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TO: Joint OTC-LCDC Transportation Subcommittee

FROM: Robert Cortright, Transportation Planning Coordinator

SUBJECT: DRAFT TPR AMENDMENTS FOR METROPOLITAN AREAS

This memo outlines proposed amendments to the TPR for metropolitan areas. The text of the proposed amendments and staff commentary is included in a two-column format on pages 5-13. The enclosed draft includes the language that we reviewed with you at your July 19th meeting (with revisions). It also includes additional amendments that address other recommendations from the 2004 Metropolitan Status Report.

Major changes from the draft rule amendments included with the June 15 “Issues and Options” Memo are highlighted below.

Highlights of Major Changes from the June 15 Draft		
Rule Section	Summary	Explanation
0016(1)-(4)	Adds new section on Metropolitan Planning Coordination <ul style="list-style-type: none"> • Directs local governments in metropolitan areas to coordinate with MPOs. • Call for a single coordinated process between MPO and local governments; but not a single plan. • Require local governments to review proposed Metropolitan Transportation Plan (RTP) amendments and assess whether they relate to TPR requirements. • Lists RTP changes that do and do not relate to TPR requirements. • Requires local governments to amend TSPs within 1 year 	New language. Addresses coordination between MPO planning under federal law and local government related land use decisions under state law – mostly local TSP amendments. Implements recommendation 1.3 from the June 15 Issues & Options Memo
0016(5)	Describes conditions where MPO planning horizon that goes beyond acknowledged local plans is consistent with TPR and Goal 14.	New language. Implements recommendation 1.3 from the June 15 Issues & Options Memo
0055(1)(c)	Allows metropolitan areas to request extensions to the requirement to adopt integrated land use and transportation plans. Requires a schedule to complete outstanding work	New language. Implements recommendation 5.1 and 5.2 from the June 15 Issues & Options Memo

Rule Section	Summary	Explanation
0055(1)(c)	Subsections (A)-(D) list key steps in developing an integrated land use and transportation plan that must be addressed in a schedule	New language. Implements recommendation 5.3 from the June 15 Issues & Options Memo
0055(1)(d)	Requires local governments in metropolitan areas that are not in compliance to review plan amendments to assure that they support the adopted integrated land use plan and strategy.	New language. Implements recommendation 6.1 from the June 15 Issues & Options
0035(6)	Makes VMT reduction an alternative compliance standard	Revised language. Proposed as a “safe harbor” in the June 15 draft (Recommendation 4.2)
0055(1)(b)	Requires newly-designated MPO areas to adopt or update plans within 1 year of Metropolitan plan adoption	New language. Changes the current 3-years from designation requirement. Addresses expansion of existing MPO areas as well as new-MPOs
0055(5)	Requires local governments to update local TSPs to be consistent with regional TSPs within 1-year of regional TSP adoption or update.	New language. Adds language to address update of local plans in metropolitan areas.

Work Group Review and Recommendations

We reviewed the proposed amendments with the Work Group at their September 9th meeting. We also distributed a preliminary draft of these amendments to MPO staffs for their review. The revised draft incorporates several of their suggestions. Comments and suggestions from the Work Group and staff’s responses are summarized below:

1. Change the term “regional transportation plan” to “metropolitan transportation plan.”

The rule currently uses two very similar terms - “regional transportation plan” and “regional transportation system plan” - to refer to the federal and state required plans for metropolitan areas. Several work group members noted that the similarity of these terms added to the general confusion about that the rule attempts to address. Work group members recommended using the term “metropolitan transportation plan” or MTP, to refer to the federally-required plan, since this is the term included in federal law. Work Group members also suggested adding a definition of this term to the Definitions in 0005.

Response

Staff supports this recommendation and has revised the proposed amendments and will use the term “metropolitan transportation plan” to refer to the federally-required plan. This would include making changes to the definitions in the rule.

2. Consider providing additional time for local governments to adopt conforming amendments to regional and local transportation system plans when a federally-required metropolitan plan is amended. Consider clarifying consequences when a local government fails to act within the required time period.

The draft rule requires that local governments adopt conforming amendments to local or regional TSPs no later than 6 months from the date of the federal update. This is intended to allow local governments' additional time to conduct public review or coordination that may be required to amend transportation system plans or comprehensive plans consistent with state and local requirements. Such requirements may require more time than those required to amend a federally-required plan. Some Work Group members expressed concern that six-months might not be sufficient time and suggested rewording the requirement to require initiation – rather than adoption - of amendments within the six month time period.

Response

Staff has modified the proposed amendment in consideration of these comments. The revised language would require local governments to *initiate* necessary plan amendments within 30 days of an MTP amendment and adopt necessary amendments within *one year* of the MTP amendment.

The overall direction in the TPR and federal transportation law is that MPO planning and local land use planning be closely coordinated with one another. Generally, this means that important changes to transportation plans should be considered simultaneously by the MPO policy board (made up mainly of local officials) and by the constituent local governments. The result should be that important plan changes are adopted by both bodies at approximately the same time. This assures consistency between the respective plans and provides a clearer more reliable process for the public and affected stakeholders.

Staff anticipates that most important MPO decisions will be preceded by some level of public review and coordination that allows for local governments, acting in their land use capacity, to begin whatever parallel local process is warranted to amend the relevant TSP or comprehensive plan. Staff is concerned that allowing for longer periods of time suggests that the processes should routinely be done in two separate steps: first a federal amendment and later a local plan amendment.

3. Revise the proposed amendments in Section 0016(5) for assuring consistency with adopted county forecasts to address situations where (1) more than one county is affected; and (2) that outside the Portland Metropolitan area counties may not have adopted employment forecasts.

The proposed rule amendments define situations where MPO planning horizons can extend beyond the horizon year of the relevant comprehensive plan. This involves consideration of the relevant county-adopted population and employment forecasts. Staff from the Salem-Keizer MPO question how the rule would apply where there is no county adopted employment forecast and where an MPO area is within more than one county.

Response

Staff believes the proposed rule is workable in the situations where there is no adopted employment forecast or where an MPO area includes more than one county. The proposed rule requires MPOs to be consistent with *adopted* county forecasts. Consequently, where a county has not adopted an employment forecast, the requirement would not apply. Salem-Keizer staff indicates that in some situations their MPO, in consultation with local governments, may want to allocate population within the MPO boundaries in a way that shifts forecasted population growth from one county to another. They are concerned that the rule would prevent such reallocations. Staff believes that this would be permissible so long as the total amount of population or employment allocated within the MPO area was consistent with the total amount allocated to the metropolitan area by the two counties.

4. Consider consolidating requirements for “integrated land use and transportation plans” in one section of the rule.

The rule requires that most metropolitan areas prepare integrated land use and transportation plans. Work Group members noted that requirements related to integrated land use and transportation plans are spread in different parts of the rule. One work group member – Rob Zako - recommended that relevant provisions in the rule be consolidated into a single section that describes requirements for such plans.

Response

Staff agrees with Mr. Zako’s recommendation and proposes to incorporate this change into the version of the rule when it is made available for formal public review.

5. Revise provisions for local adoption of conforming amendments when plans are updated.

Proposed amendments to 0055(5) would require local governments to adopt conforming amendments to local transportation system plans within one year of adoption of an updated regional transportation system plan. The current rule does not address this question and there is uncertainty about when or whether the rule requires local plans to be updated to conform to regional plan updates. Members of the Work Group expressed concern that the 1-year deadline might be unnecessarily short for some amendments.

Response

Staff agrees with concerns expressed by the Work Group and is proposing revised language that would call regional transportation system plans to set requirements for adoption of conforming local amendments.

<p>Proposed TPR Amendments (New language <u>underlined</u>)</p>	<p>Staff Commentary</p>
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DRAFT TPR Amendments for Metropolitan Areas	
<p>660-012-0016 (New Section)</p> <p><u>Coordination with federally-required metropolitan transportation plans in metropolitan areas</u></p> <p>(1) <u>In metropolitan areas, local governments shall prepare, adopt, amend and update transportation system plans required by this division in coordination with metropolitan transportation plans (MTPs) prepared by MPOs required by federal law. Insofar as possible, regional transportation system plans for metropolitan areas shall be accomplished through a single coordinated process that complies with the applicable requirements of federal law and this division. Nothing in this rule is intended to make adoption or amendment of a metropolitan transportation plan by a metropolitan planning organization a land use decision under Oregon law.</u></p>	<p>New section to address coordination of metropolitan transportation plans (RTPs) adopted by MPOs under federal law with TSPs adopted by local governments to meet state planning requirements.</p> <ul style="list-style-type: none"> • Requires local governments to coordinate with MPOs as they prepare and amend TSPs required by the TPR. • Directs use of a “single coordinated process” to meet both state and federal requirements. • Does <u>not</u> require a single plan • Intent is to avoid making MPO adoption or amendment of an RTP a ‘land use decision’
<p>(2) <u>When an MPO adopts or amends a metropolitan transportation plan¹ that relates to compliance with this division, the affected local governments shall review the adopted plan or amendment and either:</u></p> <p>(a) <u>adopt a finding that the proposed metropolitan transportation plan amendment or update is consistent with the adopted regional and local transportation system plan and comprehensive plan and compliant with applicable provisions of this division; or,</u></p> <p>(b) <u>adopt amendments to the relevant regional or local transportation system plan that make the metropolitan transportation plan and the applicable transportation system plan consistent with one another and compliant with applicable provisions of this division. Necessary plan amendments or updates shall be prepared and adopted in coordination with federally-required plan update or amendment. Such amendments shall be initiated no later than 30 days from the adoption of the MTP amendment or update and shall be adopted no later than 1 year from the adoption of the MTP amendment or update. A plan amendment is “initiated” for purposes of this section where the affected local government files a post-acknowledgement plan amendment notice with the department as provided in OAR 660-018.</u></p>	<p>MPO consideration of an RTP adoption or amendment triggers requirement for local governments to review the RTP amendment.</p> <p>Local governments must adopt findings of consistency (Finding of consistency could be made administratively (i.e. by a planning director) but would probably be an appealable land use decision</p> <p>OR</p> <p>Undertake amendments to make affected TSPs and RTP consistent 30 day deadline for initiating amendments and 1-year deadline for adoption of amendments to state required TSPs</p>
<p>(3) <u>Adoption or amendment of a metropolitan transportation plan relates to compliance with this division for purposes of section (2) if it does one or more of the following:</u></p> <p>(a) <u>Changes plan policies;</u></p> <p>(b) <u>Adds or deletes a project from the list of planned transportation facilities, services or improvements;</u></p> <p>(c) <u>Modifies the general location of a planned transportation facility or improvement;</u></p>	<ul style="list-style-type: none"> • Lists the types of changes to a federal plan that would potentially change land use decisions in the state required TSP. • List is intended to include those decisions that are likely to impact land use in some important way

¹ Federal regulations require that MPOs provide for early and extensive consultation with local governments in the preparation and review of amendments to metropolitan transportation plans. This process provides ample opportunities for coordination and for local governments to assess consistency and, as needed, to propose amendments to regional and local transportation system plans.
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<p><i>Proposed TPR Amendments</i> <i>(New language <u>underlined</u>)</i></p>	<p><i>Staff Commentary</i></p>
<p>(d) <u>Changes the functional classification of a transportation facility;</u> <u>or,</u> (e) <u>Changes the planning period or adopts or modifies the population or employment forecast or allocation upon which the plan is based.</u></p>	
<p>(4) <u>The following amendments to a metropolitan transportation plan do not relate to compliance with this division for purposes of section (2):</u></p> <p>(a) <u>Adoption of an air quality conformity determination;</u> (b) <u>Changes to a federal revenue projection;</u> (c) <u>Changes to estimated cost of a planned transportation project;</u> (d) <u>Deletion of a project from the list of planned projects where the project has been constructed or completed.</u></p>	<ul style="list-style-type: none"> Effectively exempts changes to federally-required plans that would not have a significant effect on the local plan. (i.e. difference between federal and state plans would not be an important inconsistency for land use purposes.) Not intended as an exclusive list
<p>(5) <u>Adoption or amendment of a metropolitan transportation plan that extends the planning period beyond that specified in the applicable acknowledged comprehensive plan or regional transportation system plan is consistent with the requirements of this rule where the following conditions are met:</u></p> <p>(a) <u>The future year population and employment forecasts are consistent with those adopted by the relevant county or counties for the metropolitan area. Where a county's adopted population or employment forecast is for a period of time shorter than the federally-required planning period, an MPO forecast is consistent with the county's adopted forecast if it extrapolates the adopted county forecast consistent with (1) the adopted forecast for long-term growth rate for the county and (2) a continuation of metropolitan area share of county population and employment growth;</u></p> <p>(b) <u>Land needed to accommodate future urban density population and employment and other urban uses is identified in a manner consistent with Goal 14 and relevant rules;</u></p> <p>(c) <u>Urban density population and employment are allocated to designated centers and other identified areas to provide for implementation of the metropolitan area's integrated land use transportation plan or strategy; and,</u></p> <p>(d) <u>Urban density population and employment or other urban uses are allocated to areas outside of an acknowledged urban growth boundary only where:</u></p> <p>(i) <u>the allocation is done in conjunction with consideration by local governments of possible urban growth boundary amendments consistent with Goal 14 and relevant rules, and,</u> (ii) <u>the MTP clearly identifies the proposed UGB amendments and any related projects as illustrative² and subject to further review and approval by the affected local governments.</u></p>	<ul style="list-style-type: none"> Defines situations where MPO adoption of population and employment forecasts beyond adopted planning period is consistent with TPR. Federal law requires MPOs to update plans to maintain a 20-year planning period. In some situations, this may require the MPO to adopt an RTP amendment that includes population and employment forecasts that go beyond the planning period in adopted local TSPs or comprehensive plans. This is a significant issue when an MPO is faced with possibility of allocating new urban development to areas outside of an adopted UGB. Subsection (a) allows for extrapolation of existing adopted county forecasts to project future population and employment growth Subsection (b) indicates future land needs must be identified consistent with relevant Goal 14 requirements Subsection (c) calls for population and employment allocations to implement the region's integrated land use plan or strategy. Subsection (d) allows for allocation to lands outside a UGB in limited circumstances. The overall expectation is that MPOs would closely coordinate their allocation of future population and employment with local governments to ensure that the resulting allocations are consistent with local land use planning efforts to implement Goal 14 and the TPR.

² *Illustrative projects* are a category of projects provided for in federal law. Illustrative projects are included in the RTP but are not part of the MPOs financially-constrained project list: i.e. they are not scheduled for funding.

Proposed TPR Amendments <i>(New language <u>underlined</u>)</i>	Staff Commentary
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<p>660-012-0035 Evaluation and Selection of Transportation System Alternatives</p> <p>(1) The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:</p> <ul style="list-style-type: none"> (a) Improvements to existing facilities or services; (b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs; (c) Transportation system management measures; (d) Demand management measures; and (e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws. 	<p>No amendments proposed.</p>
<p>(2) Local governments in MPO areas of larger than 1,000,000 population shall, and other governments may also, evaluate alternative land use designations, densities, and design standards to meet local and regional transportation needs. Local governments preparing such a strategy shall consider:</p> <ul style="list-style-type: none"> (a) Increasing residential densities and establishing minimum residential densities within one quarter mile of transit lines, major regional employment areas, and major regional retail shopping areas; (b) Increasing allowed densities in new commercial office and retail developments in designated community centers; (c) Designating lands for neighborhood shopping centers within convenient walking and cycling distance of residential areas; (d) Designating land uses to provide a better balance between jobs and housing considering: <ul style="list-style-type: none"> (A) The total number of jobs and total of number of housing units expected in the area or subarea; (B) The availability of affordable housing in the area or subarea; and (C) Provision of housing opportunities in close proximity to employment areas. 	<p>No amendments proposed.</p>
<p>(3) The following standards shall be used to evaluate and select alternatives:</p> <ul style="list-style-type: none"> (a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan; 	<p>This section sets forth standards for evaluating and selecting alternatives, including requirements for metropolitan areas to adopt standards for reducing reliance on the automobile.</p>

<p>Proposed TPR Amendments (New language <u>underlined</u>)</p>	<p>Staff Commentary</p>
<p>(b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;</p> <p>(c) The transportation system shall minimize adverse economic, social, environmental and energy consequences;</p> <p>(d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation;</p> <p>(e) The transportation system shall avoid principal reliance on any one mode of transportation <u>by increasing transportation choices to</u> and shall reduce principal reliance on the automobile. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) of this rule.</p>	<p>Subsection (e) has been amended to reflect changes to the TPR Purpose Statement that emphasize planning for transportation choices as the means of achieving reduced reliance on the automobile.</p>
<p>(4) In MPO areas, regional and local TSPs shall be designed to achieve the objectives listed in (a) - (c) below for reducing automobile vehicle miles traveled per capita for the MPO area <u>adopted standards for increasing transportation choices and reducing reliance on the automobile.</u> The VMT target alternative <u>Adopted standards</u> are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that <u>increase transportation choices and</u> reduce reliance on the automobile. It is anticipated that metropolitan areas will accomplish reduced reliance by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient and so that, on balance, people need to and are likely to drive less than they do today:</p> <p>(a) In MPO areas of less than 1 million population, a 5% reduction within 20 years of the adoption of a plan as required by OAR 660-012-0055(1);</p> <p>(b) In MPO areas of more than 1 million population, 10% reduction within 20 years of adoption of a plan as required by OAR 660-012-0055(1); and</p> <p>(c) Through subsequent planning efforts, an additional 5 percent reduction within 30 years of adoption of a plan as required by OAR 660-012-0055(1).</p>	<p>Section (4) currently includes the requirement for VMT reduction or adoption of "alternative standards" to be used in place of VMT. Proposed amendments would delete the VMT reduction requirements in favor of locally-adopted standards provided in Section (5) – see below.</p> <p>Section (4) has also been revised to reflect changes to the purpose statement that emphasize planning for transportation choices as the means of achieving reduced reliance on the automobile.</p> <p>Specific requirements for VMT reduction are recommended for deletion in favor of locally-adopted, Commission-approved standards. See Section (5) below.</p>
<p>(5) MPO areas shall adopt standards <u>The Commission may authorize metropolitan areas to use alternative standards in place of the VMT reduction standard in 0035(4) to demonstrate progress towards increasing transportation choices and reducing</u> achieving reduced <u>automobile reliance as provided for in this rule section:</u></p> <p>(a) The Commission shall approve such alternative standards by order upon demonstration by the metropolitan area that:</p> <p>(A) Achieving the alternative standard will result in a reduction in reliance on automobiles;</p> <p>(B) Achieving the alternative standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;</p>	<p>Proposed amendments provide for metropolitan areas to adopt standards and obtain Commission approval. The amendments would make local adoption of standards (i.e. individual standards for each metropolitan area) the default approach to meeting the rule – rather than an option to VMT reduction. This approach recognizes that each of the state's four existing metropolitan areas has opted to develop its own individualized standard in place of VMT reduction to measure meeting this portion of the rule.</p>

<p align="center">Proposed TPR Amendments (New language <u>underlined</u>)</p>	<p align="center">Staff Commentary</p>
<p>(C) Achieving the alternative standard is likely to result in a significant increase in the share of trips made by alternative modes, including walking, bicycling, ridesharing and transit;</p> <p>(D) VMT per capita is unlikely to increase by more than 5%; and</p> <p>(E) The alternative standard is measurable and reasonably related to achieving the goal of <u>increasing transportation choices and reducing reduced</u> reliance on the automobile as described in OAR 660-012-0000.</p> <p>(b) In reviewing proposed alternative standards for compliance with (a), the Commission shall give credit to regional and local plans, programs, and actions implemented since 1990 that have already contributed to achieving the objectives specified in (A)–(E) above;</p> <p>(c) If a plan using an alternative standard, approved pursuant to this rule, is expected to result in an increase in VMT per capita, then the cities and counties in the metropolitan area shall prepare and adopt an integrated land use and transportation plan including the elements listed in (A)–(E) below. Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years of the approval of the alternative standard:</p> <p>(A) Changes to land use plan designations, densities, and design standards listed in 0035(2)(a)–(d);</p> <p>(B) A transportation demand management plan that includes significant new transportation demand management measures;</p> <p>(C) A public transit plan that includes a significant expansion in transit service;</p> <p>(D) Policies to review and manage major roadway improvements to ensure that their effects are consistent with achieving the adopted strategy for reduced reliance on the automobile, including policies that provide for the following:</p> <p>(i) An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;</p> <p>(ii) Consideration of alternative measures to meet transportation needs;</p> <p>(iii) Adoption of measures to limit possible unintended effects on travel and land use patterns including access management, limitations on subsequent plan amendments, phasing of improvements. etc.</p> <p>[For purposes of this section a "major roadway expansion" includes new arterial roads or streets and highways, the addition of travel lanes, and construction of interchanges to a limited access highway.]</p> <p>(E) Plan and ordinance provisions that meet all other applicable requirements of this division.</p> <p>(d) Alternative <u>S</u>tandards may include but are not limited to:</p> <p>(A) Modal share of alternative modes, including walking, bicycling, and transit trips;</p>	

<p><i>Proposed TPR Amendments</i> <i>(New language <u>underlined</u>)</i></p>	<p><i>Staff Commentary</i></p>
<p>(B) Vehicle hours of travel per capita;</p> <p>(C) Vehicle trips per capita;</p> <p>(D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or</p> <p>(E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.</p> <p>(e) Metropolitan areas that receive approval of an alternative standard shall adopt TSP policies to evaluate progress towards achieving the <u>alternative standard or standards adopted and approved pursuant to this rule at regular intervals corresponding with federally-required updates of the metropolitan transportation plan. This shall include including</u> monitoring and reporting of VMT per capita.</p>	
<p>(6) Regional TSPs shall specify measurable objectives for each of the following and demonstrate how the combination selected will accomplish the objectives in section (4) of this rule:</p> <p>(a) An increase in the modal share of non-automobile vehicle trips (i.e., transit, bicycle, pedestrian); for example, a doubling of the modal share of non-automobile trips;</p> <p>(b) An increase in average automobile occupancy (i.e., persons per vehicle) during; for example, an increase to an average of 1.5 persons per vehicle; and</p> <p>(c) Where appropriate, a decrease in the number or length of automobile vehicle trips per capita due to demand management programs, rearranging of land uses or other means.</p>	<p>Proposed amendments would delete requirements that regional TSPs include measurable objectives for mode split, vehicle occupancy and average trip length. These factors were intended to supplement measurement of VMT reduction. Since each metropolitan area has opted to adopt a standard other than VMT reduction to measure local efforts to achieve the rule these requirements are now less relevant.</p>
<p><u>(6) A metropolitan area may also accomplish compliance with requirements of 0035(3)(e), (4), (5) by demonstrating to the Commission that adopted plans and measures are likely to achieve a 5% reduction in VMT per capita over the 20-year planning period. The Commission shall consider and act on metropolitan area requests under this subsection as an order other than a contested case. A metropolitan area that receives approval under this subsection shall adopt interim benchmarks for VMT reduction and shall evaluate progress in achieving VMT reduction at each update of the metropolitan transportation system plan.</u></p>	<p>Proposed amendments add new provisions to the rule that allow a metropolitan area to comply with the rule by demonstrating that adopted plans are likely to result in a 5% VMT reduction over the planning period. This section would effectively create an alternative performance standard for metropolitan areas to meet this part of the TPR.</p>
<p>(7) Regional and local TSPs shall include interim benchmarks to assure satisfactory progress towards meeting <u>the approved standard adopted pursuant to this section at regular requirements of this section at five</u> year intervals over the planning period. MPOs and local governments shall evaluate progress in meeting interim benchmarks at <u>five year intervals from adoption of the regional and local TSPs each update of the metropolitan transportation plan.</u> Where interim benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this section.</p>	<p>Proposed amendments revise the requirement for benchmarks to measure at 5-year intervals to require measurement and evaluation at regular intervals in conjunction with federally-required updates. Federal law requires metropolitan transportation plans to be updated at 5-year intervals in most situations. (In areas that are designated “non-attainment” for air quality purposes must be updated every 4 years.)</p>

<p>Proposed TPR Amendments (New language <u>underlined</u>)</p>	<p>Staff Commentary</p>
<p>(8) The Commission shall, at five-year <u>regular</u> intervals from the adoption of this rule, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of the approved plans and standards standard in achieving the objective of <u>increasing transportation choices and reducing reliance on the automobile. This shall include evaluating the requirements for parking plans and a reduction in the number of parking spaces per capita.</u></p>	<p>This section requires the Commission to periodically evaluate this part of the TPR and implementing efforts. The proposed amendments delete the requirement for a five-year review, to provide the Commission with flexibility in deciding when to undertake evaluations. This section has also been amended to be consistent with other changes related to explaining the rule purpose and allowing for use of locally developed standards to measure rule outcomes.</p>
<p>660-012-0055 Timing of Adoption and Update of Transportation System Plans; Exemptions</p>	
<p>(1) MPOs shall complete regional TSPs for their planning areas by May 8, 1996. For those areas within a MPO, cities and counties shall adopt local TSPs and implementing measures within one year following completion of the regional TSP:</p> <p>(a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation system plan that meets the VMT reduction standard in 0035(4) and the metropolitan area does not have an approved alternative standard established pursuant to 0035(5), then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in 0035(5) (c) (A)-(E). Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;</p> <p>(b) Urban areas designated as MPOs subsequent to the adoption of this rule shall adopt TSPs in compliance with applicable requirements of this rule within three years of designation. When an area is designated as an MPO or is added to an existing MPO the affected local governments shall, within one year of adoption of the metropolitan transportation plan, adopt a regional TSP in compliance with applicable requirements of this division and amend local transportation system plans to be consistent the regional TSP.</p> <p><u>(c) Metropolitan areas may request and the Commission may by order grant an extension for completion of an integrated land use and transportation plan required by this division. A metropolitan area requesting an extension shall set forth a schedule for completion of outstanding work needed to complete an integrated land use and transportation plan as set forth in 0035. This shall include, as appropriate:</u></p> <p><u>(A) adoption of a long-term land use and transportation vision for the region,</u> <u>(B) identification of centers and other land use designations intended to implement the vision;</u> <u>(C) adoption of housing and employment allocations to centers and land use designations, and,</u> <u>(D) adoption of implementing plans and zoning for designated centers and other land use designations.</u></p>	<p>This section of the rule sets forth timelines for adoption of regional and local plans and plan updates for metropolitan areas.</p> <p>Proposed amendments to Section (b) allow local governments in newly-designated MPO areas 1-year from the adoption of a metropolitan transportation plan to adopt or amend regional and local TSPs. The amended wording also more clearly covers expansion of existing MPO areas: (i.e. where cities are added to an existing MPO boundary. MPO designations and boundaries are evaluated every 10 years following the federal census.)</p> <p>Section (c) allows metropolitan areas to request an extension to the deadline for preparation and adoption of an integrated land use and transportation plan.</p> <p>Proposed schedules would address whatever steps remain to be taken to complete implementation of an integrated plan.</p> <p>Subsections (A)-(D) outline the major steps involved in preparing and implementing an integrated land use and transportation plan: starting with a general strategy and moving to specific implementing actions that change the details of adopted plans and zoning.</p>

<p><i>Proposed TPR Amendments</i> <i>(New language <u>underlined</u>)</i></p>	<p><i>Staff Commentary</i></p>
<p><u>(d) Local governments in metropolitan areas that are not in compliance with the requirements of this division to adopt or implement a standard to increase transportation choices or have not completed an integrated land use and transportation plan as required by this division shall review plan and land use regulation amendments and adopt findings that demonstrate that the proposed amendment supports implementation of the region's adopted vision, strategy, policies or plans to increase transportation choices and reduce reliance on the automobile.</u></p> <p><u>A plan or land use regulation amendment supports implementation of an adopted regional strategy, policy or plan for purposes of this section if it:</u></p> <p><u>(A) implements the strategy or plan through adoption of specific plans or zoning that authorizes uses or densities that achieve desired land use patterns;</u> <u>(B) allows uses in designated centers or neighborhoods that accomplish the adopted regional vision, strategy, plan or policies;</u> <u>(C) allows uses outside designated centers or neighborhood that either support or do not detract from implementation of desired development within nearby centers.</u></p>	<p>Section (d) sets forth a standard for review of plan amendments and zone changes for metropolitan areas that have not fully implemented relevant rule requirements. Basically, the amendments would require review and findings that proposed plan amendments are consistent with implementation of the region's integrated land use and transportation plan. The assessment is made by local governments based on whatever adopted strategies, plans or policies are in place.</p>
<p>(2) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.</p>	<p>No amendments proposed.</p>
<p>(3) By November 8, 1993, affected cities and counties shall, for non-MPO urban areas of 25,000 or more, adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)-(f) and (5)(d). By May 8, 1994 affected cities and counties within MPO areas shall adopt land use and subdivision ordinances or amendments required by OAR 660-012-0045(3), (4)(a)-(e) and (5)(e). Affected cities and counties which do not have acknowledged ordinances addressing the requirements of this section by the deadlines listed above shall apply OAR 660-012-0045(3), (4)(a)-(g) and (5)(e) directly to all land use decisions and all limited land use decisions.</p>	<p>No amendments proposed.</p>
<p>(4)(a) Affected cities and counties that either:</p> <p>(A) Have acknowledged plans and land use regulations that comply with this rule as of May 8, 1995, may continue to apply those acknowledged plans and land use regulations; or</p> <p>(B) Have plan and land use regulations adopted to comply with this rule as of April 12, 1995, may continue to apply the provisions of this rule as they existed as of April 12, 1995, and may continue to pursue acknowledgment of the adopted plans and land use regulations under those same rule provisions provided such adopted plans and land use regulations are acknowledged by April 12, 1996. Affected cities and counties that qualify and make this election under this subsection shall update their plans and land use regulations to comply with the 1995 amendments to OAR 660-012-0045 as part of their transportation system plans.</p>	<p>No amendments proposed.</p>

<p>Proposed TPR Amendments (New language <u>underlined</u>)</p>	<p>Staff Commentary</p>
<p>(b) Affected cities and counties that do not have acknowledged plans and land use regulations as provided in subsection (a) of this section, shall apply relevant sections of this rule to land use decisions and limited land use decisions until land use regulations complying with this amended rule have been adopted.</p>	
<p>(5) Cities and counties shall update their TSPs and implementing measures as necessary to comply with this division at each periodic review subsequent to initial compliance with this division. <u>Local governments within metropolitan areas shall amend local transportation system plans to be consistent within an adopted regional transportation system plan within one year of the adoption of an updated regional transportation system plan or by a date specified in the adopted regional transportation system plan.</u> This shall include a reevaluation of the land use designations, densities and design standards in the following circumstances:</p> <p>(a) If the interim benchmarks established pursuant to OAR 660-012-0035(6) have not been achieved; or</p> <p>(b) If a refinement plan has not been adopted consistent with the requirements of OAR 660-012-0025(3).</p>	<p>New provisions call for local governments in metropolitan areas to adopt conforming amendments within 1 year of adoption of an updated regional TSP, unless the regional TSP specifies otherwise.</p> <p>The deleted portions relate to metropolitan areas and trigger additional work where interim benchmarks are not met or refinement plans are not completed. Other proposed amendments would delete requirements for benchmarks and revising refinement plan requirements so that this language is no longer needed.</p>
<p>(6) The director may grant a whole or partial exemption from the requirements of this division to cities under 2,500 10,000 population outside MPO areas, and counties under 25,000 population, <u>and for areas within a county within an urban growth boundary that contains a population less than 10,000.</u> Eligible jurisdictions may, within five years following the adoption of this rule or at subsequent periodic reviews, request that the director approve an exemption from all or part of the requirements in this division, until the jurisdiction's next periodic review. <u>Exemptions shall be for a period determined by the Director or until the jurisdiction's next periodic review, whichever is shorter.</u></p> <p>The director's decision to approve an exemption shall be based upon the following factors:</p> <p>*** <i>The remainder of this section has been omitted to save space. These subsections are unchanged by the proposed amendment.</i></p>	<p>Section (6) allows for exemptions from the requirement to prepare a TSP. These provisions generally apply only outside of metropolitan areas. Proposed amendments restore rule language that was inadvertently changed in the Department's filing of 2004 amendments to the TPR.</p>
<p>(7) Portions of TSPs and implementing measures adopted as part of comprehensive plans prior to the responsible jurisdiction's periodic review shall be reviewed pursuant to OAR Chapter 660, Division 18, Post Acknowledgment Procedures.</p>	<p>No amendments proposed.</p>