



October 12, 2005

To: Metropolitan Policy Committee
From: Tom Schwetz
Subject: Item 4.g.1.iii – Update on Pursuit of a Single RTP/TSP Document

Action Recommended: None. Information and discussion only.

Issue Summary:

Concern has been raised over the existence of multiple transportation plans in the MPO area. Specifically, issues have been raised regarding:

- Confusion for the public
- Possible inefficiencies in developing and maintaining multiple plans

At its April 14, 2005 meeting MPC unanimously passed the following motion:

"Amend the Unified Planning Work Program to include a work plan item to pursue a single work plan item that results in a single document that revises both the Regional Transportation Plan and the Transportation System Plan."

At MPC's August meeting staff presented an initial overview of the effort. This effort involved a series of conversations with local, state, and federal agency staff and review of an evaluation of the TPR presently being conducted by DLCD. This memo provides information from the conversation with FHWA and an overview of proposed draft TPR amendments affecting the region.

Meeting with FHWA Staff

Local staff met with FHWA staff on August 25th to discuss the prospects and issues associated with the pursuit of a single RTP/TSP document. As in discussions with other staff, FHWA staff noted the value of a simplified process that reduced confusion and inefficiency. They also noted the challenges in achieving those goals given the differences between the state and federal requirements.

In particular, the federal requirements include specific deadlines for the update of the RTP and the MTIP as well as specifying the relationship between those two products. Missing those deadlines has immediate implications of withheld funding and delays in federal decision-making for regional projects. Concern was expressed by FHWA staff that combining the state and federal processes could potentially cause delays in meeting critical federal deadlines.

TPR Evaluation – Proposed Draft TPR Amendments for Metropolitan Areas

As indicated in August, DLCD is currently conducting an evaluation of the Transportation Planning Rule (TPR). The schedule for the overall TPR evaluation is to have LCDC taking action on proposed amendments by early 2006.

One of the items that have been raised is the TPR's relationship to the federal transportation planning requirements. Options have been explored for changes to the TPR that would better describe the interrelationships between the state and federal requirements. Attachment 1 provides a copy of a September 15th, 2005 memo from Robert Cortright of DLCD to a joint OTC-LCDC Transportation Subcommittee considering changes to the TPR. This memo provides proposed draft amendments to the TPR which would apply to metropolitan areas in Oregon.

Of relevance is new language proposed on Metropolitan Planning Coordination (section 660—12-0016 Coordination with federally-required metropolitan transportation plans in metropolitan areas) calling for a single coordinated process between the MPO and local governments; but not a single plan. Specifically, the language reads:

“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 of a metropolitan transportation plan by a metropolitan planning organization a land use decision under Oregon law.”

In addition, this new section of the TPR includes language that

- Directs local governments in metropolitan areas to coordinate with MPOs.
- 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

Additional amendments are being proposed which further outline coordination and consistency between federal and state-required planning primarily in the

areas of planning horizon, and integrated land use/transportation plans. This language is summarized in the first two pages of Attachment 1.

Summary of Discussion to Date

Obviously, there is a direct relationship between the proposed draft TPR amendments and MPC's desire to pursue a single RTP/TSP document. MPC may want to provide comments and participate in the public hearings that will be scheduled on the proposed amendments. The proposed draft TPR amendments are currently being reviewed by staff. The formal public review process is expected to begin in November.

Discussions at the staff level have yielded a number of concerns around the integration of federal and state processes. These concerns may serve as a starting point for the MPO's comments on the proposed TRP amendments. Below is a summary of the issues raised to date with respect to the pursuit of a single RTP/TSP document.

1. How should coordination and consistency be demonstrated when plans are updated or amended?
2. What specific changes to federal plans need further action by local agencies to comply with state requirements?
3. Coordination of planning horizons and growth allocations used for planning purposes
4. The federal RTP must be recertified every four years, while the state only requires updates at the time of periodic review.
5. Consequences of not meeting the federal deadlines include loss or delay of federal funds while there are no consequences for not meeting the state planning deadlines.
6. The federal process is such that actions can be taken much more quickly than state-required actions.
7. Both ODOT and DLCD staff agreed that the outcome of any changes to the TPR during this evaluation should not further encumber the federal process.
8. At some point, the pursuit of a single plan will need the approval of the Councils of Eugene, Springfield, and Coburg and the Board of County Commissioners,
9. There are no federal or state legal requirements for one document or process (though there are also no legal prohibitions against it),
10. As noted in the recent LUBA opinion regarding MPC's most recent RTP adoption, there are distinct differences in the adoption actions taken by an MPO to comply with federal rules and a city or county to comply with state requirements. Clearly, MPC does not have land use action authority. Similarly, local agencies' adoption of the RTP would not be recognized by USDOT as satisfying federal requirements.

11. The governing bodies responsible for state land use planning compliance within the Central Lane MPO have finite geographic authority, and only the Lane County Board of Commissioners have standing over the entire Transportation Management Area. Eugene, Springfield and Coburg have no approval authority outside of their acknowledged UGBs. The RTP goes beyond the UGBs of each city.
12. Additionally, the state land use law regarding infrastructure varies substantially between urban and rural lands. Projects on rural lands that might be identified in the RTP because of the federal requirements cannot be included in the context of the Lane County Rural Comprehensive Plan without goal exceptions.

Conclusions

The process of pursuing a single RTP/TSP has identified several policy interests:

- Reducing public confusion around regional transportation planning
- Increasing the efficiency of regional transportation planning processes
- Ensuring that whatever process is used does not compromise the federally-required process and deadlines
- Ensuring that the process used results in coordination of the federal and state requirements in as efficient and understandable a manner as possible

The range of options for MPC includes:

1. A full integration of the two processes and documents,
2. A streamlining of the two processes for closer and more efficient coordination
3. Two completely separate processes

Option 3 would not be viable under the proposed draft TPR amendments. In pursuing option 1, additional discussion with DLCDC staff is needed to clarify the meaning of 'single coordinated process'. The objective of not compromising the federally-required process and deadlines needs to be factored into the level of coordination that will be possible. Staff will be prepared to discuss these and other possible options at the MPC's October 20th meeting.

Attachments:

Attachment 1 – September 15, 2005 memo from Robert Cortright to the joint OTC-LCDC Transportation Subcommittee