



# APPENDIX A: Transportation Planning Rule

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*This appendix contains the full text of Oregon's Transportation Planning Rule (TPR).*

## Transportation Planning Rule (TPR)

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*NOTE: The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State.*

### **Purpose**

The purpose of this Division is to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided. It is also the purpose of this Division to explain how local governments and state agencies responsible for transportation planning demonstrate compliance with other statewide planning goals and to identify how transportation facilities are provided on rural lands consistent with the goals. The division sets requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this Division fulfill the requirements for public facilities planning required under ORS 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 11, as they relate to transportation facilities.

Through measures designed to reduce reliance on the automobile, this division is also intended to assure that the planned transportation system supports a pattern of travel and land use in urban areas which will avoid the air pollution, traffic and livability problems faced by other areas of the country. This portion of the rule aims to improve the livability of urban areas by promoting changes in land use patterns and the transportation system that make it more convenient for people to walk, bicycle and use transit, and drive less to meet their daily needs. Changing land use and travel patterns will also complement state and local efforts to meet other objectives, including containing urban development, reducing the cost of public services, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global climate change.

The result of applying these portions of the rule will vary within urban areas. Some parts of urban areas, such as downtowns, pedestrian districts, transit-oriented developments and other mixed-use, pedestrian-friendly centers, will be highly convenient for a variety of modes, including walking, bicycling and transit, while others will be auto-oriented and include more modest measures to accommodate access and circulation by other modes. The rules in this Division are not intended to make local government determinations "land use decisions" under ORS 197.015(10). The rules recognize, however, that, under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 195.025, ORS 197.015, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998 f. & cert. ef. 10-30-98

660-012-0005

## Definitions

For the purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals and OAR Chapter 660 shall apply. In addition the definitions listed below shall apply:

(1) "Access Management" means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

(2) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner which provides convenient access for pedestrians.

(3) "Affected Local Government" means a city, county or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.

(4) At or near a major transit stop: "At" means a parcel or ownership which is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.

(5) "Committed Transportation Facilities" means those proposed transportation facilities and improvements which are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.

(6) "Demand Management" means actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include but are not limited to the use of alternative modes, ride-sharing and vanpool programs, and trip-reduction ordinances.

(7) "Local Street Standards" include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.

(8) "Major" means, in general, those facilities or developments which, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:

(a) "Major" as it modifies transit corridors, stops, transfer stations and new transportation facilities means those facilities which are most important to the functioning of the system or which provide a high level, volume or frequency of service;

(b) "Major" as it modifies industrial, institutional and retail development means such developments which are larger than average, serve more than neighborhood needs or which have traffic impacts on more than the immediate neighborhood;

(c) Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities and development which occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.

(9) "Major transit stop" means:

(a) Existing and planned light rail stations and transit transfer stations, except for temporary facilities;

(b) Other planned stops designated as major transit stops in a transportation system plan and existing stops which:

(A) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population major transit stops are generally located along routes that have or are planned for 20 minute service during the peak hour; and

(B) Are located in a transit oriented development or within 1/4 mile of an area planned and zoned for:

(i) Medium or high density residential development; or

(ii) Intensive commercial or institutional uses within 1/4 mile of subsection (i); or

(iii) Uses likely to generate a relatively high level of transit ridership.

(10) "Metropolitan Planning Organization (MPO)" means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier MPO is not considered an MPO for the purposes of this rule.

(11) "ODOT" means the Oregon Department of Transportation.

(12) "Parking Spaces" means on and off street spaces designated for automobile parking in areas planned for industrial, commercial, institutional or public uses. The following are not considered parking spaces for the purposes of OAR 660-012-0045(5)(c): park and ride lots, handicapped parking, and parking spaces for carpools and vanpools.

(13) "Pedestrian connection" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaced. In parks and natural areas, pedestrian connections may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian connections may also include rights of way or easements for future pedestrian improvements.

(14) "Pedestrian district" means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:(a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high density housing; or

(b) Areas with a concentration of employment and retail activity; and(c) Which have or could develop a network of streets and accessways which provide convenient pedestrian circulations.

(15) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks or similar material and include seating, pedestrian scale lighting and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and buildings entrance or an intersection and connect directly to adjacent sidewalks, walkways, transit stops and building. A plaza including 150-250 square feet would be considered "small."

(16) "Pedestrian scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or

awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

(17) "Planning Period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this rule.

(18) "Preliminary Design" means an engineering design which specifies in detail the location and alignment of a planned transportation facility or improvement.

(19) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users

(20) "Refinement Plan" means an amendment to the transportation system plan, which resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.

(21) "Roads" means streets, roads and highways.

(22) "Rural community" means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(23) "Transit-Oriented Development (TOD)" means a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit oriented development include:

(a) A mixed use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;

(b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;

(c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.

(24) "Transportation Facilities" means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage and water systems.

(25) "Transportation System Management Measures" means techniques for increasing the efficiency, safety, capacity or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.

(26) "Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this rule, especially those for avoiding principal reliance on any one mode of transportation.

(27) "Transportation Needs, Local" means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.

(28) "Transportation Needs, Regional" means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county or associated group of counties.

(29) "Transportation Needs, State" means needs for movement of people and goods between and through regions of the state and between the state and other states.

(30) "Transportation Project Development" means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

(31) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.

(32) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

(33) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(34) "Urban Fringe" means:

(a) Areas outside the urban growth boundary that are within 5 miles of the urban growth boundary of an MPO area; and

(b) Areas outside the urban growth boundary within 2 miles of the urban growth boundary of an urban area containing a population greater than 25,000.

(35) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

(36) Vehicle Miles of Travel (VMT): means automobile vehicle miles of travel. Automobiles, for purposes of this definition, include automobiles, light trucks, and other similar vehicles used for movement of people. The definition does not include buses, heavy trucks and trips that involve commercial movement of goods. VMT includes trips with an origin and a destination within the MPO boundary and excludes pass through trips (i.e., trips with a beginning and end point outside of the MPO) and external trips (i.e., trips with a beginning or end point outside of the MPO boundary). VMT is estimated prospectively through the use of metropolitan area transportation models.

(37) "Metropolitan area" means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan area, Metro.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.2456

Stats. Implemented: ORS 195.025, ORS 197.015, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98

660-012-0010

### **Transportation Planning**

(1) As described in this division, transportation planning shall be divided into two phases: transportation system planning and transportation project development. Transportation system planning establishes land use controls and a network of facilities and services to meet overall transportation needs. Transportation project development implements the TSP by determining the precise location, alignment, and preliminary design of improvements included in the TSP.

(2) It is not the purpose of this division to cause duplication of or to supplant existing applicable transportation plans and programs. Where all or part of an acknowledged comprehensive plan, TSP either of the local government or appropriate special district, capital improvement program, regional functional plan, or similar plan or combination of plans meets all or some of the requirements of this division, those plans or programs may be incorporated by reference into the TSP required by this division. Only those referenced portions of such documents shall be considered to be a part of the TSP and shall be subject to the administrative procedures of this division and ORS Chapter 197.

(3) It is not the purpose of this division to limit adoption or enforcement of measures to provide convenient bicycle and pedestrian circulation or convenient access to transit that are otherwise consistent with the requirements of this division.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95

660-012-0015

### **Preparation and Coordination of Transportation System Plans**

(1) ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:

(a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR 731, Division 15;

(b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR 731, Division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.

(2) MPOs and counties shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. Counties shall prepare regional TSPs for all other areas and facilities:

(a) Regional TSPs shall establish a system of transportation facilities and services adequate to meet identified regional transportation needs and shall be consistent with adopted elements of the state TSP;

(b) Where elements of the state TSP have not been adopted, the MPO or county shall coordinate the preparation of the regional TSP with ODOT to assure that state transportation needs are accommodated;

(c) Regional TSPs prepared by MPOs other than metropolitan service districts shall be adopted by the counties and cities within the jurisdiction of the MPO. Metropolitan service districts shall adopt a regional TSP for areas within their jurisdiction;

(d) Regional TSPs prepared by counties shall be adopted by the county.

(3) Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division:

(a) Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP;

(b) Where the regional TSP or elements of the state TSP have not been adopted, the city or county shall coordinate the preparation of the local TSP with the regional transportation planning body and ODOT to assure that regional and state transportation needs are accommodated.

(4) Cities and counties shall adopt regional and local TSPs required by this division as part of their comprehensive plans. Transportation financing programs required by OAR 660-012-0040 may be adopted as a supporting document to the comprehensive plan.

(5) The preparation of TSPs shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.

(6) Mass transit, transportation, airport and port districts shall participate in the development of TSPs for those transportation facilities and services they provide. These districts shall prepare and adopt plans for transportation facilities and services they provide. Such plans shall be consistent with and adequate to carry out relevant portions of applicable regional and local TSPs. Cooperative agreements executed under ORS 197.185(2) shall include the requirement that mass transit, transportation, airport and port districts adopt a plan consistent with the requirements of this section.

(7) Where conflicts are identified between proposed regional TSPs and acknowledged comprehensive plans, representatives of affected local governments shall meet to discuss means to resolve the conflicts. These may include:

- (a) Changing the draft TSP to eliminate the conflicts; or
- (b) Amending acknowledged comprehensive plan provision to eliminate the conflicts;
- (c) For MPOs which are not metropolitan service districts, if conflicts persist between regional TSPs and acknowledged comprehensive plans after efforts to achieve compatibility, an affected local government may petition the Commission to resolve the dispute.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 184.618, ORS 195.025, ORS 197.040, ORS 197.180, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91

660-012-0020

### **Elements of Transportation System Plans**

- (1) A TSP shall establish a coordinated network of transportation facilities adequate to serve state, regional and local transportation needs.
- (2) The TSP shall include the following elements:
  - (a) A determination of transportation needs as provided in OAR 660-012-0030;
  - (b) A road plan for a system of arterials and collectors and standards for the layout of local streets and other important non-collector street connections. Functional classifications of roads in regional and local TSPs shall be consistent with functional classifications of roads in state and regional TSPs and shall provide for continuity between adjacent jurisdictions. The standards for the layout of local streets shall provide for safe and convenient bike and pedestrian circulation necessary to carry out OAR 660-012-0045
- (3) (b). New connections to arterials and state highways shall be consistent with designated access management categories. The intent of this requirement is to provide guidance on the spacing of future extensions and connections along existing and future streets which are needed to provide reasonably direct routes for bicycle and pedestrian travel. The standards for the layout of local streets shall address:
  - (A) Extensions of existing streets;
  - (B) Connections to existing or planned streets, including arterials and collectors; and
  - (C) Connections to neighborhood destinations.
- (c) A public transportation plan which:
  - (A) Describes public transportation services for the transportation disadvantaged and identifies service inadequacies;
  - (B) Describes intercity bus and passenger rail service and identifies the location of terminals;
  - (C) For areas within an urban growth boundary which have public transit service, identifies existing and planned transit trunk routes, exclusive transit ways, terminals and major transfer stations, major transit stops, and park-and-ride stations. Designation of stop or station locations may allow for minor adjustments in the location of stops to provide for efficient transit or traffic operation or to provide convenient pedestrian access to adjacent or nearby uses.
  - (D) For areas within an urban area containing a population greater than 25,000 persons, not currently served by transit, evaluates the feasibility of developing a public transit system at buildout. Where a transit system is determined to be feasible, the plan shall meet the requirements of paragraph (2)(c)(C) of this rule.
- (d) A bicycle and pedestrian plan for a network of bicycle and pedestrian routes throughout the planning area. The network and list of facility improvements shall be consistent with the requirements of ORS 366.514;
- (e) An air, rail, water and pipeline transportation plan which identifies where public use airports, mainline and branchline railroads and railroad facilities, port facilities, and major regional pipelines and terminals are located or

planned within the planning area. For airports, the planning area shall include all areas within airport imaginary surfaces and other areas covered by state or federal regulations;

(f) For areas within an urban area containing a population greater than 25,000 persons a plan for transportation system management and demand management;

(g) A parking plan in MPO areas as provided in OAR 660-012-0045(5)(c);

(h) Policies and land use regulations for implementing the TSP as provided in OAR 660-012-0045;

(i) For areas within an urban growth boundary containing a population greater than 2500 persons, a transportation financing program as provided in OAR 660-012-0040.

(3) Each element identified in subsections (2)(b)–(d) of this rule shall contain:

(a) An inventory and general assessment of existing and committed transportation facilities and services by function, type, capacity and condition:

(A) The transportation capacity analysis shall include information on:

(i) The capacities of existing and committed facilities;

(ii) The degree to which those capacities have been reached or surpassed on existing facilities; and

(iii) The assumptions upon which these capacities are based.

(B) For state and regional facilities, the transportation capacity analysis shall be consistent with standards of facility performance considered acceptable by the affected state or regional transportation agency;

(C) The transportation facility condition analysis shall describe the general physical and operational condition of each transportation facility (e.g., very good, good, fair, poor, very poor).

(b) A system of planned transportation facilities, services and major improvements. The system shall include a description of the type or functional classification of planned facilities and services and their planned capacities and levels of service;

(c) A description of the location of planned facilities, services and major improvements, establishing the general corridor within which the facilities, services or improvements may be sited. This shall include a map showing the general location of proposed transportation improvements, a description of facility parameters such as minimum and maximum road right of way width and the number and size of lanes, and any other additional description that is appropriate;

(d) Identification of the provider of each transportation facility or service.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95

660-012-0025

### **Complying with the Goals in Preparing Transportation System Plans; Refinement Plans**

(1) Except as provided in section (3) of this rule, adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.

(2) Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.

(3) A local government or MPO may defer decisions regarding function, general location and mode of a refinement plan if findings are adopted which:



- (a) Identify the transportation need for which decisions regarding function, general location or mode are being deferred;
  - (b) Demonstrate why information required to make final determinations regarding function, general location, or mode cannot reasonably be made available within the time allowed for preparation of the TSP;
  - (c) Explain how deferral does not invalidate the assumptions upon which the TSP is based or preclude implementation of the remainder of the TSP;
  - (d) Describe the nature of the findings which will be needed to resolve issues deferred to a refinement plan; and
  - (e) Demonstrate that the refinement effort will be completed within three years or prior to initiation of the periodic review following adoption of the TSP.
- (4) Where a Corridor Environmental Impact Statement (EIS) is prepared pursuant to the requirements of the National Environmental Policy Act of 1969, the development of the refinement plan shall be coordinated with the preparation of the Corridor EIS. The refinement plan shall be adopted prior to the issuance of the Final EIS.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91

660-012-0030

#### **Determination of Transportation Needs**

- (1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:
- (a) State, regional, and local transportation needs;
  - (b) Needs of the transportation disadvantaged;
  - (c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR 660-009 and Goal 9 (Economic Development).
- (2) Counties or MPOs preparing regional TSPs shall rely on the analysis of state transportation needs in adopted elements of the state TSP. Local governments preparing local TSPs shall rely on the analyses of state and regional transportation needs in adopted elements of the state TSP and adopted regional TSPs.
- (3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:
- (a) Population and employment forecasts and distributions which are consistent with the acknowledged comprehensive plan, including those policies which implement Goal 14, including Goal 14's requirement to encourage urban development on urban lands prior to conversion of urbanizable lands. Forecasts and distributions shall be for 20 years and, if desired, for longer periods;
  - (b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.
- (4) In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91

660-012-0035

#### **Evaluation and Selection of Transportation System Alternatives**

(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:

- (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.

(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:

- (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:
  - (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.

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

- (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;
- (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;
- (c) The transportation system shall minimize adverse economic, social, environmental and energy consequences;
- (d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation;
- (e) The transportation system shall avoid principal reliance on any one mode of transportation 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.

(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. The VMT target and alternative standards are intended as means of measuring progress of metropolitan areas towards developing and implementing transportation systems and land use plans that 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:

- (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);

(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

(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).

(5) The Commission may authorize metropolitan areas to use alternative standards in place of the VMT reduction standard in 0035(4) to demonstrate progress towards achieving reduced automobile reliance as provided for in this section:

(a) The Commission shall approve such alternative standards by order upon demonstration by the metropolitan area that:

(A) Achieving the alternative standard will result in a reduction in reliance on automobiles;

(B) Achieving the alternative standard will accomplish a significant increase in the availability or convenience of alternative modes of transportation;

(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;

(D) VMT per capita is unlikely to increase by more than 5%; and

(E) The alternative standard is measurable and reasonably related to achieving the goal of reduced reliance on the automobile as described in OAR 660-012-0000.

(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;

(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:

(A) Changes to land use plan designations, densities, and design standards listed in 0035(2)(a)–(d);

(B) A transportation demand management plan that includes significant new transportation demand management measures;

(C) A public transit plan that includes a significant expansion in transit service;

(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:

(i) An assessment of whether improvements would result in development or travel that is inconsistent with what is expected in the plan;

(ii) Consideration of alternative measures to meet transportation needs;

(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.

[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.]

(E) Plan and ordinance provisions that meet all other applicable requirements of this division.

(d) Alternative standards may include but are not limited to:

(A) Modal share of alternative modes, including walking, bicycling, and transit trips;

(B) Vehicle hours of travel per capita;

(C) Vehicle trips per capita;

(D) Measures of accessibility by alternative modes (i.e. walking, bicycling and transit); or

(E) The Oregon Benchmark for a reduction in peak hour commuting by single occupant vehicles.

(e) Metropolitan areas that receive approval of an alternative standard shall adopt TSP policies to evaluate progress towards achieving the alternative standard at regular intervals, including monitoring and reporting of VMT per capita.

(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:

(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;

(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

(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.

(7) Regional and local TSPs shall include interim benchmarks to assure satisfactory progress towards meeting the requirements of this section at five year intervals over the planning period. MPOs and local governments shall evaluate progress in meeting interim benchmarks at five year intervals from adoption of the regional and local TSPs. 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.

(8) The Commission shall, at five-year intervals from the adoption of this rule, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of the standard in achieving the objective of 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.

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

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

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

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

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

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

(12) A "transportation improvement project" described in section (9) of this rule:

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

(b) Has utility as an independent transportation project.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98

660-012-0040

**Transportation Financing Program**

(1) For areas within an urban growth boundary containing a population greater than 2,500 persons, the TSP shall include a transportation financing program.

(2) A transportation financing program shall include the items listed in (a)–(d):

(a) A list of planned transportation facilities and major improvements;

(b) A general estimate of the timing for planned transportation facilities and major improvements;

(c) A determination of rough cost estimates for the transportation facilities and major improvements identified in the TSP; and

(d) In metropolitan areas, policies to guide selection of transportation facility and improvement projects for funding in the short-term to meet the standards and benchmarks established pursuant to 0035(4)–(6). Such policies shall consider, and shall include among the priorities, facilities and improvements that support mixed-use, pedestrian friendly development and increased use of alternative modes.

(3) The determination of rough cost estimates is intended to provide an estimate of the fiscal requirements to support the land uses in the acknowledged comprehensive plan and allow jurisdictions to assess the adequacy of existing and possible alternative funding mechanisms. In addition to including rough cost estimates for each transportation facility and major improvement, the transportation financing plan shall include a discussion of the facility provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each transportation facility and major improvement. These funding mechanisms may also be described in terms of general guidelines or local policies.

(4) Anticipated timing and financing provisions in the transportation financing program are not considered land use decisions as specified in ORS 197.712(2)(e) and, therefore, cannot be the basis of appeal under ORS 197.610(1) and (2) or ORS 197.835(4).

(5) The transportation financing program shall provide for phasing of major improvements to encourage infill and redevelopment of urban lands prior to facilities and improvements which would cause premature development of urbanizable lands or conversion of rural lands to urban uses.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98

660-012-0045

**Implementation of the Transportation System Plan**

(1) Each local government shall amend its land use regulations to implement the TSP.

(a) The following transportation facilities, services and improvements need not be subject to land use regulations except as necessary to implement the TSP and, under ordinary circumstances do not have a significant impact on land use:

(A) Operation, maintenance, and repair of existing transportation facilities identified in the TSP, such as road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;

(B) Dedication of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards;

(C) Uses permitted outright under ORS 215.213(1)(m) through (p) and ORS 215.283(1)(k) through (n), consistent with the provisions of 660-012-0065; and

(D) Changes in the frequency of transit, rail and airport services.

(b) To the extent, if any, that a transportation facility, service or improvement concerns the application of a comprehensive plan provision or land use regulation, it may be allowed without further land use review if it is permitted outright or if it is subject to standards that do not require interpretation or the exercise of factual, policy or legal judgment;

(c) In the event that a transportation facility, service or improvement is determined to have a significant impact on land use or to concern the application of a comprehensive plan or land use regulation and to be subject to standards that require interpretation or the exercise of factual, policy or legal judgment, the local government shall provide a review and approval process that is consistent with 660-012-0050. To facilitate implementation of the TSP, each local government shall amend its land use regulations to provide for consolidated review of land use decisions required to permit a transportation project.

(2) Local governments shall adopt land use or subdivision ordinance regulations, consistent with applicable federal and state requirements, to protect transportation facilities, corridors and sites for their identified functions. Such regulations shall include:

(a) Access control measures, for example, driveway and public road spacing, median control and signal spacing standards, which are consistent with the functional classification of roads and consistent with limiting development on rural lands to rural uses and densities;

(b) Standards to protect future operation of roads, transitways and major transit corridors;

(c) Measures to protect public use airports by controlling land uses within airport noise corridors and imaginary surfaces, and by limiting physical hazards to air navigation;

(d) A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;

(e) A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;

(f) Regulations to provide notice to public agencies providing transportation facilities and services, MPOs, and ODOT of:

(A) Land use applications that require public hearings;

(B) Subdivision and partition applications;

(C) Other applications which affect private access to roads; and

(D) Other applications within airport noise corridors and imaginary surfaces which affect airport operations.

(g) Regulations assuring that amendments to land use designations, densities, and design standards are consistent with the functions, capacities and levels of service of facilities identified in the TSP.

(3) Local governments shall adopt land use or subdivision regulations for urban areas and rural communities as set forth below. The purposes of this section are to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

(a) Bicycle parking facilities as part of new multi-family residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots;

(b) On-site facilities shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. Single-family residential developments shall generally include streets and accessways. Pedestrian circulation through parking lots should generally be provided in the form of accessways.

(A) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;

(B) Bikeways shall be required along arterials and major collectors. Sidewalks shall be required along arterials, collectors and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways;

(C) Cul-de-sacs and other dead-end streets may be used as part of a development plan, consistent with the purposes set forth in this section;

(D) Local governments shall establish their own standards or criteria for providing streets and accessways consistent with the purposes of this section. Such measures may include but are not limited to: standards for spacing of streets or accessways; and standards for excessive out-of-direction travel;

(E) Streets and accessways need not be required where one or more of the following conditions exist:

(i) Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

(ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or

(iii) Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

(c) Where off-site road improvements are otherwise required as a condition of development approval, they shall include facilities accommodating convenient pedestrian and bicycle travel, including bicycle ways along arterials and major collectors;

(d) For purposes of subsection (b) "safe and convenient" means bicycle and pedestrian routes, facilities and improvements which:

(A) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;

(B) Provide a reasonably direct route of travel between destinations such as between a transit stop and a store; and

(C) Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

(e) Internal pedestrian circulation within new office parks and commercial developments shall be provided through clustering of buildings, construction of accessways, walkways and similar techniques.

(4) To support transit in urban areas containing a population greater than 25,000, where the area is already served by a public transit system or where a determination has been made that a public transit system is feasible, local governments shall adopt land use and subdivision regulations as provided in (a)–(f) below:

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

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

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

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

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

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

(ii) A reasonably direct pedestrian connection between the transit stop and building entrances on the site;

- (iii) A transit passenger landing pad accessible to disabled persons;
  - (iv) An easement or dedication for a passenger shelter if requested by the transit provider; and
  - (v) Lighting at the transit stop.
- (c) Local governments may implement (4)(b)(A) and (B) above through the designation of pedestrian districts and adoption of appropriate implementing measures regulating development within pedestrian districts. Pedestrian districts must comply with the requirement of (4)(b)(C) above;
- (d) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;
- (e) Existing development shall be allowed to redevelop a portion of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate;
- (f) Road systems for new development shall be provided that can be adequately served by transit, including provision of pedestrian access to existing and identified future transit routes. This shall include, where appropriate, separate accessways to minimize travel distances;
- (g) Along existing or planned transit routes, designation of types and densities of land uses adequate to support transit.
- (5) In MPO areas, local governments shall adopt land use and subdivision regulations to reduce reliance on the automobile which:
- (a) Allow transit-oriented developments (TODs) on lands along transit routes;
  - (b) Implements a demand management program to meet the measurable standards set in the TSP in response to 660-012-0035(4);
  - (c) Implements a parking plan which:
    - (A) Achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing parking spaces be redeveloped to other uses;
    - (B) Aids in achieving the measurable standards set in the TSP in response to OAR 660-012-0035(4);
    - (C) Includes land use and subdivision regulations setting minimum and maximum parking requirements in appropriate locations, such as downtowns, designated regional or community centers, and transit oriented-developments; and
    - (D) Is consistent with demand management programs, transit-oriented development requirements and planned transit service.
  - (d) As an alternative to (c) above, local governments in an MPO may instead revise ordinance requirements for parking as follows:
    - (A) Reduce minimum off-street parking requirements for all non-residential uses from 1990 levels;
    - (B) Allow provision of on-street parking, long-term lease parking, and shared parking to meet minimum off-street parking requirements;
    - (C) Establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments;
    - (D) Exempt structured parking and on-street parking from parking maximums;
    - (E) Require that parking lots over 3 acres in size provide street-like features along major driveways (including curbs, sidewalks, and street trees or planting strips); and
    - (F) Provide for designation of residential parking districts.
  - (e) Require all major industrial, institutional, retail and office developments to provide either a transit stop on site or connection to a transit stop along a transit trunk route when the transit operator requires such an improvement.



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

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

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDC 11-1995, f. & cert. ef. 12-22-95; LCDD 6-1998, f. & cert. ef. 10-30-98

660-012-0050

### **Transportation Project Development**

(1) For projects identified by ODOT pursuant to OAR Chapter 731, Division 15, project development shall occur in the manner set forth in that Division.

(2) Regional TSPs shall provide for coordinated project development among affected local governments. The process shall include:

(a) Designation of a lead agency to prepare and coordinate project development;

(b) A process for citizen involvement, including public notice and hearing, if project development involves land use decision-making. The process shall include notice to affected transportation facility and service providers, MPOs, and ODOT;

(c) A process for developing and adopting findings of compliance with applicable statewide planning goals, if any. This shall include a process to allow amendments to acknowledged comprehensive plans where such amendments are necessary to accommodate the project;

(d) A process for developing and adopting findings of compliance with applicable acknowledged comprehensive plan policies and land use regulations of individual local governments, if any. This shall include a process to allow amendments to acknowledged comprehensive plans or land use regulations where such amendments are necessary to accommodate the project.

(3) Project development involves land use decision-making to the extent that issues of compliance with applicable requirements remain outstanding at the project development phase. Issues may include, but are not limited to, compliance with regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5 resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway. Where project development involves land use decision-making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval. To the extent compliance has already been determined during transportation system planning, including adoption of a refinement plan, affected local governments may rely on and reference the earlier findings of compliance with applicable standards.

(4) Except as provided in Subsection (1) of this section, where an Environmental Impact Statement (EIS) is prepared pursuant to the National Environmental Policy Act of 1969, project development shall be coordinated with the

preparation of the EIS. All unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to issuance of the Final EIS.

(5) If a local government decides not to build a project authorized by the TSP, it must evaluate whether the needs that the project would serve could otherwise be satisfied in a manner consistent with the TSP. If identified needs cannot be met consistent with the TSP, the local government shall initiate a plan amendment to change the TSP or the comprehensive plan to assure that there is an adequate transportation system to meet transportation needs.

(6) Transportation project development may be done concurrently with preparation of the TSP or a refinement plan.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 2-1999 f. & cert. ef. 1-12-99

660-012-0055

### **Timing of Adoption and Update of Transportation System Plans; Exemptions**

(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:

(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;

(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.

(2) For areas outside an MPO, cities and counties shall complete and adopt regional and local TSPs and implementing measures by May 8, 1997.

(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)(d). 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)–(f) and (5)(d) directly to all land use decisions and all limited land use decisions.

(4)(a) Affected cities and counties that either:

(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

(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.

(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.

(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. This shall include a reevaluation of the land use designations, densities and design standards in the following circumstances:

- (a) If the interim benchmarks established pursuant to OAR 660-012-0035(6) have not been achieved; or
  - (b) If a refinement plan has not been adopted consistent with the requirements of OAR 660-012-0025(3).
- (6) The director may grant a whole or partial exemption from the requirements of this division to cities under 10,000 population, counties under 25,000 population, and for areas of a county within an urban growth boundary that contains a population less than 10,000. Eligible jurisdictions may request that the director approve an exemption from all or part of the requirements in this division. Exemptions shall be for a period determined by the Director or until the jurisdiction's next periodic review, whichever is shorter.
- (a) The director's decision to approve an exemption shall be based upon the following factors:
    - (A) Whether the existing and committed transportation system is generally adequate to meet likely transportation needs;
    - (B) Whether the new development or population growth is anticipated in the planning area over the next five years;
    - (C) Whether major new transportation facilities are proposed which would affect the planning areas;
    - (D) Whether deferral of planning requirements would conflict with accommodating state or regional transportation needs; and
    - (E) Consultation with the Oregon Department of Transportation on the need for transportation planning in the area, including measures needed to protect existing transportation facilities.
  - (b) The director's decision to grant an exemption under this section is appealable to the Commission as provided in OAR 660-002-0020 (Delegation of Authority Rule).
- (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.

Stat. Auth.: ORS 183, ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.610 - ORS 197.625, ORS 197.628 - ORS 197.646, ORS 197.712 & ORS 197.717

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 1-1993, f. & cert. ef. 6-15-93; LCDC 4-1995, f. & cert. ef. 5-8-95; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 2-2000, f. & cert. ef. 2-4-00

660-012-0060

### **Plan and Land Use Regulation Amendments**

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
- (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
  - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
  - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
  - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
- (a) Changes the functional classification of an existing or planned transportation facility;

- (b) Changes standards implementing a functional classification system;
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

(3) Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.

(4) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(5) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(6) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in (a)-(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in Section 0020(2)(b) and Section 0045(3) of this division:

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with Section 0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in 0060(2).

(7) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.610 - ORS 197.625, ORS 197.628 - ORS 197.646, ORS 197.712, ORS 197.717 & ORS 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDD 6-1998, f. & cert. ef. 10-30-98; LCDD 6-1999, f. & cert. ef. 8-6-99  
660-012-0065

### **Transportation Improvements on Rural Lands**

(1) This rule identifies transportation facilities, services and improvements which may be permitted on rural lands consistent with Goals 3, 4, 11, and 14 without a goal exception.

(2) For the purposes of this rule, the following definitions apply:

(a) "Access Roads" means low volume public roads that principally provide access to property or as specified in an acknowledged comprehensive plan;

(b) "Collectors" means public roads that provide access to property and that collect and distribute traffic between access roads and arterials or as specified in an acknowledged comprehensive plan;

(c) "Arterials" means state highways and other public roads that principally provide service to through traffic between cities and towns, state highways and major destinations or as specified in an acknowledged comprehensive plan;

(d) "Accessory Transportation Improvements" means transportation improvements that are incidental to a land use to provide safe and efficient access to the use;

(e) "Channelization" means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns.

"Channelization" does not include continuous median turn lanes;

(f) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment. The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan;

(g) "New Road" means a public road or road segment that is not a realignment of an existing road or road segment.

(3) The following transportation improvements are consistent with goals 3, 4, 11, and 14 subject to the requirements of this rule:

(a) Accessory transportation improvements for a use that is allowed or conditionally allowed by ORS 215.213, 215.283 or OAR 660, Division 6 (Forest Lands);

(b) Transportation improvements that are allowed or conditionally allowed by ORS 215.213, 215.283 or OAR 660, Division 6 (Forest Lands);

(c) Channelization not otherwise allowed under subsections (a) or (b) of this section;

(d) Realignment of roads not otherwise allowed under subsection (a) or (b) of this section;

(e) Replacement of an intersection with an interchange;

(f) Continuous median turn lane;

(g) New access roads and collectors within a built or committed exception area, or in other areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(h) Bikeways, footpaths and recreation trails not otherwise allowed as a modification or part of an existing road;

(i) Park and ride lots;

(j) Railroad mainlines and branchlines;

(k) Pipelines;

(l) Navigation channels;

(m) Replacement of docks and other facilities without significantly increasing the capacity of those facilities;

(n) Expansions or alterations of public use airports that do not permit service to a larger class of airplanes; and

(o) Transportation facilities, services and improvements other than those listed in this rule that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.

(4) Accessory transportation improvements required as a condition of development listed in subsection (3)(a) of this rule shall be subject to the same procedures, standards and requirements applicable to the use to which they are accessory.

(5) For transportation uses or improvements listed in subsection (3)(d) to (g) and (o) of this rule within an exclusive farm use (EFU) or forest zone, a jurisdiction shall, in addition to demonstrating compliance with the requirements of ORS 215.296:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. Until adoption of a local TSP pursuant to the requirements of OAR 660-012-0035, the jurisdiction shall consider design and operations alternatives within the project area that would not result in a substantial reduction in peak hour travel time for projects in the urban fringe that would significantly reduce peak hour travel time. A determination that a project will significantly reduce peak hour travel time is based on OAR 660-012-0035(10). The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(6) Notwithstanding any other provision of this division, if a jurisdiction has not met the deadline for TSP adoption set forth in OAR 660-012-0055, or any extension thereof, a transportation improvement that is listed in section (5) of this rule and that will significantly reduce peak hour travel time as provided in OAR 660-0120-035(10) may be allowed in the urban fringe only if the jurisdiction applies either:

(a) The criteria applicable to a "reasons" exception provided in Goal 2 and OAR 660, Division 4; or

(b) The evaluation and selection criteria set forth in OAR 660-012-0035.

Stat. Auth.: ORS 183, ORS 197.040, ORS 197.245, ORS 215.213, ORS 215.283 & ORS 215.296

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712, ORS 197.717, ORS 197.232, ORS 215.213 & ORS 215.283

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91; LCDC 3-1995, f. & cert. ef. 3-31-95; Administrative correction 9-29-98 660-012-0070

### **Exceptions for Transportation Improvements on Rural Land**

(1) Transportation facilities and improvements which do not meet the requirements of OAR 660-012-0065 require an exception to be sited on rural lands.

(2) Where an exception to Goals 3, 4, 11, or 14 is required, the exception shall be taken pursuant to ORS 197.732(1)(c), Goal 2, OAR Chapter 660, Division 4 and this division.

(3) An exception adopted as part of a TSP or refinement plan shall, at a minimum, decide need, mode, function and general location for the proposed facility or improvement:

(a) The general location shall be specified as a corridor within which the proposed facility or improvement is to be located, including the outer limits of the proposed location. Specific sites or areas within the corridor may be excluded from the exception to avoid or lessen likely adverse impacts;

(b) The size, design and capacity of the proposed facility or improvement shall be described generally, but in sufficient detail to allow a general understanding of the likely impacts of the proposed facility or improvement. Measures limiting the size, design or capacity may be specified in the description of the proposed use in order to simplify the analysis of the effects of the proposed use;

(c) The adopted exception shall include a process and standards to guide selection of the precise design and location within the corridor and consistent with the general description of the proposed facility or improvement. For example, where a general location or corridor crosses a river, the exception would specify that a bridge crossing would be built but would defer to project development decisions about precise location and design of the bridge within the selected corridor subject to requirements to minimize impacts on riparian vegetation, habitat values, etc.;

(d) Land use regulations implementing the exception may include standards for specific mitigation measures to offset unavoidable environmental, economic, social or energy impacts of the proposed facility or improvement or to assure compatibility with adjacent uses.

(4) To address Goal 2, Part II(c)(1) the exception shall demonstrate that there is a transportation need identified consistent with the requirements of OAR 660-012-0030 which cannot reasonably be accommodated through one or a combination of the following measures not requiring an exception:

- (a) Alternative modes of transportation;
- (b) Traffic management measures; and
- (c) Improvements to existing transportation facilities.

(5) To address Goal 2, Part II(c)(2), the exception shall demonstrate that non-exception locations cannot reasonably accommodate the proposed transportation improvement or facility.

(6) To determine the reasonableness of alternatives to an exception under sections (4) and (5) of this rule, cost, operational feasibility, economic dislocation and other relevant factors shall be addressed. The thresholds chosen to judge whether an alternative method or location cannot reasonably accommodate the proposed transportation need or facility must be justified in the exception.

(7) To address Goal 2, Part II(c)(3), the exception shall:

- (a) Compare the economic, social, environmental and energy consequences of the proposed location and other alternative locations requiring exceptions;
- (b) Determine whether the net adverse impacts associated with the proposed exception site are significantly more adverse than the net impacts from other locations which would also require an exception. A proposed exception location would fail to meet this requirement only if the affected local government concludes that the impacts associated with it are significantly more adverse than the other identified exception sites;
- (c) The evaluation of the consequences of general locations or corridors need not be site-specific, but may be generalized consistent with the requirements of section (3) of this rule.

(8) To address Goal 2, Part II(c)(4), the exception shall:

- (a) Describe the adverse effects that the proposed transportation improvement is likely to have on the surrounding rural lands and land uses, including increased traffic and pressure for nonfarm or highway oriented development on areas made more accessible by the transportation improvement;
- (b) Adopt as part of the exception, facility design and land use measures which minimize accessibility of rural lands from the proposed transportation facility or improvement and support continued rural use of surrounding lands.

Stat. Auth.: ORS 183 & ORS 197.040

Stats. Implemented: ORS 195.025, ORS 197.040, ORS 197.230, ORS 197.245, ORS 197.712, ORS 197.717 & ORS 197.732

Hist.: LCDC 1-1991, f. & cert. ef. 5-8-91