 requirements into a regional functional plan. Upon adoption by Metro, cities and counties
 20 that comply with the alternative requirements of the regional functional plan are no
 21 longer required to meet the specific requirements of the commission order.

22 **0145: Transportation Options Planning**

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

- 27 (1) Transportation system plans must include a transportation options element that includes:
- 28 (a) The existing programs, services, and projects identified in section (2);
- 29 (b) The future transportation demand management needs identified in section (3) and the
 30 performance targets as provided in OAR 660-012-0910; and
- 31 (c) A trip reduction strategy for large employers.
- 32 (2) Cities and counties shall coordinate with transportation options providers, public transportation
 33 service providers, and other cities and counties to identify existing transportation options and
 34 transportation demand management programs, services, and projects. This must include, but is
 35 not limited to:
- 36 (a) The identification of education, encouragement, and other transportation demand
 37 management programs and services that focus on non-driving forms of transportation;
- 38 (b) The identification of transportation demand management programs and policies that
 39 discourage the use of single occupancy vehicles; and
- 40 (c) The identification of the transportation options needs of underserved populations.

- 1 (3) Cities and counties shall coordinate with transportation options providers, public transportation
2 service providers, and other cities and counties to identify future transportation demand
3 management needs. This must include, but is not limited to:
- 4 (a) Commute Trip Reduction consultation and promotion of programs such as the provision
5 of transit passes and parking cash-out;
- 6 (b) Physical improvements such as carpool parking spaces and park and ride locations; and
7 (c) Regional solutions for intercity travel.

8 **0150: Transportation System Inventories**

9 This rule includes general requirements for inventories of existing facilities and services in
10 transportation system plans. The specific requirements for each mode of transportation are in separate
11 rules, as noted in this rule. There are basic levels of inventories required, and larger cities will be
12 required to do more advanced inventories.

- 13 (1) This rule applies to transportation inventories as provided in OAR 660-012-0505, OAR 660-012-
14 0605, OAR 660-012-0705, and OAR 660-012-0805.
- 15 (2) Cities and counties shall coordinate with other transportation facility and service providers,
16 including, but not limited to state agencies, other cities and counties, and public transportation
17 system operators to develop the transportation system inventory.
- 18 (3) Inventories must include all publicly accessible transportation facilities and services within the
19 planning area, regardless of ownership or maintenance responsibility. Inventories must note
20 ownership or maintenance responsibility for all facilities.
- 21 (4) Inventories must clearly identify the function of a facility or service, primary users of the facility
22 or service, and the planned land use context of differing segments of the facility.
- 23 (a) Function includes the classification of the facility or services, its primary uses, and
24 whether it primarily serves local, regional, pass-through, or freight traffic.
- 25 (b) Primary users of the facility includes whether users are primarily on foot, bicycle, transit,
26 freight, or personal vehicle.
- 27 (c) Land use context includes determining what types of planned land uses surround the
28 facility.

29 **0155: Prioritization Framework**

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

- 34 (1) Cities, counties, Metro, and state agencies shall use the framework in this rule to make decisions
35 about prioritization of transportation facilities and services when making decisions as provided in
36 this division. Cities, counties, Metro, and state agencies must consider the following:
- 37 (a) Prioritization factors as provided in section (2);
- 38 (b) Classification of facilities or segments as provided in section (3);

- 1 (c) The planned land use context as provided in section (4); and
2 (d) Expected primary users as provided in section (5).
- 3 (2) Cities, counties, Metro, and state agencies shall use the following factors to prioritize
4 transportation facilities and services. Transportation facilities and services supporting each of
5 these factors must be prioritized.
- 6 (a) Meeting greenhouse gas reduction targets, including:
7 (A) Reducing per-capita vehicle miles traveled to meet greenhouse gas reduction
8 targets as provided in OAR 660-044-0020 and 660-044-0025;
9 (B) Supporting compact, pedestrian-friendly patterns of development in urban areas,
10 particularly in Climate Friendly Areas;
11 (C) Reducing single-occupant vehicle travel as a share of overall travel; and
12 (D) Meeting performance targets as provided in OAR 660-012-0910.
- 13 (b) Improving equitable outcomes for underserved populations identified as provided in
14 OAR 660-012-0125;
- 15 (c) Improving safety, particularly reducing or eliminating fatalities and serious injuries;
16 (d) Improving access for people with disabilities;
- 17 (e) Improving access to destinations, particularly key destinations as provided in OAR 660-
18 012-0360;
- 19 (f) Completing the multimodal transportation network, including filling gaps and making
20 connections; and
- 21 (g) Supporting the economies of the community, region, and state.
- 22 (3) Cities, counties, Metro, and state agencies shall consider the functional classification of planned
23 or existing transportation facilities or segments when making decisions about appropriate
24 transportation facilities and services. Cities, counties, Metro, and state agencies may establish
25 different functional classifications for each mode on any facility or segment that they own and
26 operate.
- 27 (4) Cities, counties, Metro, and state agencies shall consider the planned land use context around an
28 existing or planned transportation facility or segment when making decisions about appropriate
29 transportation facilities and services. In particular:
- 30 (a) Within Climate Friendly Areas, cities, counties, Metro, and state agencies shall prioritize
31 pedestrian, bicycle, and public transportation facilities and services. Cities, counties,
32 Metro, and state agencies must ensure facilities are planned for these modes to experience
33 reliable, low-stress travel within Climate Friendly Areas with minimal interference from
34 motor vehicle traffic.
- 35 (b) In areas with concentrations of underserved populations, cities, counties, Metro, and state
36 agencies shall prioritize projects addressing historic and current marginalization.
37 Proposed projects in these areas must work to rectify previous harms and prevent future
38 harms from occurring. These areas may have suffered from disinvestment or harmful
39 investments, including transportation system investments. Harms include but are not
40 limited to displacement and increased exposure to pollutants.

- 1 (5) Cities, counties, Metro, and state agencies shall consider the expected primary users of an
2 existing or planned transportation facility or segment when making decisions about appropriate
3 transportation facilities and services. In particular:
- 4 (a) In areas near schools or other locations with expected concentrations of children, or areas
5 with expected concentrations of older people or people with disabilities, cities, counties,
6 Metro, and state agencies must prioritize safe, protected, and continuous pedestrian and
7 bicycle networks connecting to key destinations, including transit stops.
- 8 (b) In industrial areas, and along routes accessing key freight terminals, cities, counties,
9 Metro, and state agencies must consider the needs of freight users. Pedestrian, bicycle,
10 and public transportation system connections must be provided in industrial areas at a
11 level that provides safe access for workers.

12 **0160: Reducing Vehicle Miles Traveled**

13 This rule requires cities and counties to use vehicle miles travelled to link local transportation systems
14 planning with the metropolitan greenhouse gas reduction targets. The rule applies when adopting a TSP
15 and requires the city or county to adopt a TSP that is projected to reduce vehicle miles travelled.

- 16 (1) Cities with a population of 5,000 or less are exempt from requirements in this rule. Counties with
17 a population of 5,000 or less within urban growth boundaries but outside of incorporated cities
18 are exempt from this rule.
- 19 (2) Cities with a population of 10,000 or less may request an exemption from requirements in this
20 rule from the department. Counties with a population of 10,000 or less within urban growth
21 boundaries but outside of incorporated cities are exempt from this rule. Upon a written request for
22 an exemption submitted to the department, the director may grant a city or county an exemption
23 to the requirements in this rule when the director determines that the requestor has established
24 that compliance with this rule would not be possible or would place an undue burden on the city
25 or county.
- 26 (3) When a city, county, or Metro is making a major update to a transportation system plan as
27 provided in OAR 660-012-0105, they shall project vehicle miles traveled per capita at the horizon
28 year.
- 29 (a) The city, county, or Metro must prepare a projection that estimates changes in future
30 vehicle miles traveled per capita from the base year that would result from projects on the
31 financially-constrained project list as provided in OAR 660-012-0180; and
- 32 (b) Projections of vehicle miles traveled per capita must incorporate the best available
33 science on latent and induced travel of additional roadway capacity.
- 34 (4) The projections prepared as provided in section (3) 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 under OAR 660-012-0910,
38 or OAR 660-044-0120; and
- 39 (c) Forecast land use patterns as provided in OAR 660-012-0340.
- 40 (5) Cities and counties may only adopt a transportation system plan if the projected vehicle miles
41 traveled per capita at the horizon year using the financially-constrained project list is lower than
42 estimated vehicle miles traveled per capita in the base year scenario.

- 1 (6) A city or county is not required to meet the requirements in sections (2) through (5) of this rule if
 2 the city or county has selected a financially-constrained project list that does not contain any
 3 project that would require review as provided in OAR 660-012-0830(1).
- 4 (7) Metro shall adopt a regional transportation plan in which the projected vehicle miles traveled per
 5 capita at the horizon year using the financially-constrained project list is lower than the estimated
 6 vehicle miles traveled per capita at the base year by an amount that is consistent with the
 7 metropolitan greenhouse gas reduction targets in OAR 660-044-0020.
- 8 (a) Metro may rely on assumptions on future state and federal actions, including the
 9 following state-led actions that affect auto operating costs:
- 10 (A) State-led pricing policies, and energy prices; and
- 11 (B) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel
 12 mix, and fuel carbon intensity.

13 **0170: Unconstrained Project List**

14 This rule describes how cities and counties take the combined list of projects developed in the modal
 15 elements of the transportation system plan, develop multimodal projects, and produce a combined
 16 project list. The rule requires cities and counties to use the combined project list to develop an
 17 unconstrained project list.

- 18 (1) Cities and counties shall create a combined project list by combining:
- 19 (a) The pedestrian project list developed as provided in OAR 660-012-0520;
- 20 (b) The bicycle project list developed as provided in OAR 660-012-0620;
- 21 (c) The public transportation project list developed as provided in OAR 660-012-0720; and
- 22 (d) The streets and highways project list developed as provided in OAR 660-012-0820.
- 23 (2) Cities and counties shall review the project lists to determine if there are opportunities to combine
 24 proposed projects from multiple single-mode lists into a single multimodal project, and then add
 25 that project to the combined project list.
- 26 (3) Cities and counties shall review the combined project list and remove projects as necessary to
 27 meet the requirements of this rule to develop the unconstrained project list. There is no limit to
 28 the number of projects which may be included on the unconstrained project list.
- 29 (4) Cities and counties shall develop a method of prioritizing projects on the unconstrained project
 30 list consistent with the prioritization factors in OAR 660-012-0155. Projects on the unconstrained
 31 project list may be individually ranked or ranked in tiers. Unconstrained project lists ranked in
 32 tiers must have enough tiers to clearly be able to determine the relative ranking of projects when
 33 making decisions. Cities and counties shall describe the method used to prioritize the
 34 unconstrained project list in the transportation system plan. Cities and counties must meet the
 35 following requirements when developing a method of prioritizing projects on the unconstrained
 36 project list:
- 37 (a) The project will help reduce vehicle miles traveled;
- 38 (b) The project burdens underserved populations less than and benefit as much as the city or
 39 county population as a whole; and
- 40 (c) The project will help achieve the performance targets as provided in OAR 660-012-0910.

1 (5) Cities and counties shall develop planning-level cost estimates for the top ranked projects on the
2 prioritized unconstrained project list as provided in section (4) of this rule. The city or county
3 must make estimates for as many projects as the city or county reasonably believes could be
4 funded in the planning period. The city or county need not make cost estimates for every project
5 on the unconstrained project list.

6 **0180: Financially-Constrained Project List**

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

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

- 16 (1) Cities and counties shall include a financially-constrained project list in a transportation system
17 plan. Cities and counties shall use the prioritized unconstrained project list developed as provided
18 in OAR 660-012-0170 and the amount of funding available developed as provided in OAR 660-
19 012-0115 to produce the financially-constrained project list.
- 20 (2) Cities, counties, Metro, and the state may only develop, fund, and construct projects on the
21 financially-constrained project list.
- 22 (a) Cities and counties may only submit projects on the financially-constrained project list in
23 their transportation system plan to the financially-constrained list of a federally-required
24 regional transportation plan.
- 25 (b) Cities and counties may permit projects on the unconstrained project list to move forward
26 if the project is built by a property owner as a requirement of land development and the
27 project would not require review as provided in OAR 660-012-0830.
- 28 (3) Cities and counties shall create a financially-constrained project list using the top available
29 projects on the prioritized unconstrained project list, using the planning-level cost estimates
30 developed as provided in OAR 660-012-0170, up to 125 percent of the funding available. Cities
31 and counties shall select projects such that the projects on the financially-constrained list would:
- 32 (a) Reduce per capita vehicle miles traveled, as provided in OAR 660-012-0160;
- 33 (b) Burden underserved populations less than and benefit underserved populations as much
34 or more as the city or county population as a whole; and
- 35 (c) Make significant progress towards meeting the performance targets set for each
36 performance measure as provided in OAR 660-012-0910 or OAR 660-044-0110.
- 37 (4) If the list of projects cannot meet each test in section (3), the city or county must adjust the
38 project list to find the highest-ranking set of projects that can meet the criteria in section (3). This
39 is the financially-constrained project list.
- 40 (5) Cities or counties making a major or minor amendment to the transportation system plan as
41 provided in OAR 660-012-0105 which includes an update to any project list, must update the
42 financially-constrained project list as provided in this rule.

- 1 (6) Cities and counties shall prioritize the implementation of projects from the financially-
2 constrained project list for their ability to reduce climate pollution and improve equitable
3 outcomes using the criteria provided in section (3) of this rule.

4 **0190: Transportation System Refinement Plans**

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

- 8 (1) A city or county may, when adopting a major update to the transportation system plan as
9 provided in OAR 660-012-0100, defer decisions regarding function, general location, and mode
10 of a refinement plan if findings are adopted that:
- 11 (a) Identify the transportation need for which decisions regarding function, general location, or
12 mode are being deferred;
 - 13 (b) Demonstrate why information required to make final determinations regarding function,
14 general location, or mode cannot reasonably be made available within the time allowed for
15 preparation of the transportation system plan;
 - 16 (c) Explain how deferral does not invalidate the assumptions upon which the transportation
17 system plan is based or preclude implementation of the remainder of the transportation
18 system plan;
 - 19 (d) Describe the nature of the findings which will be needed to resolve issues deferred to a
20 refinement plan; and
 - 21 (e) Set a deadline for adoption of a refinement plan.
- 22 (2) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements
23 of the National Environmental Policy Act of 1969, the development of the refinement plan shall
24 be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted
25 prior to the issuance of the Final EIS.

26 **0200: Temporary Projects**

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

- 30 (1) Notwithstanding any other part of this division, an operator of a transportation facility may
31 undertake a temporary project to change streets, roads, or highways consistent with this rule,
32 without specific inclusion in a project list in a transportation system plan.
- 33 (2) Temporary projects may include:
- 34 (a) Temporary projects to convert areas dedicated to existing on-street parking or general-
35 purpose travel lanes to pedestrian facilities, areas, or plazas; bicycle facilities; or transit
36 lanes.
 - 37 (b) Temporary projects to implement a pilot program to price facilities for motor vehicles on
38 a street or highway. This rule does not restrain any parking pricing or parking
39 management activities.

- 1 (c) Temporary transportation projects to provide basic transportation network connectivity
2 and function after a major emergency impacting the transportation system to a significant
3 degree.
- 4 (3) Temporary projects as provided in this rule may be in place for up to two years, or three years
5 within a climate friendly area. Projects extending past this duration must be adopted into the
6 transportation system plan.

7 **0210: Transportation Modeling and Analysis**

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

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

18 **0215: Transportation Performance Standards**

19 This rule provides a framework for how decisions are made using transportation performance standards.
20 These include decisions made about transportation system planning, reviewing comprehensive plan and
21 land use regulation amendments, and in the local review of development proposals.

22 Currently many, but not all, decisions have relied heavily on performance standards related to motor
23 vehicle congestion. This rule ensures that decisions take all modes and a wider variety of values into
24 account. These values include equity, reducing climate pollution, safety, accessibility, reliability, and
25 mobility.

- 26 (1) This rule applies to performance standards that cities and counties use to review comprehensive
27 plan and land use regulation amendments as provided in OAR 660-012-0060. If a city or county
28 requires applicants to analyze transportation impacts as part of development review in
29 acknowledged local land use regulations, then that review must use performance standards
30 established under this rule. This rule applies to performance standards that Metro uses to review
31 functional plan amendments as provided in OAR 660-012-0060.
- 32 (2) Cities and counties shall adopt performance standards as an element of a local transportation
33 system plan. The performance standards must be consistent with the acknowledged local
34 comprehensive plan. The performance standards must support meeting the targets for
35 performance measures provided in OAR 660-012-0910. The transportation system plan must
36 include the elements listed below.
- 37 (a) What characteristics of the transportation system will be measured, estimated or
38 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 climate pollution;
13 (b) Equity;
14 (c) Safety;
15 (d) Network connectivity;
16 (e) Accessibility;
17 (f) Efficiency;
18 (g) Reliability; and
19 (h) Mobility.

20 **New Rules 0300-0360: Coordinated Land Use and Transportation Planning**

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

24 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

25 ***0300: Coordinated Land Use and Transportation System Planning***

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

- 28 (1) Cities and counties must coordinate land use and transportation plans.
- 29 (2) Cities and counties must, if applicable, adopt and implement climate friendly areas as provided in
30 OAR 660-012-0310.
- 31 (3) Cities and counties must adhere to the applicable land use requirements as provided in OAR 660-
32 012-0330.
- 33 (4) Cities and counties must, in the development of transportation plans, use the land use assumptions
34 developed as provided in OAR 660-0340.
- 35 (5) Cities and counties must develop a list of key destinations, as provided in OAR 660-012-0360.

1 (6) Cities and counties must meet the parking management requirements as provided in OAR 660-
2 012-0400.

3 **0310: Climate Friendly Areas**

4 This rule describes the locational requirements for the designation of climate friendly areas. The rule
5 sets out some basic standards for which areas should and should not be considered for designation as a
6 climate friendly area.

7 (1) Cities and counties shall study and zone climate friendly areas in locations that meet the
8 following requirements:

9 (a) Must address the land use requirements of OAR 660-012-0320.

10 (b) Must be located in existing or planned urban centers, including downtowns,
11 neighborhood centers, transit-served corridors, or similar districts. To the extent
12 practicable, climate friendly areas should be located in close proximity to areas planned
13 for, or provided with, high density residential uses and a high concentration of
14 employment opportunities.

15 (c) Must be located in areas that are served, or planned for service, by high quality
16 pedestrian, bicycle, and transit services.

17 (d) May not be located in areas where development is not allowed under authority of
18 Statewide Planning Goal 7. Climate friendly areas may be designated in areas subject to
19 Statewide Planning Goal 7 if the local government has adopted requirements for
20 development that will mitigate potential hazards to life and property.

21 (e) Cities may designate climate friendly areas within the urban growth boundary, but
22 outside the city limits boundary, if all of the following requirements are met:

23 (A) The area is contiguous with the city limits boundary;

24 (B) The provision of urban services is contingent upon annexation into the city limits
25 and the area is readily serviceable with urban water, sewer, stormwater, and
26 transportation services;

27 (C) Zoning that is consistent with climate friendly area requirements will be applied
28 upon annexation, based on the comprehensive plan designation for the area;

29 (D) The county in which the subject area is located has adopted the same
30 comprehensive plan designation for the area; and

31 (E) The city can demonstrate that at least 90 percent of recent annexation
32 applications have been approved within one year of the date of annexation
33 application.

34 (f) Climate friendly areas shall have a minimum width of 750 feet. Exceptions to these
35 minimum dimensional requirements are allowed due to natural barriers, such as rivers; or
36 due to long-term barriers in the built environment, such as freeways. Exceptions are also
37 allowed if potential climate friendly areas are constrained by adjacent areas planned and
38 zoned to meet industrial land needs.

- 1 (2) Cities and counties outside Metro with a population of more than 5,000 within an urban growth
2 boundary shall designate climate friendly areas. Counties with planning jurisdiction in areas
3 provided with urban water, sanitary sewer, stormwater, and transportation services within an
4 identified urban growth boundary shall coordinate with the respective city or cities to address
5 climate friendly area requirements for those areas. County areas outside urban growth boundaries;
6 or within urban growth boundaries but not provided with urban water, sanitary sewer, stormwater,
7 and transportation services; are not subject to this rule. Cities and counties shall designate climate
8 friendly areas as they cross the following population thresholds:
- 9 (a) A city or county with a population within an urban growth boundary exceeding 5,000
10 shall designate climate friendly areas as provided in OAR 660-012-0315 within two years
11 of reaching a population exceeding 5,000.
- 12 (b) A city or a county with a population exceeding 10,000 within an urban growth boundary
13 shall designate climate friendly areas as provided in OAR 660-012-0315 within two years
14 of reaching a population exceeding 10,000. The city or county shall maintain sufficient
15 lands within climate friendly areas as their population grows, as provided in OAR 660-
16 012-0315. For cities also subject to OAR 660-008-0045, compliance with this
17 requirement shall be demonstrated in each Housing Capacity Analysis following the
18 initial designation of climate friendly areas. Land use requirements for climate friendly
19 areas shall be established concurrent or prior to the adoption of the Housing Capacity
20 Analysis as provided in OAR 660-012-0320. Counties subject to this rule shall coordinate
21 with cities to address climate friendly area requirements within an urban growth
22 boundary.
- 23 (3) Metro and cities and counties within the Metro urban growth boundary shall use the provisions of
24 OAR 660-012-0325 when reviewing amendments to comprehensive plans or land use regulations
25 within a Region 2040 center in the manner of a climate friendly area, in lieu of OAR 660-012-
26 0060.
- 27 (4) If a city or county outside Metro have not designated sufficient climate friendly areas as provided
28 in this rule, the commission may:
- 29 (a) Initiate periodic review for the subject local government to address the requirement; or
30 (b) Issue an enforcement order to the local government, consistent with ORS 197.646.

1 **0315: Designation of Climate Friendly Areas**

2 This rule describes the process to be followed for cities and counties to study potential climate friendly
3 areas, including consideration for, and mitigation of, potential inequitable impacts that might result
4 from CFA designation, such as the displacement of underserved populations. The rule also describes
5 requirements for the adoption of zoning regulations and comprehensive plan amendments for climate
6 friendly areas.

- 7 (1) Cities and counties subject to the requirements of OAR 660-012-0310(2) with a population of
8 10,000 or more must designate climate friendly areas sufficient to accommodate at least thirty
9 percent of the total identified number of housing units necessary to meet all current and future
10 housing needs over the planning period by using the average buildable residential area
11 calculations in section (2). A local government may designate one or several climate friendly
12 areas in order to accommodate at least thirty percent of housing units.
- 13 (2) Cities and counties subject to section (1) must calculate the housing that can be accommodated in
14 climate friendly areas by estimating the average buildable residential area within climate friendly
15 areas, as follows:
- 16 (a) Based on development standards within a climate friendly area, including applicable
17 setbacks, allowed building heights, open space requirements, on-site parking
18 requirements, and similar regulations, determine the buildable square footage for each net
19 developable area. Within fully developed areas, analysis of net developable areas may be
20 conducted for each city block, without regard to property boundaries. Within
21 undeveloped areas, the local government shall assume the same ratio of gross land area to
22 net developable area as that which exists in the most fully developed urban center.
- 23 (b) Where the local government has not established a maximum building height, assumed
24 building height shall be 85 feet. Cities and counties may assume the following number of
25 floors within multistory buildings, based on allowed building heights:
- 26 (A) Fifty feet allows for four floors.
27 (B) Sixty feet allows for five floors.
28 (C) Eighty-five feet allows for seven floors.
- 29 (c) Local governments that allow height bonuses for publicly-subsidized housing serving
30 households with an income of 80 percent or less of the area median household income, or
31 height bonuses for the construction of accessible dwelling units in excess of minimum
32 requirements, may include 25 percent of the additional average buildable residential area
33 allowance in their calculations of buildable square footage. Qualifying height bonuses
34 must allow building heights above the minimums established in OAR 660-012-0320(8).
- 35 (d) Local governments shall assume that residential dwellings will occupy 30 percent of the
36 buildable square footage within climate friendly areas.
- 37 (e) Local governments shall assume an average dwelling unit size of 900 square feet. Local
38 governments shall use the average dwelling unit size to convert the estimated buildable
39 residential square footage into an estimate of the number of dwelling units that may be
40 accommodated in the climate friendly area.
- 41 (3) Cities and counties subject to the requirements of OAR 660-012-0310 with a population of more
42 than 5,000 but less than 10,000 must designate at least twenty-five acres of land as climate
43 friendly area, as provided in sections (4), (5), and (6).

- 1 (4) Cities and counties must submit a study of potential climate friendly areas to the department as
2 provided in this rule. The study of potential climate friendly areas shall include the following
3 information:
- 4 (a) Maps showing the location and size of all potential climate friendly areas. Cities and
5 counties shall use the study process to identify the most promising area or areas to be
6 chosen as climate friendly areas, but are not required to subsequently adopt and zone
7 each studied area as a climate friendly area.
- 8 (b) Cities and counties subject to section (1) shall provide preliminary calculations of
9 average buildable residential area and resultant residential dwelling unit capacity within
10 each potential climate friendly area, consistent with section (2) and utilizing either
11 existing or anticipated development standards within each climate friendly area. Potential
12 climate friendly areas must cumulatively contain at least thirty percent of the total
13 identified number of housing units as provided in section (1).
- 14 (c) A community engagement plan, consistent with the requirements of OAR 660-012-0120
15 through 660-012-0135.
- 16 (d) Analysis of how each potential climate friendly area complies, or may be brought into
17 compliance, with the requirements of OAR 660-012-0310.
- 18 (e) Preliminary evaluation of existing development standards within the potential climate
19 friendly area(s) and a general description of any changes necessary to comply with the
20 requirements of OAR 660-012-0320.
- 21 (f) Plans for achieving fair and equitable housing outcomes within climate friendly areas, as
22 identified in OAR 660-008-0050(4)(a)-(f). Analysis of OAR 660-008-0050(4)(f) shall
23 include analysis of spatial and other data to determine if potential climate friendly areas
24 would be likely to displace residents who are members of state and federal protected
25 classes. The local government shall also identify actions that may be employed to
26 mitigate or avoid potential displacement.
- 27 (5) Cities and counties must submit reports required in section (4) as follows:
- 28 (a) The report shall include the information specified in section (4) and must be submitted to
29 the department.
- 30 (b) Within 30 days of receipt of the report, the department shall:
- 31 (A) Post a complete copy of the submitted report on the department's website along
32 with a statement that any person may file a written comment regarding the
33 submitted report no more than 21 days after the posting of the report.
- 34 (B) Provide notice to persons described under ORS 197.615(3)(a), directing them to
35 the posting described in paragraph (A) and informing them that they may file a
36 written comment regarding the submitted report no more than 21 days after the
37 posting of the report.
- 38 (c) Within 60 days of posting of the report on the department's website, the department shall
39 provide written comments to the local government regarding the report information and
40 the progress made to identify suitable climate friendly areas. The department shall also
41 provide the local government with any written comments submitted by interested
42 persons, as provided in subsection (b).

- 1 (6) Cities and counties must adopt land use requirements as provided in OAR 660-012-0320, and
2 climate friendly elements to their comprehensive plans. Adoption of land use requirements and
3 the climate friendly element of the comprehensive plan shall include the following:
- 4 (a) Cities and counties subject to section (1) shall provide maps showing the location of all
5 climate friendly areas, including calculations to demonstrate that climate friendly areas
6 contain sufficient average buildable residential area to accommodate thirty percent of
7 total housing units, as provided in section (2) of this rule, and based on adopted land use
8 requirements in these areas as provided in OAR 660-012-0320. Cities and counties
9 subject to section (3) shall provide maps showing the location of the climate friendly
10 area. The local government shall include findings containing the information and analysis
11 required in section (4) for any climate friendly areas that were not included in the initial
12 study specified in section (4).
- 13 (b) Documentation of the number of total existing dwelling units, accessible dwelling units,
14 and income-restricted dwelling units within all climate friendly areas. Where precise data
15 is not available, local governments may provide estimates based on best available
16 information.
- 17 (c) Documentation that all adopted and applicable land use requirements for climate friendly
18 areas are consistent with the provisions of OAR 660-012-0320.
- 19 (d) Adoption of a climate friendly element into the comprehensive plan containing findings
20 and analysis summarizing the local government decision process and demonstration of
21 compliance with the provisions of OAR 660-012-0310 through 660-012-0325.
- 22 (7) For cities and counties identified in section (1), the information provided in compliance with
23 subsection (6)(b) shall provide a basis for subsequent Housing Production Strategy Reports to
24 assess progress towards fair and equitable housing production goals in climate friendly areas, as
25 provided in OAR 660-008-0050(4)(a).

26 **0320: Land Use Requirements in Climate Friendly Areas**

27 This rule describes development codes and other land use requirements cities and counties must adopt
28 for climate friendly areas. The rule includes a set of basic requirements that must apply to all CFAs and
29 then provides a prescriptive set of regulations that may be adopted, or allows a local government to
30 demonstrate that existing or proposed development standards will result in equal or better results than
31 the prescriptive standards.

- 32 (1) Cities and counties shall incorporate the requirements in sections (2) through (7) of this rule into
33 policies and development regulations that apply in all climate friendly areas. Cities and counties
34 shall either incorporate the provisions in section (8) into development regulations for climate
35 friendly areas, or shall demonstrate with adopted findings and analysis that alternative
36 development regulations for climate friendly areas will result in equal or higher levels of
37 development in climate friendly areas as provided in section (9). If adopting more than one
38 climate friendly area, a city or county may demonstrate compliance with either section (8) or
39 section (9) for each climate friendly area, provided that all requirements for each respective
40 climate friendly area are met.

- 1 (2) Except as noted in section (3), 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 and attached single family residential. Other residential building
5 types may be allowed, subject to compliance with applicable minimum density
6 requirements.
- 7 (b) Office-type uses.
- 8 (c) Non-auto dependent retail, services, and other commercial uses.
- 9 (d) Child care, schools, and other public uses, including public-serving government facilities.
- 10 (3) Portions of abutting residential or employment-oriented zoned areas within a convenient half-
11 mile walking distance of a mixed use area zoned as provided in section (1) may count towards
12 climate friendly area requirements, if in compliance with subsections (a) or (b). Notwithstanding
13 existing development, average buildable residential area shall be calculated for the abutting areas
14 based on allowed building heights and existing land use requirements in these areas, as provided
15 in OAR 660-012-0315(2). If subsections (a) or (b) are met, no changes to existing zoning or
16 development standards are required for these areas.
- 17 (a) Residential areas with minimum residential densities or existing residential development
18 equal to or greater than the densities provided in section (8); or
- 19 (b) Existing employment uses equal to or greater than the number of jobs per acre provided
20 in section (9).
- 21 (4) Local governments shall prioritize locating government facilities that serve the public within
22 climate friendly areas and shall prioritize locating parks, open space, plazas, and similar public
23 amenities in or near climate friendly areas that do not contain sufficient parks, open space, plazas,
24 or similar public amenities. Local governments shall amend comprehensive plans to reflect these
25 policies, where necessary.
- 26 (5) Local governments shall establish a maximum block length of 500 feet or less. Where block
27 length exceeds 350 feet, a public pedestrian through-block easement shall be provided to facilitate
28 safe and convenient pedestrian connectivity in climate friendly areas. Land use regulations in
29 climate friendly areas must also address the requirements of OAR 660-012-0330(3). Streetscape
30 requirements in climate friendly areas shall include street trees and green landscaping, where
31 feasible. Substantial redevelopment of sites of two acres or more within an existing block that
32 does not meet the standard shall provide a public pedestrian accessway allowing direct passage
33 through the development site such that no pedestrian route will exceed 350 feet along any block
34 face. Exceptions to this standard may be allowed due to natural barriers, such as rivers; or in areas
35 where public access would be unsafe or contrary to the public interest.
- 36 (6) Development regulations may not include a maximum density limitation.
- 37 (7) Local governments shall address the following requirements in climate friendly areas:
- 38 (a) The transportation review process in OAR 660-012-0325;
- 39 (b) The land use requirements as provided in OAR 660-012-0330;
- 40 (c) The applicable parking requirements as provided in OAR 660-012-0435; and
- 41 (d) The applicable bicycle parking requirements as provided in OAR 660-012-0630.

- 1 (8) Local governments may adopt the following provisions into development regulations for climate
2 friendly areas, or may follow the requirements in section (9). Local governments are not required
3 to enforce the minimum residential densities below for mixed use buildings (buildings that
4 contain residential units, as well as office, commercial, or other spaces) if the mixed use buildings
5 meet a minimum floor area ratio of 2.0. A floor area ratio is the ratio of the gross floor area of all
6 buildings on a development site, excluding areas dedicated to vehicular parking and circulation,
7 in proportion to the net area of the development site on which the buildings are located. A floor
8 area ratio of 2.0 would indicate that the gross floor area of the building was twice the net area of
9 the site.
- 10 (a) Local governments with a population of 5,000 to 24,999 shall adopt the following
11 development regulations for climate-friendly areas:
- 12 (A) A minimum residential density requirement of 15 dwelling units per net acre;
13 (B) Maximum building height no less than 50 feet.
- 14 (b) Local governments with a population of 25,000 to 49,999 shall adopt the following
15 development regulations for at least one climate-friendly area with a minimum area of 25
16 acres. Additional climate friendly areas may comply with the following standards or the
17 standard in subsection (8)(a):
- 18 (A) A minimum residential density requirement of 20 dwelling units per net acre;
19 (B) Maximum building height no less than 60 feet.
- 20 (c) Local governments with a population of 50,000 or more shall adopt the following
21 development regulations for at least one climate friendly area with a minimum area of 25
22 acres. Additional climate friendly areas may comply with the following standards or the
23 standards in (8)(a) or (8)(b):
- 24 (A) A minimum residential density requirement of 25 dwelling units per net acre;
25 (B) Maximum building height no less than 85 feet.
- 26 (9) As an alternative to adopting the development regulations in section (8), local governments may
27 demonstrate with adopted findings and analysis that their adopted development regulations for
28 climate friendly areas will result in equal or higher levels of development in climate friendly
29 areas, per the following target residential and employment levels:
- 30 (a) Local governments with a population of 5,000 to 24,999 shall adopt development
31 regulations in climate friendly areas to enable development, on average, of at least 20
32 dwelling units and 20 jobs per net acre.
- 33 (b) Local governments with a population of 25,000 to 49,999 shall adopt development
34 regulations for at least one climate friendly area of at least 25 acres to enable
35 development, on average, of at least 30 dwelling units and 30 jobs per net acre.
36 Additional climate friendly areas may comply with this standard or with the standard in
37 subsection (a).
- 38 (c) Local governments with a population of 50,000 or more shall adopt development
39 regulations for at least one climate friendly area of at least 25 acres to enable
40 development of, on average, at least 40 dwelling units and 40 jobs per net acre.
41 Additional climate friendly areas may comply with this standard or with the standard in
42 subsections (a) or (b).

1 **0325: Transportation Review in Climate Friendly Areas**

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

- 5 (1) Cities or counties shall use this rule to review amendments to comprehensive plans or land use
6 regulations within a climate friendly area designated as provided in OAR 660-012-0315 and in
7 regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station
8 Communities and Main Streets, Adopted Boundaries map. Cities and counties shall use this rule
9 to review land use decisions made to implement OAR 660-012-0310 through OAR 660-012-
10 0320. Cities and counties are exempt from requirements as provided in OAR 660-012-0060 when
11 reviewing amendments to comprehensive plans or land use regulations within a designated
12 climate friendly area and in regional centers and town centers designated under the Metro Title 6,
13 Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map.
- 14 (2) Cities and counties making amendments to comprehensive plans or land use regulations to meet
15 requirements as provided in OAR 660-012-0320 must either:
- 16 (a) Amend the transportation system plan as provided in 660-012-0100 and include a
17 multimodal transportation gap summary as provided in section (3) of this rule,
18 considering the proposed land uses in the climate friendly area; or
- 19 (b) Develop and adopt a multimodal transportation gap summary in coordination with
20 impacted transportation facility providers and transportation service providers as
21 provided in section (3) to meet requirements in OAR 660-012-0320.
- 22 (3) A multimodal transportation gap summary must be coordinated between the local jurisdiction,
23 transportation facility providers, and transportation services providers to consider multimodal
24 transportation needs in each climate friendly area as provided in OAR 660-012-0320. The
25 multimodal transportation gap summary must include:
- 26 (a) A summary of the existing multimodal transportation network within the climate friendly
27 area;
- 28 (b) A summary of the gaps in the pedestrian and bicycle networks in the climate friendly
29 area, including gaps needed to be filled for people with disabilities, based on the
30 summary of the existing multimodal transportation network;
- 31 (c) If applicable as provided in section (4), a highway impacts summary as provided in
32 section (5); and
- 33 (d) A list of proposed projects to fill multimodal network gaps identified in subsection (b).
- 34 (4) A city or county shall include a highway impacts summary in the multimodal transportation gap
35 summary if the designated climate friendly area as provided in OAR 660-012-0315 contains a
36 ramp terminal intersection, state highway, interstate highway, or adopted ODOT Facility Plan.
- 37 (5) A highway impacts summary must identify how the transportation system may be affected by
38 implementation of the climate friendly area. The highway impacts summary must include:
- 39 (a) A summary of the existing and proposed development capacity of the climate friendly
40 area based on the proposed changes to the comprehensive plan and land use regulations;

- 1 (b) A summary of the additional motor vehicle traffic generation that may be expected in the
- 2 planning period, considering reductions for expected complementary mixed-use
- 3 development, additional multimodal options, and assuming meeting goals for reductions
- 4 in vehicle miles traveled per capita; and
- 5 (c) A summary of traffic-related deaths and serious injuries within the climate friendly area
- 6 in the past five years.
- 7 (6) Cities and counties making amendments to the adopted land use regulations identified under
- 8 section (2) of this rule, shall adopt findings including a highway impacts summary as provided in
- 9 section (5) of this rule if:
- 10 (a) A city or county is reviewing a plan amendment within one-quarter mile of a ramp
- 11 terminal intersection, adopted Interchange Area Management Plan area, or adopted
- 12 ODOT Facility Plan area, or;
- 13 (b) The city or county is reviewing a plan amendment that would be reasonably likely to
- 14 result in increasing traffic on the state facility that exceeds the small increase in traffic
- 15 defined in the Oregon Highway Plan adopted by the Oregon Transportation Commission.
- 16 (7) Cities and counties shall provide notice of proposed adoption of a multimodal transportation gap
- 17 summary or a revised highway impacts summary to ODOT and other affected transportation
- 18 facility or service providers prior to submitting notice as provided in OAR 660-018-0020.

19 **0330: Land Use Requirements**

20 These land use requirements apply to cities and counties within metropolitan areas and have to do with

21 how land use interacts with the transportation system. Many of these requirements are in the existing

22 rule OAR 660-012-0045, particularly requirements having to do with pedestrian access, site design

23 requirements, and the requirements in section (7) of the rule. However, this rule extends and adds to

24 the existing requirements. These requirements apply across the urban area and are in addition to the

25 climate friendly area specific requirements in those areas.

26 The rule requires local governments to provide for pedestrian-friendly and connected neighborhoods;

27 for commercial and mixed-use districts to be oriented towards pedestrians and transit, to place limits on

28 auto-oriented land uses; some additional requirements for larger cities; and to have protections for

29 existing and future transportation facilities.

- 30 (1) Cities and counties must implement plans and land use regulations to support compact,
- 31 pedestrian-friendly, mixed-use land use development patterns in urban areas. Land use
- 32 development patterns must support access by people using pedestrian, bicycle, and public
- 33 transportation networks.
- 34 (2) Cities and counties must have land use regulations that provide for pedestrian-friendly and
- 35 connected neighborhoods. Land use regulations must meet the following requirements for
- 36 neighborhood design and access:
- 37 (a) Neighborhoods must be designed with connected networks of streets, paths, accessways,
- 38 and other facilities to provide circulation within the neighborhood and pedestrian and
- 39 bicycle system connectivity to adjacent districts. A connected street network is desirable
- 40 for motor vehicle traffic but may be discontinuous where necessary to limit excessive
- 41 through travel, or to protect a safe environment for walking, using mobility devices, and
- 42 bicycling in the neighborhood.

- 1 (b) Neighborhoods must be designed with direct pedestrian access to key destinations as
2 provided in OAR 660-012-0360 via pedestrian facilities.
- 3 (c) Cities and counties must set block length and block perimeter standards at distances that
4 will provide for pedestrian network connectivity. Pedestrian accessways or pedestrian-
5 oriented public alleys through a block may be used to meet a block length or perimeter
6 standard. Cities and counties may choose to provide for exemptions in cases where
7 topography, natural features, railroads, or expressways would make these provisions
8 prohibitive. In these cases, the city or county must ensure that the block length and
9 perimeter are as short as possible.
- 10 (d) Cities and counties shall set standards to reduce out-of-direction travel for people using
11 the pedestrian or bicycle networks.
- 12 (3) Cities and counties must have land use regulations in commercial and mixed-use districts that
13 provide for a compact development pattern, easy ability to walk or use mobility devices, and
14 allow direct access on the pedestrian, bicycle, and public transportation networks. Land use
15 regulations must meet the following requirements for commercial or mixed-use site design:
- 16 (a) Primary pedestrian entrances to buildings shall be oriented to a public street and be
17 accessible to people with mobility disabilities. An uninterrupted accessway, courtyard,
18 plaza, or other pedestrian-oriented space must be provided between primary pedestrian
19 entrances and the public pedestrian facility, except where the entrance opens directly to
20 the pedestrian facility. All pedestrian entrances shall be designed to be barrier-free.
- 21 (b) No vehicular parking, circulation, access, display, or loading shall be permitted on-site
22 between buildings and public streets. Bicycle parking may be permitted.
- 23 (c) On-site accessways shall be provided to directly connect key pedestrian entrances to
24 public pedestrian facilities, to any on-site parking, and to adjacent properties, as
25 applicable.
- 26 (d) Any pedestrian entrances facing an on-site parking lot must be secondary to primary
27 pedestrian entrances as required in this section. Primary pedestrian entrances must be
28 open during business hours.
- 29 (e) Large sites must be designed with a connected network of public streets to meet the
30 requirements of this section.
- 31 (f) Development on sites adjacent to a transit stop or station on a priority transit corridor
32 must be oriented to the transit stop or station. The site design must provide a high level of
33 pedestrian connectivity and amenities adjacent to the stop or station. Cities and counties
34 must establish standards to provide for transit infrastructure where needed if there is
35 inadequate space in the existing right of way.
- 36 (g) Development standards must be consistent with bicycle parking requirements in OAR
37 660-012-0630.
- 38 (h) Cities and counties may provide for alternatives to requirements in this section where site
39 constraints prevent meeting them. Alternative requirements must protect and prioritize
40 pedestrian access.
- 41 (4) Cities and counties must have land use regulations in residential neighborhoods that provide for
42 slow neighborhood streets comfortable for families, efficient and sociable development patterns,
43 and provide for connectivity within the neighborhood and to adjacent districts. Cities and counties
44 must regularly review land use regulations to meet these objectives, including but not limited to
45 those related to setbacks, lot size and coverage, building orientation, and access.

- 1 (5) Cities and counties must have land use regulations that ensure auto-oriented land uses are
2 compatible with a community where it is easy to walk or use a mobility device. Auto-oriented
3 land uses include uses related to the operation, sale, maintenance, and fueling of motor vehicles,
4 as well as land uses where the use of a motor vehicle is accessory to the primary use, including
5 drive-through uses. Land use regulations must include:
- 6 (a) Auto-oriented land uses must meet the site design requirements in this rule.
 - 7 (b) Auto-oriented land uses must provide safe and convenient access opportunities for people
8 walking, using a mobility device, or riding a bicycle. Access to goods and services must
9 be equivalent to or better than access for people driving a motor vehicle.
 - 10 (c) Outside of climate friendly areas, where a permitted auto-oriented land use may not
11 reasonably meet a site design standard prescribed in this rule due to the nature of the use,
12 the city or county may prescribe an alternate standard. Alternate standards must protect
13 pedestrian facilities.
- 14 (6) Cities and counties with an urban area over 100,000 in population must have reasonable land use
15 regulations that allow for development of low-car districts. These districts must be developed
16 with no-car or low-car streets, where walking or using mobility devices are the primary methods
17 of travel within the district. Cities and counties must make provisions for emergency vehicle
18 access and local freight delivery. Low-car districts must be allowed in locations where residential
19 or mixed-use development is authorized.
- 20 (7) Cities and counties must implement land use regulations to protect transportation facilities,
21 corridors, and sites for their identified functions. These regulations must include, but are not
22 limited to:
- 23 (a) Access control actions consistent with the function of the transportation facility,
24 including but not limited to driveway spacing, median control, and signal spacing;
 - 25 (b) Standards to protect future construction and operation of streets, transitways, paths, and
26 other transportation facilities;
 - 27 (c) Standards to protect public use airports as provided in OAR 660-013-0080;
 - 28 (d) Processes to make a coordinated review of future land use decisions affecting
29 transportation facilities, corridors, or sites;
 - 30 (e) Processes to apply conditions to development proposals in order to minimize impacts and
31 protect transportation facilities, corridors or sites for all transportation modes;
 - 32 (f) Regulations to provide notice to public agencies providing transportation facilities and
33 services, Metropolitan Planning Organizations, the Oregon Department of
34 Transportation, and the Oregon Department of Aviation of:
 - 35 (A) Land use applications that require public hearings;
 - 36 (B) Subdivision and partition applications;
 - 37 (C) Other applications which affect private access to roads; and
 - 38 (D) Other applications within airport noise corridors and imaginary surfaces which
39 affect airport operations.
 - 40 (g) Regulations assuring that amendments to land use designations, densities, and design
41 standards are consistent with the functions, capacities and performance standards of
42 facilities identified in the TSP.

1 **0340: Land Use Assumptions**

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

- 7 (1) A city or county must develop and adopt future land use assumptions consistent with this rule
8 when preparing a transportation system plan, or designating a climate friendly area as provided in
9 OAR 660-012-0315. Future land use assumptions must include the planning horizon year of the
10 transportation system plan and a common horizon year for all jurisdictions within the
11 metropolitan area.
- 12 (2) Future land use assumptions must be consistent with the most recent final population forecast as
13 provided in OAR 660-032-0020.
- 14 (3) Future land use assumptions must assume existing acknowledged comprehensive plan
15 designations and policies, and existing land use regulations remaining in force throughout the
16 planning period; except where these designations, policies, or regulations are superseded by
17 statute or rule. Future land use assumptions must assume existing acknowledged urban growth
18 boundaries throughout the planning period.
- 19 (4) Where applicable, future land use assumptions must allocate growth assumptions within the
20 capacity of employment and housing within climate friendly areas designated as provided in
21 OAR 660-012-0310 before allocating growth to other parts of the city or county. Notwithstanding
22 section (3), future land use assumptions may assume reasonable levels of development as
23 provided in OAR 660-012-0325 within climate friendly areas.
- 24 (5) Future land use assumptions must be developed at a sufficient level of detail to understand where
25 future development is expected. Future land use assumptions are used for transportation system
26 development and analysis.

27 **0350: Urban Growth Boundary Expansions**

28 This rule includes requirements for local jurisdictions to ensure they are being consistent with
29 coordinated transportation planning requirements when proposing to expand an urban growth
30 boundary. The rules provide for requirements prior to undertaking an urban growth boundary
31 expansion, and requirements as part of the process of expanding the urban growth boundary.

- 32 (1) A city and county must meet the following requirements prior to undertaking an urban growth
33 boundary expansion as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 34 (a) The city must have an acknowledged transportation system plan as provided in OAR
35 660-012-0100. If the county has responsibility for planning in urban unincorporated areas
36 as provided in OAR 660-012-0110, the county must also have an acknowledged
37 transportation system plan for the urban area as provided in OAR 660-012-0100.
- 38 (b) The city and county must have submitted all regular reports as provided in OAR 660-
39 012-0900 and have had each report approved by order as provided in OAR 660-012-
40 0915.

- 1 (c) The city and county must have designated climate friendly areas as provided in OAR
2 660-012-0310 and must demonstrate compliance with OAR 660-008-0010(2).
- 3 (d) The city and county must have adopted land use regulations as provided in OAR 660-
4 012-0330.
- 5 (2) A city and county must meet the following requirements as part of the urban growth boundary
6 expansion process as provided in OAR 660-024-0020(1) or OAR 660-038-0020(13).
- 7 (a) The city and county must assess the ability of lands within the existing urban growth
8 boundary to accommodate the additional levels of growth expected. Cities and counties
9 must assume that the future development of climate friendly areas and more land-
10 efficient and transportation-efficient patterns of development across the urban area will
11 be different and more intensive than existing patterns of development.
- 12 (b) Lands otherwise of the same level of priority category for an urban growth boundary
13 expansion as provided in OAR 660-024-0067 or OAR 660-038-0170 may be prioritized
14 by determining the potential level of access to existing urban pedestrian, bicycle, and
15 transit networks, and the ability of those networks to be extended to the candidate areas
16 for expansion.
- 17 (c) Transportation system planning assumptions developed to make decisions about an urban
18 growth boundary expansion must be consistent with targets set under measures as
19 provided in OAR 660-012-0910 and must result in a reduction in Vehicle Miles Traveled
20 per capita.
- 21 (d) Transportation system planning assumptions developed to make decisions about an urban
22 growth boundary expansion may not assume the construction of any facility required to
23 be reviewed as provided in OAR 660-012-0830 if the proposed facility has not been
24 authorized.
- 25 (e) The city and county must determine if the designation of additional lands as part of
26 climate friendly areas will be required to meet the targets for households within these
27 areas, as provided in OAR 660-012-0310.
- 28 (3) Where an urban growth boundary is intended to follow an existing or planned street, road, or
29 highway right-of-way, the boundary shall be placed on the rural side of the right-of-way or
30 planned right-of-way, so that the right-of-way is inside the urban growth boundary.
- 31 (4) Cities and counties with areas added to an urban growth boundary where the requirements of
32 OAR 660-012-0060 are not applied at the time of urban growth boundary amendment as provided
33 in OAR 660-024-0020 or OAR 660-038-0020 must update the land use assumptions as provided
34 in OAR 660-012-0340 prior to an update of the transportation system plan as provided in OAR
35 660-012-0105.

36 **0360: Key Destinations**

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

- 39 (1) Cities and counties shall use the key destinations described in this rule, as well as other
40 destinations determined locally, for purposes of coordinated land use and transportation planning.

- 1 (2) Key destinations include, but are not limited to:
- 2 (a) Climate friendly areas;
- 3 (b) Pedestrian-oriented commercial areas outside of climate friendly areas;
- 4 (c) Transit stations, stops, and terminals;
- 5 (d) Retail and service establishments, including grocery stores;
- 6 (e) Child care facilities, schools, and colleges;
- 7 (f) Parks, recreation centers, paths, trails, and open spaces;
- 8 (g) Farmers markets;
- 9 (h) Libraries, government offices, community centers, arts facilities, post offices, social
10 service centers, and other civic destinations;
- 11 (i) Medical or dental clinics and hospitals;
- 12 (j) Major employers;
- 13 (k) Gyms and health clubs;
- 14 (l) Major sports or performance venues; and
- 15 (m) Other key destinations determined locally.

16 **New Rules 0400-0450: Parking**

17 This part of the Transportation Planning Rules relates to how cities and counties address and manage
18 parking. The rules follow current best practice and move cities and counties away from one-size-fits-all
19 mandates for developers to build a large amount of costly and land-intensive off-street parking, towards
20 more targeted management strategy. This approach provides more deference to builders and property
21 owners to provide parking for the diversity of development types as the market dictates.

22 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

23 **0400: Parking Management**

24 This rule directs jurisdictions to implement climate-friendly and equitable parking reform rules by
25 improving parking codes and removing mandated parking associated with development or providing
26 alternative climate-friendly measures.

- 27 (1) Cities and counties shall adopt comprehensive plans and land use regulations that implement
28 provisions of OAR 660-012-0405 through OAR 660-012-0415.
- 29 (2) Cities and counties shall remove parking mandates under OAR 660-012-0420. In lieu of
30 removing parking mandates, cities and counties may amend their comprehensive plans and land
31 use regulations to implement provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-
32 012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

1 **0405: Parking Regulation Improvements**

2 This rule works to give priority parking to those carpooling or vanpooling. It aims to encourage the
3 conversion of parking lots to higher uses, and to encourage shared parking.

4 It also aims to reduce the negative externalized impacts of large parking lots such as heat island effects
5 and reduced walkability. It works to make large parking lots more pedestrian-friendly, and to address
6 some of the heat island effects through tree canopy. It aims to mitigate the climate impacts of driving
7 and parking through either increased clean energy or increased tree canopy.

8 This rule carries forward past TPR language requiring parking maximums in “appropriate locations.”

9 (1) Cities and counties shall adopt land use regulations as provided in this section:

10 (a) Designated employee parking areas in new developments shall provide preferential
11 parking for carpools and vanpools;

12 (b) Property owners shall be allowed to redevelop any portion of existing off-street parking
13 areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus
14 stops and pullouts, bus shelters, park and ride stations, and similar facilities;

15 (c) Property owners shall be allowed to redevelop any portion of existing off-street parking
16 areas for transit-oriented developments on lots or parcels within one-half mile pedestrian
17 travel of transit with a scheduled arrival frequency of at least four times per hour during
18 peak service; and

19 (d) In applying subsections (b) and (c), codes must allow property owners to go below
20 existing mandated minimum parking supply, and access for emergency vehicles must be
21 retained.

22 (2) Cities and counties shall adopt policies and land use regulations that allow and encourage the
23 conversion of existing underused parking areas to other uses.

24 (3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared
25 parking.

26 (4) Cities and counties shall adopt land use regulations for any new development that includes more
27 than one-quarter acre of surface parking on a lot or parcel as provided below:

28 (a) Developments must provide one of the following:

29 (A) Installation of solar panels with a generation capacity of at least 0.5 kW per
30 parking space on the property. Panels may be located anywhere on the property.
31 In lieu of developing solar on site, cities may allow developers to pay \$1,500 per
32 parking space in the development into a city fund dedicated to equitable solar or
33 wind energy development or a fund at the Oregon Department of Energy
34 designated for such purpose. Developments subject to OAR 330-135-0010 shall
35 be exempt; or

36 (B) Tree canopy covering at least 50 percent of the parking lot at maturity but no
37 more than 15 years after planting. Trees planted under this requirement must
38 meet the standards in subsection (b).

39 (b) Developments must provide street trees along driveways but are not required to provide
40 them along drive aisles. The tree spacing and species planted must be designed maintain
41 a continuous canopy. Local codes must provide clear and objective standards to achieve
42 such a canopy. Trees must be planted and maintained to maximize their root health and

1 chances for survival, including having ample high-quality soil, space for root growth, and
2 reliable irrigation according to the needs of the species. Trees should be planted in
3 continuous trenches where possible. The city or county shall have minimum standards for
4 planting and tree care no lower than 2021 American National Standards Institute A300
5 standards, and a process to ensure ongoing compliance with tree planting and
6 maintenance provisions; and

7 (c) Developments must provide street-like design and features along driveways including
8 curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

9 (d) Development of a tree canopy plan under this section shall be done in coordination with
10 the local electric utility, including pre-design, design, building and maintenance phases.

11 (5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as
12 downtowns, designated regional or community centers, and transit-oriented developments.

13 **0410: Electric Vehicle Charging**

14 This rule works to encourage new buildings to install electrical conduit to support electric vehicle
15 charging.

16 As buildings are 80 to 100 year structures, and Oregon is aiming to have 90% of new vehicles be EVs by
17 2035, it is critical to install conduit as buildings are built.

18 The rule focuses allows some Level 1 charging capacity in residential buildings, which can be functional
19 for many uses and saves money, but requires more spaces to be served than in ORS 455.417.

20 (1) Cities and counties shall adopt regulations requiring new development to support electric vehicle
21 charging as allowed under ORS 455.417 and 455.040.

22 (2) For new multifamily residential buildings with five or more residential dwelling units, and new
23 mixed-use buildings consisting of privately owned commercial space and five or more residential
24 dwelling units, cities and counties shall require the installation of sufficient electrical service
25 capacity, as defined in ORS 455.417(1)(c), to accommodate:

26 (A) Level 2 or above electric vehicle charging stations serving 20% of all parking spaces; and

27 (B) Level 1 electric vehicle charging serving an additional 30% of total parking spaces, Level
28 2 electric vehicle charging stations serving an additional 15% of total parking spaces, or
29 direct current fast charging stations serving an additional 5% of total parking spaces.

30 (3) For commercial buildings under private ownership, cities and counties shall require the
31 installation of sufficient electrical service capacity as directed under ORS 455.417.

1 **0415: Parking Maximums and Evaluation in More Populous Communities**

2 This rule calls for parking maximums in specific areas where car-dominant development would
3 undermine pedestrian-friendliness and other goals, and sets limits on how high parking maximums can
4 be.

5 It also calls on Oregon’s most populous three cities to manage on-street parking to ensure availability, to
6 explore options to building new parking garages, and to ensure new parking garages can have active
7 uses on the ground floor.

8 (1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits
9 but within the urban growth boundary, and cities with populations over 25,000 within Metro,
10 shall set parking maximums in climate-friendly areas and in regional centers and town centers,
11 designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets,
12 Adopted Boundaries map. Those cities and counties shall also set parking maximums on lots or
13 parcels within the transit corridors and rail stop areas designated in OAR 660-012-0440.

14 (a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit
15 and two off-street parking spaces per non-studio residential unit in a multi-unit
16 development in Climate Friendly Areas and along priority transit corridors. These
17 maximums shall include visitor parking;

18 (b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor
19 space for all commercial and retail uses other than automobile sales and repair, eating and
20 drinking establishments, and entertainment and commercial recreation uses;

21 (c) For land uses with more than 65,000 square feet of floor area, surface parking shall not
22 consist of more area than the floor area of the building;

23 (d) In setting parking maximums, cities and counties shall consider setting maximums equal
24 to or less than 150 percent of parking minimums set forth in a parking table in their code
25 as of January 1, 2020. A city or county that sets a higher parking maximum must adopt
26 findings for doing so. In no case shall the city or county exceed the limits in subsections
27 (a) through (c) in climate friendly areas and for developments on parcels or lots within
28 one-half mile of transit corridors and three-quarters mile of rail transit stops described in
29 OAR 660-012-0440;

30 (e) Non-surface parking, such as tuck-under parking, underground and subsurface parking,
31 and parking structures may be exempted from the calculations in this section.

32 (2) Cities with populations over 150,000 shall, in addition to requirements in section (1) of this rule:

33 (a) Study use of priced on-street timed parking spaces in those areas subject to OAR 660-
34 012-0435 or 660-012-0440. This study shall be conducted every three years or more
35 frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at
36 all hours. This shall include all spaces in the city paid by minutes, hours, or day but need
37 not include spaces where a longer-term paid residential permit is required;

38 (b) Use time limits or pricing to manage on-street parking spaces in an area at least one year
39 before authorizing any new structured parking on city-owned land including more than
40 100 spaces in that area after March 31, 2023;

41 (c) Adopt procedures ensuring prior to approval of construction of additional structured
42 parking projects of more than 300 parking spaces designed to serve existing uses,
43 developer of that parking structure must implement transportation demand management
44 strategies for a period of at least six months designed to shift at least 10 percent of

1 existing vehicle trips ending within one-quarter mile of the proposed parking structure to
2 other modes; and

3 (d) Adopt design requirements requiring applicants to demonstrate that the ground floor of
4 new private and public structured parking that fronts a public street and includes more
5 than 100 parking spaces would be convertible to other uses in the future, other than
6 driveways needed to access the garage.

7 **0420: Exemption for Communities without Parking Mandates**

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

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

12 (2) Cities and counties that retain land use regulations with parking mandates shall conform with
13 OAR 660-012-0425 through OAR 660-012-0450.

14 **0425: Reducing the Burden of Parking Mandates**

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

17 (1) Cities and counties shall adopt and enforce land use regulations as provided in this section:

18 (a) Garages and carports shall not be required for residential developments;

19 (b) Garage parking spaces shall count towards off-street parking mandates;

20 (c) Provision of shared parking shall be allowed to meet parking mandates;

21 (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a
22 site. If any parking is provided on site, required parking for parking for people with
23 disabilities shall be on site. If all parking is off-site, parking for people with disabilities
24 must be located within the shortest possible distance of an accessible entrance via an
25 accessible path and no greater than 200 feet from that entrance;

26 (e) Parking mandates shall be reduced by one off-street parking space for each three
27 kilowatts of capacity in solar panels or wind power that will be provided in a
28 development;

29 (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-
30 sharing parking space in a development. Dedicated car-sharing parking spaces shall count
31 as spaces for parking mandates;

32 (g) Parking mandates shall be reduced by two off-street parking spaces for every electric
33 vehicle charging station provided in a development; and

34 (h) Parking mandates shall be reduced by one off-street parking spaces for every two units in
35 a development above minimum requirements that are fully accessible to people with
36 mobility disabilities.

37 (2) Any reductions under section (1) shall be cumulative and not capped.

- 1 (3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(2) shall adopt
2 land use regulations requiring the parking for multi-family residential units in the areas in OAR
3 660-012-0440 be unbundled parking.

4 **0430: Reduction of Parking Mandates for Development Types**

5 This rule reduces parking mandates for housing, following the trend in planning practice and previous
6 Commission rulemaking on traditional missing middle housing types. The rule works to reduce
7 regulatory burdens for developing certain types of needed development, such as childcare facilities.

- 8 (1) Cities and counties shall not require more than one parking space per unit in residential
9 developments with more than one unit.
- 10 (2) Cities and counties shall not require parking for the following development types:
- 11 (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or
12 developmental disabilities, including but not limited to a: residential care facility,
13 residential training facility, residential treatment facility, residential training home,
14 residential treatment home, and conversion facility as defined in ORS 443.400;
- 15 (b) Childcare facility as defined in ORS 329A.250;
- 16 (c) Single-room occupancy housing;
- 17 (d) Residential units smaller than 750 square feet;
- 18 (e) Affordable housing 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 addressing parking mandates in climate
26 friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land
27 use regulations addressing parking mandates in regional centers and town centers designated
28 under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted
29 Boundaries map. In each such area, cities and counties shall either:
- 30 (a) Remove all parking mandates within the area and on parcels in its jurisdiction that
31 include land within one-quarter mile distance of those areas; or
- 32 (b) Manage parking by:
- 33 (A) Adopting a parking benefit district with paid on-street parking and some
34 revenues dedicated to public improvements in the area;
- 35 (B) Adopting land use amendments to require no more than one-half off-street
36 parking space per new housing unit in the area; and
- 37 (C) Not enforcing parking mandates for commercial developments.

- 1 (2) Cities and counties that opt to retain parking mandates under OAR 660-012-0400(2) shall adopt
2 land use regulations requiring the parking for multi-family residential units in the areas listed in
3 section (1) be unbundled parking.

4 **0440: Parking Reform near Transit Corridors**

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

- 7 (1) Cities and counties shall not require parking spaces for developments on a lot or parcel within
8 one-half mile of priority transit corridors or three-quarters mile of rail transit stops.
- 9 (2) Until cities and counties identify priority transit corridors under OAR 660-012-0710 and amend
10 land use regulations as provided in section (1), cities and counties shall not enforce parking
11 mandates for developments within one-half mile of:
- 12 (a) Bus service arriving with a scheduled frequency of at least four times an hour during
13 peak service; and
- 14 (b) The most frequent transit routes in the community if the scheduled frequency is at least
15 once per hour during peak service.
- 16 (3) Cities and counties may use either walking distance or straight-line distance in measuring
17 distances under sections (1) and (2).

18 **0445: Parking Management Alternative Approaches**

19 For those communities not repealing parking mandates, this rule provides two options for improved
20 parking management: a fair parking policy approach, or a reduced regulation approach.

- 21 (1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420,
22 cities and counties may select and implement either a fair parking policy approach as provided in
23 subsection (a) of this section, or a reduced regulation parking management approach as provided
24 in subsection (b) of this section.
- 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 that
28 include five or more leased or sold residential units on a lot or parcel be
29 unbundled parking. Cities and counties may exempt townhouse and rowhouse
30 development from this requirement;
- 31 (B) A requirement that parking spaces serving leased commercial developments be
32 unbundled parking;
- 33 (C) A requirement for employers of 50 or more employees who provide free or
34 subsidized parking to their employees at the workplace provide a flexible
35 commute benefit of \$50 per month or the fair market value of that parking,
36 whichever is greater, to those employees eligible for that free or subsidized
37 parking who regularly commute via other modes instead of using that parking;

- 1 (D) A tax on the revenue from commercial parking lots collecting no less than 10
2 percent of income, with revenues dedicated to improving transportation
3 alternatives to drive-alone travel; and
- 4 (E) A reduction of parking mandates for new multifamily residential development to
5 no higher than 0.5 space per unit, including visitor parking.
- 6 (b) A reduced regulation parking management approach shall include all of the following:
- 7 (A) A repeal of all parking mandates within one-half mile pedestrian travel of climate
8 friendly areas;
- 9 (B) A repeal of parking mandates for transit-oriented development and mixed-use
10 development;
- 11 (C) A repeal of parking mandates for group quarters, including but not limited to
12 dormitories, religious group quarters, adult care facilities, retirement homes, and
13 other congregate housing;
- 14 (D) A repeal of parking mandates for studio apartments, one-bedroom apartments
15 and condominiums in residential developments of five or more units on a lot or
16 parcel;
- 17 (E) A repeal of parking mandates for change of use of, or redevelopment of,
18 buildings vacant for more than two years. Cities and counties may require
19 registration of a building as vacant two years prior to the waiving of parking
20 mandates;
- 21 (F) A repeal of requirements to provide additional parking for change of use,
22 redevelopment, or expansion of existing businesses;
- 23 (G) A repeal of parking mandates for buildings within a National Historic District, on
24 the National Register of Historic Places, or on a local inventory of historic
25 resources or buildings;
- 26 (H) A repeal of parking mandates for properties that have fewer than ten on-site
27 employees or 3000 square feet floor space;
- 28 (I) A repeal of parking mandates for developments built under the Oregon
29 Residential Reach Code;
- 30 (J) A repeal of parking mandates for developments seeking certification under any
31 Leadership in Energy and Environmental Design (LEED) rating system, as
32 evidenced by either proof of pre-certification or registration and submittal of a
33 complete scorecard;
- 34 (K) A repeal of parking mandates for schools;
- 35 (L) A repeal of parking mandates for bars and taverns;
- 36 (M) Setting parking maximums consistent with OAR 660-012-0415(1),
37 notwithstanding populations listed in that section; and
- 38 (N) Designation of at least one residential parking district or parking benefit district
39 where on-street parking is managed through permits, payments, or time limits.
- 40 (2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

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

2 The rule aims to ensure populous communities better understand and manage their existing on-street
3 parking supply before requiring new parking. It is phased in via a schedule provided in OAR 660-012-
4 0012.

- 5 (1) Cities with populations over 100,000 shall either:
6 (a) Adopt land use regulations without parking mandates; or
7 (b) Price at least 10 percent of on-street parking spaces, and report the percentage of on-
8 street parking spaces that are priced as provided in OAR 660-012-0900. Residential
9 parking permits priced at lower than \$15 per month, 50 cents per day per space, or
10 equivalent amounts do not count towards this total.
11 (2) Cities may change their selection made between subsections (1)(a) or (b) at any time.

12 **New Rules 0500-0520: Pedestrian System**

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

17 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

18 **0500: Pedestrian System Planning**

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

- 22 (1) Transportation system plans must include a pedestrian system element that meets the
23 requirements of this rule. For the purposes of this division, the pedestrian system is intended to
24 serve people walking, mobility devices, or other devices that operate at a similar speed and scale
25 as people walking. The pedestrian system is intended to serve most short trips under one mile in
26 cities.
27 (2) A pedestrian system element must include the following elements:
28 (a) The complete pedestrian system as described in section (3) of this rule that includes the
29 full buildout of the pedestrian system within the urban growth boundary;
30 (b) Identification of gaps and deficiencies in the pedestrian system as described in section
31 (4);
32 (c) Locations of key pedestrian destinations as described in OAR 660-012-0360; and
33 (d) A list of prioritized pedestrian system projects as described in OAR 660-012-0520.
34 (3) The complete pedestrian system is the full build out of a complete pedestrian system within the
35 planning area. A city determines the complete pedestrian system plan by:
36 (a) Using the pedestrian system inventory developed under OAR 660-012-0505 as a base;

- 1 (b) Adding the minimum pedestrian facilities to places that do not presently meet the
2 minimum pedestrian system requirements in OAR 660-012-0510; and
- 3 (c) Adding enhanced facilities above the minimum pedestrian system requirements where the
4 city finds that enhanced facilities are necessary or desirable to meet the goals of the city’s
5 comprehensive plan.
- 6 (4) Cities must identify gaps and deficiencies in the pedestrian system by comparing the complete
7 pedestrian system plan with the pedestrian system inventory developed under OAR 660-012-
8 0505. Cities must include any part of the complete pedestrian system not presently built to the
9 standard in the complete pedestrian system plan as a gap or deficiency.

10 **0505: Pedestrian System Inventory**

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

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

25 **0510: Pedestrian System Requirements**

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

- 28 (1) This rule describes the minimum planned pedestrian facilities that must be included in plans.
29 Cities and counties may choose to exceed the requirements in this rule.
- 30 (2) Pedestrian facility owners must design, build, and maintain pedestrian facilities to allow
31 comfortable travel for all people, including people with disabilities.
- 32 (3) All streets and highways, other than expressways, shall have pedestrian facilities, as provided in
33 ORS 366.514.
 - 34 (a) Pedestrian facilities must be planned for both sides of each street.
 - 35 (b) Cities must plan for enhanced pedestrian facilities such as wide, protected sidewalks and
36 pedestrian zones, such as plazas, in the following contexts:
 - 37 (A) Along high volume or high-speed streets;
 - 38 (B) In climate friendly areas;

- 1 (C) In areas with concentrations of underserved populations identified as provided in
2 OAR 660-012-0125.
- 3 (c) A substantial portion of the right-of-way in climate friendly areas must be dedicated to
4 pedestrian uses, including but not limited to sidewalks, pedestrian plazas, and protective
5 buffers.
- 6 (d) Cities must plan for enhanced tree canopy and other infrastructure that uses natural and
7 living materials in pedestrian spaces in climate friendly areas and areas with
8 concentrations of underserved populations identified as provided in OAR 660-012-0125.
- 9 (4) Off-street multi-use paths must be designed to permit comfortable joint or separated use for
10 people walking, using mobility devices, and cycling. Separated areas for higher speeds and low
11 speeds shall be provided when there is high anticipated use of the path.
- 12 (5) Enhanced crossings are pedestrian facilities to cross streets or highways that provide a high level
13 of safety and priority to people crossing the street. Enhanced crossings must have adequate
14 nighttime illumination to see pedestrians from all vehicular approaches. Enhanced crossings must
15 be provided, at minimum, in the following locations:
- 16 (a) Closely spaced along arterial streets in climate friendly areas;
- 17 (b) Near transit stops on access-focused arterial or collector street in a climate friendly area
18 or on a priority transit corridor;
- 19 (c) At off-street path crossings; and
- 20 (d) In areas with concentrations of underserved populations identified as provided in OAR
21 660-012-0120.
- 22 (6) Cities may take exemptions to the requirements in this rule through findings in the transportation
23 system plan, for each location where an exemption is desired, for the following reasons:
- 24 (a) A city may plan for a pedestrian facility on one side of local streets in locations where
25 topography or other barriers would make it difficult to build a pedestrian facility on the
26 other side of the street, or where existing and planned land uses make it unnecessary to
27 provide pedestrian access to the other side of the street. Street crossings must be provided
28 near each end of sections where there is a pedestrian facility on only one side of the
29 street.
- 30 (b) A city may plan for no dedicated pedestrian facilities on very slow speed local streets that
31 are sufficiently narrow, and carry little or no vehicular traffic, so that pedestrians are the
32 primary users of the street.

33 **0520: Pedestrian System Projects**

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

- 35 (1) Cities must develop a list of pedestrian system projects that would address all the gaps and
36 deficiencies in the pedestrian system identified by the city under OAR 660-012-0500(4).
- 37 (2) Cities must develop pedestrian project prioritization factors that are able to sort the list of
38 pedestrian system projects into a prioritized list of pedestrian system projects. Cities must develop
39 pedestrian project prioritization factors by engaging underserved populations as provided in OAR
40 660-012-0130.

- 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 identified as provided in OAR 660-012-0125;
 - 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 660-012-0155; 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 0600-0630: 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 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

26 **0600: Bicycle System Planning**

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

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

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

16 **0605: Bicycle System Inventory**

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

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

30 **0610: Bicycle System Requirements**

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

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

- 1 (2) Cities and counties must plan for a connected network of bicycle facilities that provides a safe,
2 low stress, direct, and comfortable experience for people of all ages and abilities. All ages and
3 abilities includes:
- 4 (a) School-age children;
 - 5 (b) People over 65 years old;
 - 6 (c) Women;
 - 7 (d) People of color;
 - 8 (e) Low-income riders;
 - 9 (f) People with disabilities;
 - 10 (g) People moving goods, cargo, or other people; and
 - 11 (h) People using shared mobility services.
- 12 (3) A connected network is comprised of both the ability to access key destinations within a
13 community and enough coverage of safe and comfortable facilities to ensure most people within
14 the community can travel by bicycle.
- 15 (a) Cities and counties must design the connected network to connect to key destinations as
16 provided in OAR 660-012-0360, and to and within each climate friendly area.
 - 17 (b) Cities and counties must design the connected network to permit most residents of the
18 planning area to access the connected network with an emphasis on mitigating
19 uncomfortable or unsafe facilities or crossings.
 - 20 (c) The connected network shall consist of connected bicycle facilities including, but not
21 limited to, separated and protected bicycle facilities, bicycle boulevards, and multi-use or
22 bicycle paths. The connected network must include a series of interconnected bicycle
23 facilities and provide direct routes to key destinations. Cities and counties must design
24 comfortable and convenient crossings of streets with high volumes or traffic or high-
25 speed traffic.
- 26 (4) Cities and counties must plan and design bicycle facilities considering the context of adjacent
27 motor vehicle facilities and land uses.
- 28 (a) Cities and counties must design bicycle facilities with higher levels of separation or
29 protection along streets that have higher volumes or speeds of traffic.
 - 30 (b) Cities and counties must plan for separated or protected bicycle facilities on streets in
31 climate friendly areas and other places with a concentration of destinations. Separated or
32 protected bicycle facilities may not be necessary on streets with very low levels of motor
33 vehicle traffic or where a high-quality parallel bicycle facility on the connected network
34 exists within one block.
 - 35 (c) Cities and counties must identify locations with existing bicycle facilities along high
36 traffic or high-speed streets where the existing facility is not protected or separated, or
37 parallel facilities do not exist. Cities and counties must plan for a transition to appropriate
38 facilities in these locations.
- 39 (5) Cities and counties must use the transportation prioritization framework in OAR 660-012-0155
40 when making decisions about bicycle facilities.

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 0130.
- 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,
13 identified as provided in OAR 660-012-0125;
- 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 660-012-0155; 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.
- 35 (2) Cities and counties shall require covered, secure bicycle parking for all new multifamily
36 development or mixed-use development of four units or more, and new office and institutional
37 developments. Such bicycle parking must include at least one bicycle parking space for each
38 residential unit and facilities for charging electric bicycles, electric wheelchairs, and other small-

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

23 **New Rules 0700-0720: Public Transportation System**

24 This part of the Transportation Planning Rules relates to planning for the public transportation system.
25 The public transportation system is intended to serve people riding transit within urban areas, as well as
26 travel within regions or between cities.

27 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

28 **0700: Public Transportation System Planning**

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

- 30 (1) Transportation system plans must include a public transportation system element that meets the
31 requirements of this rule. Cities and counties must work in close cooperation with transit service
32 providers in order to complete the public transportation system element of the transportation
33 system plan.
- 34 (a) Cities and counties shall coordinate with public transportation service providers to
35 develop the public transportation system plan element.
- 36 (b) The public transportation system plan element must include elements of the public
37 transportation system that are in the control of the city, county, and coordinating
38 transportation facility owners.

- 1 (c) The public transportation system plan element must identify elements of the public
2 transportation system that the city or county will work with transit service providers to
3 realize or improve, including transit priority corridors, transit supportive infrastructure,
4 and stop amenities.
- 5 (d) Cities and counties must align the public transportation system plan transit element with
6 Transit Development Plans, goals, and other strategic planning documents developed by
7 a transit service provider.
- 8 (e) Transportation system plans do not control public transportation elements exclusively
9 controlled by transit service providers. These include funding or details of transit service
10 provision, including timetables and routing.
- 11 (2) A public transportation system element must include the following elements:
- 12 (a) The complete public transportation system as described in section (3) that includes the
13 full buildout and provision of services of the public transportation system within the
14 urban growth boundary;
- 15 (b) Identification of gaps and deficiencies in the public transportation system as described in
16 section (4);
- 17 (c) Locations of key public transportation destinations as described in OAR 660-012-0360;
18 and
- 19 (d) A list of prioritized public transportation system projects as described in OAR 660-012-
20 0720.
- 21 (3) The complete public transportation system is the full build out of a complete public transportation
22 system within the planning area. The city or county determines the complete public transportation
23 system plan by:
- 24 (a) Using the public transportation system inventory developed under OAR 660-012-0705 as
25 a base; and
- 26 (b) Adding the minimum public transportation services and facilities to places that do not
27 presently meet the minimum public transportation system requirements in OAR 660-012-
28 0710.
- 29 (4) Cities and counties must identify gaps and deficiencies in the public transportation system by
30 comparing the complete public transportation system with the public transportation system
31 inventory developed under OAR 660-012-0705. Cities and counties must include any part of the
32 complete public transportation system not presently built or operated to the standards in the
33 complete public transportation system plan as a gap or deficiency. Cities and counties must
34 identify gaps in the transit supportive facilities provided on priority transit corridors and other
35 transit corridors identified as provided in OAR 660-012-0710. Transit supportive facilities
36 include, but are not limited to:
- 37 (a) Stations, hubs, stops, shelters, signs, and ancillary features; and
- 38 (b) Transit priority infrastructure, including signals, queue jumps, and semi exclusive or
39 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. Cities and counties shall:
- 27 (a) Coordinate with transit service providers to determine transit priority infrastructure
28 needed on priority transit routes for efficient transit service;
- 29 (b) Prioritize expedited access for transit vehicles to and from major stops, stations, and
30 terminals; and
- 31 (c) 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: pedestrian facility repair and extension, signage, lighting, benches, and
38 shelters.
- 39 (b) Cities shall limit on-street parking at transit stop locations at the request of a transit
40 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 (6) Cities with an urban area of less than 10,000 population need not plan for priority transit
7 corridors.

8 **0720: Public Transportation System Projects**

9

This rule guides cities in determining the list of public transportation projects.
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- 10 (1) Cities must develop a list of public transportation projects that would address all the gaps and
11 deficiencies in the public transportation system identified by the city under OAR 660-012-
12 0700(4).
- 13 (2) Cities must coordinate with transit service providers to identify the gaps in transit service
14 provided in the transportation system plan and those identified in a land use and transportation
15 scenario plan as provided in OAR 660-044-0110 or in the Statewide Transportation Strategy as
16 adopted by the Oregon Transportation Commission, including the gap in transit miles per capita,
17 and gaps for each priority transit corridor and other transit corridors. The purpose of identifying
18 these gaps is to illustrate the need for transit service operating funds for services operated within
19 the planning area. The transportation system plan need not make provisions for funding
20 operations of transit services directly.
- 21 (3) Cities must develop public transportation system project prioritization factors that are able to sort
22 the list of public transportation system projects into a prioritized list of public transportation
23 system projects. Cities must develop public transportation project prioritization factors by
24 engaging underserved populations as provided in OAR 660-012-0130.
- 25 (4) Cities must use public transportation project prioritization factors to prioritize the following
26 factors above other factors:
 - 27 (a) Public transportation system investments in climate friendly areas;
 - 28 (b) Public transportation system investments in areas with concentrations of underserved
29 populations, identified as provided in OAR 660-012-0125, particularly in areas with
30 concentrations of people dependent on public transportation;
 - 31 (c) Public transportation system investments that provide access to key public transportation
32 destinations;
 - 33 (d) Public transportation system investments that will connect to, fill gaps in, and expand the
34 existing public transportation network;
 - 35 (e) Public transportation system investments that prioritize transit travel consistent with the
36 prioritization factors in OAR 660-012-0155; and
 - 37 (f) Where applicable, public transportation system investments that implement a scenario
38 plan approved by order as provided in OAR 660-044-0120.
- 39 (5) The transportation system plan must include a description of the prioritization factors and method
40 of prioritizing public transportation projects used to develop the prioritized list of public
41 transportation projects.

1 **New Rules 0800-0830: Streets and Highways System**

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

5 These rules, as provided in draft rule 660-012-0011, only apply in metropolitan areas.

6 ***0800: Street and Highway System Planning***

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

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

1 **0805: Street and Highway System Inventory**

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

- 3 (1) Street and highway system inventories must include information on all streets and highways,
4 including the functional classification of each facility.
- 5 a. For local streets, inventories must include location.
- 6 b. For collector streets, inventories must include location, condition, and number of general-
7 purpose travel lanes, and turn lanes.
- 8 c. For arterial streets, inventories must include location, condition, and number of general-
9 purpose travel lanes, turn lanes, and lane width.
- 10 d. For expressways and other limited-access highways, inventories must include location,
11 condition, number of general-purpose travel lanes, and lane width. Inventories must also
12 include locations and type of interchanges.
- 13 (2) Street and highway system inventories must include the location of all reported serious injuries
14 and deaths of people related to vehicular crashes. This must include all reported incidents for at
15 least five years prior to the transportation system plan base year.
- 16 (3) Street and highway system inventories must include an overview of pricing strategies in use,
17 including specific facility pricing, area or cordon pricing, and parking pricing. Inventories must
18 include pricing mechanisms and rates.
- 19 (4) Street and highway system inventories must include the location of designated freight routes, and
20 the location of all key freight terminals within the planning area, including intermodal terminals.

21 **0810: Street and Highway System Requirements**

22 This rule includes the minimum requirements for the street and highway system. The rules require:
23 narrow and slow local streets; identifying arterials that are more focused on mobility, and those more
24 focused on access, and treating them differently; and a minimal number of general-purpose travel lanes
25 due to an expected decline in driving, and to accommodate the growth of other modes.

- 26 (1) Cities and counties must plan, design, build, and maintain a connected streets and highway
27 network in a manner that respects the prioritization factors in OAR 660-012-0155.
- 28 (a) Cities and counties must plan and streets and highways for the minimum size necessary
29 for the identified function, land use context, and expected users of the facility.
- 30 (b) Cities and counties must consider and reduce excessive standards for local streets and
31 accessways in order to reduce the cost of construction, increase safety, provide for more
32 efficient use of urban land, provide for emergency vehicle access while discouraging
33 inappropriate traffic volumes and speeds, provide for utility placement, and support
34 connected and safe pedestrian and bicycle networks.
- 35 (c) Cities and counties must plan for an equitable allocation of right-of-way consistent with
36 the prioritization factors as provided in OAR 660-012-0155. Streets in Climate Friendly
37 Areas and along priority transit corridors must be designed to prioritize pedestrian,
38 bicycle, and transit systems, as provided in OAR 660-012-0510, OAR 660-012-0610, and
39 OAR 660-012-0710.

- 1 (2) Cities and counties must plan local streets to provide local access to property and localized
2 circulation within neighborhoods.
- 3 (a) Cities and counties must plan and design local streets for low and safe travel speeds
4 compatible with shared pedestrian and bicycle use.
- 5 (b) Cities and counties shall establish standards for local streets with pavement width and
6 right-of-way width as narrow as practical to meet needs, reduce the cost of construction,
7 efficiently use urban land, discourage inappropriate traffic volumes and speeds, improve
8 safety, and accommodate convenient pedestrian and bicycle circulation. Local street
9 standards may allow pavement 28-feet wide where on-street parking is provided on both
10 sides of the street and narrower widths where on-street parking is not permitted. Local
11 street standards adopted by a city or county must be developed as provided in ORS
12 368.039.
- 13 (c) Cities and counties must plan and design a complete and connected network of local
14 streets. Cities may plan for chicanes, diverters, or other strategies or devices in local
15 street networks where needed to prevent excessive speed or through travel. These
16 measures must continue to provide for connected and pedestrian and bicycle networks.
- 17 (d) Cities and counties must avoid planning or designing local streets with a dead end. Dead
18 end local streets may be permitted in locations with topographic or other barriers, or
19 where the street is planned to continue to a connected network in the future.
- 20 (e) Cities and counties must plan for multimodal travel on local streets as provided in OAR
21 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710. Cities and counties must
22 plan local streets in Climate Friendly Areas to prioritize pedestrian and bicycle systems,
23 and be limited to local access for motor vehicles.
- 24 (f) A city or county may plan for local streets to be wider than otherwise allowed in this rule
25 when used exclusively for access to industrial or commercial properties outside of
26 climate friendly areas, and where plans do not allow residential or mixed-use
27 development.
- 28 (g) Transportation system plans need not include the specific location of all planned local
29 streets but must describe areas where they will be necessary.
- 30 (3) Cities and counties must plan collector streets to provide access to property and collect and
31 distribute traffic between local streets and arterials. Cities and counties must plan and design a
32 collector street network that is complete and connected with local streets and arterials.
- 33 (a) Cities and counties must plan for multimodal travel on collector streets as provided in
34 OAR 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 35 (b) Cities and counties must plan collectors in Climate Friendly Areas to prioritize
36 pedestrian, bicycle, and public transportation systems.
- 37 (4) Cities and counties must plan arterial streets and highways to provide travel between
38 neighborhoods and across urban areas. Cities and counties must plan an arterial street network
39 that is complete and connected with local streets and collectors.
- 40 (a) Cities and counties must designate each segment of an arterial as one of the three
41 categories below in the transportation system plan. These designations must be made
42 considering the intended function, the land use context, and the expected users of the
43 facility. Cities and counties must address these considerations to ensure local plans
44 include different street standards for each category of arterial segment.

- 1 (A) Cities and counties must plan for local access priority arterial segments to
 2 prioritize access to property and connected streets when balancing needs on the
 3 facility. Local access priority arterial segments will generally allow for more
 4 access locations from property, more opportunities to make turns, more frequent
 5 intersections with other streets, and slower speeds.
- 6 (B) Cities and counties must plan for through movement priority arterial segments to
 7 prioritize through movement of traffic when balancing needs on the facility.
 8 Through movement priority arterial segments will generally prioritize access
 9 limited to intersections with the street network, limited access to individual
 10 properties, and safe speeds.
- 11 (C) Cities and counties must plan for arterial segments in a climate-friendly area to
 12 prioritize multimodal travel as provided in subsection (b). This includes
 13 prioritizing complete, connected, and safe pedestrian, bicycle, and public
 14 transportation facilities.
- 15 (b) Cities must plan for multimodal travel on or along arterial streets as provided in OAR
 16 660-012-0510, OAR 660-012-0610, and OAR 660-012-0710.
- 17 (A) Cities and counties must plan arterials in climate-friendly areas to prioritize
 18 pedestrian, bicycle, and public transportation systems.
- 19 (B) Cities and counties must plan arterials along transit priority corridors to prioritize
 20 transit service reliability and frequency over general-purpose traffic.
- 21 (5) Cities and counties must carefully consider new or expanded freeways considering goals for
 22 reductions in vehicle miles traveled per capita.
- 23 (a) Cities and counties must consider high-occupancy vehicle lanes, including transit lanes,
 24 and managed priced lanes on freeways.
- 25 (b) Pedestrian and bicycle facilities should be parallel to freeways, rather than on them.
 26 Transit facilities on or along freeways must be designed for direct transit vehicle access.
- 27 (6) Notwithstanding other provisions of this rule, where appropriate, cities and counties must plan
 28 and design streets and highways to accommodate:
- 29 (a) Transit vehicles on a segment of a priority transit corridor or transit corridor without
 30 dedicated transit lanes or transitway.
- 31 (b) Freight travel on designated freight routes and key freight terminals inventoried as
 32 provided in OAR 660-012-0805.
- 33 (c) Agricultural equipment on streets or highways connecting to agriculturally zoned land
 34 used for agricultural purposes where equipment access is necessary.

35 **0820: Street and Highway System Projects**

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

- 37 (1) Cities must develop a list of street and highway system projects that would address the gaps and
 38 deficiencies in the street and highway system.
- 39 (2) Cities must develop street and highway project prioritization factors that are able to sort the list of
 40 street and highway system projects into a prioritized list of street and highway system projects.

- 1 Cities must develop street and highway project prioritization factors by engaging underserved
2 populations as provided in OAR 660-012-0130.
- 3 (3) Cities must use street and highway project prioritization factors to prioritize the following factors
4 above other factors:
- 5 (a) Street and highway investments that reallocate right-of-way from facilities dedicated to
6 moving motor vehicles to those for use by the pedestrian, bicycle, and public
7 transportation systems, particularly:
- 8 (A) In Climate Friendly Areas;
- 9 (B) In areas with concentrations of underserved populations, identified as provided in
10 OAR 660-012-0125; and
- 11 (C) In areas with reported serious injuries and deaths.
- 12 (b) Street and highway system investments that will fill gaps in the existing street network;
- 13 (c) Street and highway system investments consistent with the prioritization factors in OAR
14 660-012-0155;
- 15 (d) Street and highway system investments that will help meet the performance targets as
16 provided in OAR 660-012-0910; and
- 17 (e) Street and highway system investments consistent with a scenario plan approved by order
18 as provided in OAR 660-044-0120.
- 19 (4) The transportation system plan must include a description of the prioritization factors and method
20 of prioritizing street and highway projects used to develop the prioritized list of street and
21 highway system projects.
- 22 (5) Cities choosing to include a proposed facility requiring authorization as provided in OAR 660-
23 012-0830 in the transportation system plan must first meet the requirements as provided in OAR
24 660-012-0830.

25 **0830: Enhanced Review of Select Roadway Projects**

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

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

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

- 35 (1) Cities and counties must review and authorize certain proposed facilities to be included as a
36 planned project or unconstrained project in any part of the local comprehensive plan, including
37 the transportation system plan.
- 38 (a) The following types of proposed facilities must be reviewed as provided in this rule:
- 39 (A) A new or extended arterial street, highway, freeway, or bridge;

- 1 (B) New or expanded interchanges;
- 2 (C) An increase in the number of general purpose travel lanes for any existing arterial
3 or collector street, highway, or freeway; and
- 4 (D) New or extended auxiliary lanes with a total length of one-half mile or more.
5 Auxiliary lane means the portion of the roadway adjoining the traveled way for
6 speed change, turning, weaving, truck climbing, maneuvering of entering and
7 leaving traffic, and other purposes supplementary to through-traffic movement.
- 8 (b) Notwithstanding any provision in subsection (a), the following proposed facilities need
9 not be reviewed or authorized as provided in this rule:
- 10 (A) Changes expected to have a capital cost of less than \$5 million;
- 11 (B) Changes that reallocate right of way to provide more space for pedestrian,
12 bicycle, transit, or high-occupancy vehicle facilities;
- 13 (C) Facilities with no more than one general purpose travel lane in each direction,
14 with or without one turn lane;
- 15 (D) Changes to intersections that do not increase the number of lanes, including
16 implementation of a roundabout;
- 17 (E) Access management, including the addition or extension of medians;
- 18 (F) Modifications necessary to address safety needs; or
- 19 (G) Operational changes, including changes to signals, signage, striping, surfacing, or
20 intelligent transportation systems.
- 21 (2) Cities and counties choosing to authorize a proposed facility as provided in this rule must:
- 22 (a) Initiate the authorization process through action of the governing body of the city or
23 county;
- 24 (b) Include the authorization process as part of an update to a transportation system plan to
25 meet the requirements as provided in OAR 660-012-0100, or have an existing
26 acknowledged transportation system plan meeting these requirements;
- 27 (c) Have met all applicable reporting requirements as provided in OAR 660-012-0900;
- 28 (d) Designate the project limits and characteristics of the proposed facility, including length,
29 number of lanes, or other key features;
- 30 (e) Designate a facility impact area and determine affected jurisdictions as provided in
31 section (3);
- 32 (f) Initiate an equity analysis of the proposed facility as provided in OAR 660-012-0135;
- 33 (g) Develop a public involvement strategy as provided in section (4);
- 34 (h) Conduct an alternatives review as provided in sections (5) and (6);
- 35 (i) Choose to move forward with an authorization report as provided in section (7);
- 36 (j) Complete an authorization report as provided in section (8); and
- 37 (k) Publish the authorization report as provided in section (9).

- 1 (3) A city or county designating a facility impact area and determining affected jurisdictions must:
- 2 (a) Coordinate with all cities and counties with planning jurisdictions within two miles of the
- 3 limits of the proposed facility to determine the extent of the facility impact area;
- 4 (b) Review the extent of the impact of the proposed facility by including all areas where
- 5 implementation of the proposed facility is expected to change levels or patterns of traffic
- 6 or otherwise change the transportation system or land use development patterns;
- 7 (c) Take particular care when reviewing the facility impact area in places with concentrations
- 8 of underserved populations identified as provided in OAR 660-012-0125. The city or
- 9 county must consider the special impact of new facilities in the context of historic
- 10 patterns of discrimination, disinvestment, and harmful investments;
- 11 (d) Designate a facility impact area to include, at minimum, areas within one mile of the
- 12 proposed facility; and
- 13 (e) Determine affected jurisdictions by including all cities or counties with planning
- 14 jurisdictions in the designated facility impact area.
- 15 (4) A city or county developing a public involvement strategy must, in coordination with affected
- 16 jurisdictions:
- 17 (a) Develop the public involvement strategy as provided in OAR 660-012-0130.
- 18 (b) Require that the public involvement strategy provides for opportunities for meaningful
- 19 public participation in decision-making over the course of the authorization process;
- 20 (c) Require that the public involvement strategy includes regular reports to the affected
- 21 governing bodies, planning commissions, and the public on the progress of the
- 22 authorization process; and
- 23 (d) Coordinate the public involvement strategy with other public involvement activities
- 24 which may be concurrent, including updates to a transportation system plan or
- 25 authorizations for other proposed facilities.
- 26 (5) A city or county choosing to undertake an alternatives review must, in coordination with affected
- 27 jurisdictions:
- 28 (a) Have designated the facility impact area, determined affected jurisdictions, transit service
- 29 providers, and transportation options providers; and developed a public consultation
- 30 strategy as provided in this rule;
- 31 (b) Develop a summary of the expected impacts of the proposed facility on underserved
- 32 populations identified as provided in OAR 660-012-0125, particularly, but not
- 33 exclusively, in neighborhoods with concentrations of underserved populations. These
- 34 impacts must include, but are not limited to, additional household costs, and changes in
- 35 the ability to access jobs and services without the use of a motor vehicle;
- 36 (c) Develop a summary of the estimated additional motor vehicle travel per capita that is
- 37 expected to be induced by implementation of the proposed facility over the first 20 years
- 38 of service, using best available science;
- 39 (d) Investigate alternatives to the proposed facility, as provided in subsections (e) through
- 40 (h). Cities and counties must use a planning level of analysis, and make use of existing
- 41 plans and available data as much as practical;

- 1 (e) Investigate alternatives to the proposed facility through investments in the pedestrian and
2 bicycle systems. The city or county must:
- 3 (A) Review the transportation system plan for identified gaps and deficiencies in
4 pedestrian and bicycle facilities within the facility impact area;
- 5 (B) Determine how much of the need for the proposed facility may be met through
6 enhanced investments in the pedestrian and bicycle networks;
- 7 (C) Identify pedestrian and bicycle system investments that could contribute to
8 meeting the identified need which do not require implementation of the proposed
9 facility; and
- 10 (D) Identify pedestrian and bicycle system investments that could contribute to
11 meeting the identified need which may be implemented without the proposed
12 facility, and may be retained if the proposed facility is implemented.
- 13 (f) Investigate alternatives to the proposed facility through investments in the public
14 transportation system. The city or county must:
- 15 (A) Review the transportation system plan for identified gaps and deficiencies in
16 public transportation facilities and services within the facility impact area;
- 17 (B) Coordinate with transit service providers to identify opportunities for providing
18 additional transit service within or to the facility impact area; and
- 19 (C) Identify potential transit facility and service investments that contribute to
20 meeting the identified need which may be implemented without the proposed
21 facility.
- 22 (g) Investigate alternatives to the proposed facility through investments in transportation
23 options programs; or other means to reduce demand for motor vehicle travel. The city or
24 county must:
- 25 (A) Review the transportation system plan for identified existing and needed
26 transportation demand management services within the facility impact area;
- 27 (B) Coordinate with transportation options providers to identify opportunities for
28 providing transportation demand management services in and around the facility
29 impact area; and
- 30 (C) Identify potential transportation options program investments that contribute to
31 meeting the identified need which may be implemented without the proposed
32 facility.
- 33 (h) Investigate alternatives to the proposed facility that include system pricing. The city or
34 county must:
- 35 (A) Determine if various types of pricing could substantially reduce the need for the
36 proposed facility;
- 37 (B) Investigate a range of pricing methods appropriate for the facility type and need,
38 which may include, but are not limited to: parking pricing, tolling, facility
39 pricing, cordon pricing, or congestion pricing; and
- 40 (C) Identify pricing methods where it is reasonably expected to meet the need for the
41 facility, may reasonably be implemented, and can be expected to generate
42 sufficient revenue to cover the costs of operating the collection apparatus.

- 1 (6) A city or county completing an alternatives review must, in coordination with affected
2 jurisdictions:
- 3 (a) Review the projects identified in section (5) to determine sets of investments that may be
4 made that could substantially meet the need for the proposed facility without
5 implementation of the proposed facility. A city or county must consider adopted state,
6 regional, and local targets for reduction of vehicle miles traveled to reduce greenhouse
7 gas emissions when making determinations of substantially meeting the need for the
8 proposed facility; and
- 9 (b) Complete an alternatives review report upon completion of the alternatives review phase.
10 The alternatives review report must include a description of the effectiveness of identified
11 alternatives. The alternatives review report must include the summaries developed in
12 section (5), subsections (b) and (c). The alternatives review report must be provided to
13 the public, and the governing bodies and planning commissions of each affected city or
14 county. The alternatives review report must also be included in the next annual report to
15 the director as provided in OAR 660-012-0900.
- 16 (7) The governing body of the city or county shall review the alternatives review report and may
17 either:
- 18 (a) Select a set of investments reviewed in the alternatives review report intended to
19 substantially meet the identified need for the proposed facility. These investments may be
20 added to the unconstrained project list of the transportation system plan as provided in
21 OAR 660-012-0170; or
- 22 (b) Choose to complete the authorization report for the proposed facility, as provided in
23 section (8).
- 24 (8) A city or county choosing to complete an authorization report as provided in section (7) must,
25 after completion of the alternatives review, include the following within the authorization report:
- 26 (a) A record of the initiation of the authorization process by the governing body;
- 27 (b) The public involvement strategy developed as provided in section (5), and how each part
28 of the public involvement strategy was met;
- 29 (c) The alternatives review report;
- 30 (d) A summary of the estimated additional long-term costs of maintaining the proposed
31 facility, including expected funding sources and responsible transportation facility
32 operator.
- 33 (9) A city or county, upon completing an authorization report, must publish the authorization report
34 and provide it to the public and governing bodies of each affected jurisdiction.
- 35 (10) A city or county, having completed and published an authorization report, is permitted to place
36 the proposed project on the list of street and highway system projects with other projects as
37 provided in OAR 660-012-0820. A proposed project authorized as provided in this rule may
38 remain on a project list in the transportation system plan as long there are no substantial changes
39 to the proposed project as described in the authorization report.

1 **New Rules 0900-0920: Reporting and Compliance**

2 This part of the Transportation Planning Rules set requirements for how cities and counties will regularly
3 report progress to the department. Annual reports will include a narrative of progress made over the
4 past year, with more substantial reports required every four or five years.

5 These rules, as provided in 660-012-0011, only apply in metropolitan areas.

6 **0900: 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 division 44 and this division.
- 13 (2) Metro shall prepare a report annually on progress toward meeting the requirements in division 44
14 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 no later than May 31 of each
18 year for the report for the previous calendar year.
- 19 (4) The director shall review reports as provided in OAR 660-012-0915.
- 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 660-012-0915;
- 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 a
34 forecast 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 progress towards centering the
37 voices of underserved populations in processes at all levels of decision-making as
38 provided in OAR 660-012-0130 and a summary of any equity analyses conducted as
39 provided in OAR 660-012-0135;

- 1 (e) Any temporary projects implemented as provided in OAR 660-012-0200;
- 2 (f) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those
3 underway or completed; and
- 4 (g) For reporting cities and counties:
- 5 (A) A description of what immediate actions the city or county has considered to be
6 taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and
- 7 (B) A description of the consultations with the metropolitan planning organization on
8 how the regional transportation plan could be altered to reduce greenhouse gas
9 emissions as provided in ORS 184.899(2).
- 10 (7) A major report must include the following information:
- 11 (a) All information required in a minor report as provided in section (6);
- 12 (b) Reporting for each regional and local performance measures as provided in OAR 660-
13 012-0905 or OAR 660-044-0110 including:
- 14 (A) Baseline data;
- 15 (B) Baseline projections of expected outcomes from existing adopted plans;
- 16 (C) An assessment of whether the city, county, or Metro has met or is on track to
17 meet each performance target for each reporting year between the base year and
18 planning horizon year as provided in OAR 660-012-0910;
- 19 (D) For any performance targets that were not met, a proposal for the corrective
20 actions that will be taken to meet the performance target by the next major report;
- 21 (E) An assessment of whether the reporting city or county has adopted local
22 amendments to implement the approved land use and transportation scenario plan
23 as provided in OAR 660-044-0130;
- 24 (F) For any amendments to implement the approved land use and transportation
25 scenario plan as provided in OAR 660-044-0130 that have not yet been adopted,
26 a proposal for the corrective actions that will be taken to adopt the amendments;
27 and
- 28 (G) The status of any corrective actions identified in prior reports.
- 29 (8) Upon a written request for an exemption submitted to the department prior to the due date of a
30 report, the director may grant a city or county an exemption to a requirement to include any
31 required element of a report under sections (6) or (7) when the director determines that the
32 requestor has established that collection and reporting of the information would not be possible or
33 would place an undue burden on the city or county.
- 34 (9) Counties need only report for those portions of the county within an urban growth boundary
35 inside the metropolitan area. A county may jointly report with a city for the entire urban growth
36 area of the city.
- 37 (10) Reports as provided by this rule are not land use decisions.

1 **0905: Land Use and Transportation Performance Measures**

2 This rule requires reporting on local action performance measures to demonstrate that the actions
3 necessary to achieve the greenhouse gas reduction targets are being implemented. transportation
4 system plans are required to include policies and projects that will meet the local target for each
5 performance measure.

6 (1) Cities, counties, and Metro that have a land use and transportation scenario approved by the
7 commission as provided in OAR 660-044-0050 or OAR 660-044-0120 shall report on the
8 performance measures from the approved regional scenario plan.

9 (2) Cities and counties that do not have a land use and transportation scenario approved by the
10 commission as provided in OAR 660-044-0120 shall report on the specific actions, including
11 capital improvements and the adoption of policies that they have or will undertake to reduce
12 pollution and increase equitable outcomes for underserved populations. At a minimum, this report
13 must include the following performance measures:

14 (a) Compact Mixed-use Development

15 (A) Number of publicly supported affordable housing units in climate friendly areas.

16 (B) Number of existing and permitted dwelling units in climate friendly areas and
17 percentage of existing and permitted dwelling units in climate friendly areas
18 relative to total number of existing and permitted dwelling units in the
19 jurisdiction.

20 (C) Share of retail and service jobs in climate friendly areas relative to retail and
21 service jobs in the jurisdiction.

22 (b) Active Transportation

23 (A) Percent of collector and arterials streets in climate friendly areas and underserved
24 population neighborhoods with bicycle and pedestrian facilities with Level of
25 Traffic Stress 1 or 2.

26 (B) Percent of collector and arterial roadways in climate friendly areas and
27 underserved population neighborhoods with safe and convenient marked
28 pedestrian crossings.

29 (C) Percent of transit stops with safe and marked pedestrian crossings within 100
30 feet.

31 (c) Transportation Options

32 (A) Number of employees covered by an Employee Commute Options Program.

33 (B) Number of households engaged with Transportation Options activities.

34 (C) Percent of all Transportation Options activities that were focused on underserved
35 population communities.

36 (d) Transit

37 (A) Share of households within one-half mile of a priority transit corridor.

- 1 (B) Share of low-income households within one-half mile of a priority transit
- 2 corridor.
- 3 (C) Share of key destinations within one-half mile of a priority transit corridor.
- 4 (e) Parking Costs and Management: Average daily public parking fees in climate friendly
- 5 areas.
- 6 (f) Transportation System
- 7 (A) Vehicle miles traveled per capita.
- 8 (B) Percent of jurisdiction transportation budget spent in climate friendly areas and
- 9 underserved population neighborhoods.
- 10 (C) Share of investments that support modes of transportation with low pollution.

11 **0910: Land Use and Transportation Performance Targets**

12 This rule requires cities and counties to set performance targets for the implementation of actions
 13 necessary to achieve the greenhouse gas reduction targets. If a city or county has an approved regional
 14 land use and transportation scenario plan, they will use the performance targets included in that plan. If
 15 a city or county does not have an approved regional plan, they will set performance targets in a major
 16 update to their transportation system plan or a major report, whichever comes first. Performance
 17 targets must be set at levels that are reasonably likely to achieve the greenhouse gas reduction targets
 18 and the Statewide Transportation Strategy targets.

- 19 (1) Cities and counties must set performance targets for each reporting year for each performance
- 20 measure provided in OAR 660-044-0110 and OAR 660-012-0905 in their local transportation
- 21 system plan. Performance targets for the performance measures provided in OAR 660-012-0905
- 22 must be set at levels that are reasonably likely to achieve the regional performance targets from
- 23 an approved land use and transportation scenario plan as provided in OAR 660-044-0110 or the
- 24 regional performance targets from the Statewide Transportation Strategy as adopted by the
- 25 Oregon Transportation Commission.
- 26 (2) Cities and counties that have a land use and transportation scenario approved by the commission
- 27 as provided in OAR 660-044-0120 must set targets for equity performance measures in a
- 28 transportation system plan as provided in OAR 660-044-0110(7)(c).
- 29 (3) Cities and counties shall set performance targets in any major update to their transportation
- 30 system plan as provided in OAR 660-012-0105. If a city or county has not yet set targets and is
- 31 submitting a major report as provided in OAR 660-012-0900(7), then the city or county shall set
- 32 performance targets through a minor update to their transportation system plan.

1 **0915: Review of Reports**

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) Upon receipt of a submitted minor report as provided in OAR 660-012-0900(6);
- 7 (a) The director shall make a preliminary determination of completeness within 30 calendar
8 days of receipt and shall notify the submitter of any missing items required under OAR
9 660-012-0900(6) that is not subject to an exemption under OAR 660-012-0900(8).
- 10 (b) The submitter must submit information to the department within 30 days of the director's
11 notification under subsection (a), unless the submitter requests, and the director grants, an
12 extension of time to submit the missing information, for a period not to exceed 90
13 additional days.
- 14 (c) If the submitter does not submit the missing information within the time allotted by the
15 director, the director may refer the report for a compliance hearing as provided in OAR
16 660-012-0920.
- 17 (d) Once a minor report submitted as provided in OAR 660-012-0900(6) is determined to be
18 complete, the director shall post the minor report on the department website and send
19 notice of approval to the submitter.
- 20 (2) Upon receipt of a submitted major report as provided in OAR 660-012-0900(7);
- 21 (a) The director shall make a preliminary determination of completeness within 30 calendar
22 days of receipt and shall notify the submitter of any missing items required under OAR
23 660-012-0900(7) that is not subject to an exemption under OAR 660-012-0900(8).
- 24 (b) The submitter must submit information to the department within 30 days of the director's
25 notification under subsection (a), unless the submitter requests, and the director grants, an
26 extension of time to submit the missing information, for a period not to exceed 90
27 additional days. If the submitter does not submit additional information, the director shall
28 proceed with review of the submission as provided in sections (3) and (4).
- 29 (c) If the director does not notify the submitter of missing items within 30 days of submittal,
30 the director shall proceed with review of the submission as provided in sections (3) and
31 (4).
- 32 (3) Upon completion of the process in section (2), the director shall:
- 33 (a) Post a complete copy of the major report on the department's website along with the
34 alternative findings the director may make in section (4), and a statement that any person
35 may file a written comment regarding the submitted report no more than 21 days after the
36 posting of the report.
- 37 (b) Provide notice to persons described under ORS 197.615(3)(a), directing them to the
38 posting described in subsection (a) and informing them that they may file a written
39 comment regarding the submitted report no more than 21 days after the posting of the
40 report.

- 1 (4) Within 60 days of completion of the process in section (2), the director shall;
- 2 (a) Find that the submitter has met the performance targets as provided in OAR 660-012-
- 3 0910, and has adopted local amendments to implement any approved land use and
- 4 transportation scenario plan as provided in OAR 660-044-0130;
- 5 (b) Find that the submitter has proposed adequate corrective actions to address any
- 6 performance targets that were not met and adequate to meet any performance targets as
- 7 provided in OAR 660-012-0910;
- 8 (c) Find that the submitter has not met a performance target as provided in OAR 660-012-
- 9 0910 and has proposed inadequate corrective actions; or
- 10 (d) Find that the submitter has not implemented an approved land use and transportation
- 11 scenario plan as provided in OAR 660-044-0130 and proposed inadequate corrective
- 12 actions.
- 13 (5) If the director makes findings described in subsections (4)(a) or (b);
- 14 (a) The director shall issue an order approving the report. The department shall post an
- 15 approval order on a public website and send notice to the submitter, and persons who
- 16 provided written comment under section (3). The order must include information on the
- 17 process to appeal the director's order as described in this rule.
- 18 (b) A person who has provided written comment under section (3) may appeal the director's
- 19 order to the commission. An appeal is valid only if the appeal clearly identifies a
- 20 deficiency in the submitted report based on the requirements of this division on issues
- 21 raised in the written comments.
- 22 (c) The director shall determine if the appeal filed is valid, and the director's determination
- 23 of validity is final.
- 24 (d) If no valid appeals are filed in response to the director's order, the order is final.
- 25 (e) If any valid appeals are filed in response to the director's order, then the director shall
- 26 refer the report for a compliance hearing as provided in OAR 660-012-0920.
- 27 (6) If the director makes findings described in subsections (4)(c) or (d), then the director shall refer
- 28 the report for a compliance hearing as provided in OAR 660-012-0920.

29 **0920: Compliance Hearings**

30 Compliance hearings can be the result of a director finding that report is unacceptable, no report has

31 been submitted, or due to complaint by other parties.

- 32 (1) The commission shall hold a compliance hearing in response to referral from the director at its
- 33 next regularly scheduled meeting that is at least 30 days after the referral.
- 34 (2) The commission may hold a compliance hearing on its own motion or in response to an allegation
- 35 that a city, county, or Metro has:
- 36 (a) Missed a deadline in this division;
- 37 (b) Missed a deadline in OAR 660-044-0015;
- 38 (c) Failed to implement corrective actions required by this division; or
- 39 (d) Failed to comply with a requirement in this division.

- 1 (3) The department shall post notice of a compliance hearing on a public website and send notice to
2 the parties.
- 3 (4) At the compliance hearing the commission shall:
- 4 (a) Consider the director’s written and oral report; and
- 5 (b) Consider oral testimony and written testimony provided at least 14 days prior to the
6 hearing from a city, a county, or Metro and any persons who provided written comment
7 as provided in OAR 660-012-0915(3)(b).
- 8 (5) The commission may evaluate the compliance of the cities and counties within a metropolitan
9 area in a collective evaluation, or the commission may evaluate the compliance of an individual
10 city or county separately.
- 11 (6) If the commission finds that that that a report meets the requirements of this division, or that the
12 city, county or Metro is in compliance with the requirements of this division, then the
13 commission shall issue an order of approval.
- 14 (7) If the commission finds a city, a county, or Metro out of compliance with the requirements of this
15 division, the commission may use any authority granted to commission, including but not limited
16 to the actions below.
- 17 (a) Issue an order to remand a report with specific directions for changes necessary to
18 comply with this division;
- 19 (b) Issue an enforcement order as provided in ORS 197.319 through 197.335.
- 20 (c) Issue an order to invalidate the acknowledgement of local transportation system plans
21 that are not consistent with an approved Land use and Transportation Scenario Plan.
- 22 (d) Provide notice to the Oregon Department of Transportation and the United States
23 Department of Transportation of the lack of compliance with state planning requirements.
- 24 (8) The director shall mail the order to all parties.
- 25 (9) A commission order under this rule may be reviewed as provided in ORS 183.484 for orders in
26 other than a contested case. Reports and orders as provided in this rule are not land use
27 decisions.