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Metro | *Agenda*

Meeting: Joint Workshop – TPAC, MTAC & Interested Parties

Date: Wednesday, October 19, 2011

Time: 9 :30 a.m. – Noon

Place: Metro Council Chambers

9:30 a.m.	**Welcome & Introductions**	Tom Kloster, Metro
9:35 a.m.	**Meeting Overview**	Tom Kloster, Metro
9:40 a.m.	**Proposed Transportation Planning Rule (TPR) Amendments** *Overview & discussion of proposed changes to Section 0060 of the Transportation Planning Rule (materials provided at meeting)* **Outcome:** General understanding of proposed amendments	Matt Crall, DLCD
10:30 a.m.	**Proposed Oregon Highway Plan (OHP) Revisions** *Overview & discussion of proposed changes to Policy 1F of the Oregon Highway Plan (draft OHP revisions attached; additional materials provided at meeting)* **Outcome:** General understanding of proposed revisions	Michael Rock, ODOT
11:15 a.m.	**Regional Comments on OHP & TPR Amendments** *Review and discuss draft comments on proposed amendments (materials provided at meeting)* **Outcome:** Input for final draft of comments for MPAC, JPACT and Metro Council consideration.	Tom Kloster, Metro Josh Naramore, Metro
Noon	**Adjourn**	Tom Kloster, Metro

Joint-Subcommittee of the
Oregon Land Conservation and Development Commission
and the
Oregon Transportation Commission

From LCDC:
Hanley Jenkins
Greg Macpherson
Marilyn Worrix

From OTC:
David Lohman
Mary Olson

Recommendations on Amendments to Transportation Planning Rule 0060 and Oregon Highway Plan

Final Version – April 13, 2011
(Includes revisions from the meeting March 30, 2011)

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I. Summary

The Land Conservation and Development Commission (LCDC) and the Oregon Transportation Commission (OTC) established this joint subcommittee in response to concerns from local governments and others, and a recognition that existing rules and plans are having unintended consequences. Specifically, the interaction of Section 0060 of the Transportation Planning Rule (TPR) with the mobility standards in the Oregon Highway Plan (OHP) can complicate the local process to balance multiple objectives. These objectives include economic development, compact urban development and the need for additional transportation infrastructure to keep highways functioning, which brings benefits to the state overall and especially to traded-sector business activity. The discussion about balancing, clarifying and streamlining TPR 0060 and OHP mobility standards was organized around three questions:

(1) Whether to initiate formal rulemaking on OAR 660-012-0060 and/or whether to request that the OTC consider amending related provisions of the Oregon Highway Plan.

The committee recommends that LCDC initiate rulemaking on TPR 0060 (OAR 66-12-0060). The committee recommends that OTC initiate amendments to the mobility standards in the OHP and associated guidance documents (e.g. OHP Mobility Standard Guidelines).

(2) What are the highest priority issues that should be addressed?

The committee recommends that the topics listed below be included in the scope for an initial phase (approximately 6 months) of amendments. Including a topic on the list does not indicate that the committee has reached a conclusion on the merits of any specific proposed amendment, but rather that the committee believes it is an important and potentially fruitful topic to pursue. The topics are divided into two categories based on whether it would be primarily addressed through the TPR or through the OHP; however, many topics will involve both TPR and OHP.

A. TPR Amendments

A1. Exempt rezonings consistent with comprehensive plan map designations
A2. Practical mitigation for economic development projects
A3. Exempt upzonings in urban centers
A4. Address traffic at time of urban growth boundary (UGB) expansion
A5. Technical clarifications: transportation system plan (TSP) update and multiple planning periods

B. OHP Amendments & Guidance Documents

B1. Exempt proposals with small increase in traffic
B2. Use average trip generation, not reasonable worst case
B3. Streamline alternate mobility standard development
B4. Corridor or area mobility standards
B5. Standardize a policy framework for considering measures other than volume to capacity ratios (v/c)

(3) How should the process be structured to recognize the joint authority of LCDC and OTC concerning these issues?

The committee recommends that these two lists be addressed in parallel coordinated processes with several check-in points, including further meetings of the committee. Draft amendments would go to the respective bodies for formal hearings with a target date of December 2011.

II. Background

Concerns about TPR 0060 and OHP mobility standards have been expressed in several ways:

- House Bill 3379 from the 2009 legislature
- Request to include TPR 0060 on the LCDC policy agenda in June 2010
- Testimony to LCDC in September 2010 regarding HB 3379 and broader issues
- Rulemaking petition from League of Oregon Cities in November 2010

To address these concerns a joint-subcommittee was appointed with three LCDC commissioners (Hanley Jenkins, Greg Macpherson and Marilyn Worrix) and two OTC Commissioners (David Lohman and Mary Olson).

The committee held three meetings to gather information and draft the recommendations contained in this report. The first meeting was held January 21, 2011 and included background presentations by staff and a panel discussion with three city planners, a city attorney, a regional planner and a traffic consultant. The second meeting was February 15 and included discussion of a draft framework of issues and options and approximately three hours of public testimony from fourteen people ranging from city planners to advocacy organizations. The third meeting was March 30 and was devoted to discussion on this recommendation.

The committee considered at least fifteen letters previously submitted to LCDC on these issues, and the committee received over twenty pieces of written testimony during their proceedings.

To gather input from developers, the committee chair (Greg Macpherson) and staff attended a joint meeting of the Retail Task Force, the International Council of Shopping Centers and the Commercial Real Estate Economic Coalition on March 17. Participants expressed concerns about both the process for TPR 0060 analysis and the level of mitigation ultimately required. There was a strong desire for a quicker process with more certainty in the outcome. There was a willingness

to provide a reasonable level of mitigation, but concern that the requested mitigation was at times unreasonable and not based on objective criteria.

To help assess the potential priorities, an online survey was conducted. The survey invitation was sent out to the email distribution list of people who had participated in the process or requested being on the list. It was also sent out to the Oregon Planners Network, a general email list. Eighty-four responses were received. The topics with the most support in the survey were incorporated into this recommendation.

Additional background information is available online:
http://www.oregon.gov/LCD/meetings.shtml#Joint_Subcommittee_TPR___OHP

III. Detailed Recommendations

(1) Whether to initiate formal rulemaking on OAR 660-012-0060 and/or whether to request that the OTC consider amending related provisions of the Oregon Highway Plan.

The committee received considerable testimony that the combination of TPR 0060 and OHP mobility standards is leading to unintended consequences, with two general themes frequently mentioned. The first theme is that economic development objectives should be better balanced with transportation performance, but testimony indicated that in practice the TPR and OHP are giving precedence to transportation. The second theme is that the transportation requirements can make it more difficult to increase development intensities, even though the statewide planning goals call for compact development. This is especially noticeable in urban centers that are targeted for the highest intensities of development, but also have the most traffic congestion. Based on these unintended consequences, the committee concluded that amendments and related work are needed.

(2) What are the highest priority issues that should be addressed?

A. TPR Amendments

A1. Exempt rezonings consistent with comprehensive plan map designations

This proposal was one of the most commonly suggested in testimony and the survey. The concern is that when an acknowledged comprehensive plan designates land for a particular purpose, the local government should be able to rely upon that designation and should not be required to make additional findings at the time of rezoning to be consistent with that designation. This issue is related to item A4 in this report "Address traffic at time of UGB expansion."

Testimony indicated that there is uncertainty and inconsistent interpretation about whether TPR 0060 must be applied for a rezoning when the new zone was assumed in the analysis for the transportation system plan (TSP) because the land was designated for that use in the comprehensive plan. In some cases, analysis at the time of zone change, and mitigation, has been required. The committee recommends that TPR 0060 be amended to exempt cases where the local government can make findings that transportation analysis has already been done (either in the TSP or at the time the comprehensive plan designation was set). It will be important in the

rulemaking process to define the type and level of prior planning and analysis that qualifies for this exemption, and it may be appropriate to define a time limit so that prior planning and analysis that is predominantly out of date does not qualify for the exemption.

Another option suggested in testimony was a broadly written exemption for any zone change consistent with the comprehensive plan map designation. This exemption would not require findings about whether transportation analysis was done previously. The committee does not support this blanket exemption.

A2. Practical mitigation for economic development projects

This proposal would allow consideration of the tradeoffs between economic development and transportation impacts to determine the appropriate level mitigation. In some cases it may be acceptable to allow transportation performance to fall below the standard so as to accomplish economic development goals. The concern is that the current rules and standards do not readily allow balancing these considerations. A related concern is that there is a lack of predictability in the outcome and process.

The definition of economic development in the rules implementing House Bill 3379 (OAR 731-017) would be a good starting point to determine which projects would qualify, but it would need to be reviewed to ensure it is appropriate for this purpose. The amendment would not completely eliminate the requirement to provide mitigation for traffic impacts, but could allow development to proceed with a lower level of mitigation. Traffic analysis would be required to determine the overall impact, and the net impact with the practical mitigation. Practical mitigation could also include phasing of construction, even in cases where TPR 0060(3) would require immediate mitigation. Further work is necessary to define the process that local and state governments would use to quickly reach agreement on the level of mitigation.

Another concern is that transportation projects to add capacity do not always come in small increments. Sometimes these improvement projects are larger than the impact of any one development. Practical mitigation may include a mechanism for payments towards a large transportation project in lieu of construction by an individual developer.

A3. Exempt upzonings in urban centers

This proposal is based on the principle that intense development within UGBs, and especially within central locations, is actually better for the overall transportation system and providing efficient services when compared to the same amount of development spread out along the urban fringe, because it reduces trip lengths and increases the options for walking, biking or transit. The concern is that commonly used analysis methods and adopted performance standards do not fully reflect these benefits. Therefore the amendment would eliminate the requirement to do traffic congestion and mobility analysis for these upzonings. Analysis for safety and network completeness for all modes would still be required.

It would be important to define the specific areas or types of areas to exempt. The definition will involve higher densities, mixed uses, and multi-modal accessibility. Part of the definition could be that the local jurisdiction has prepared a plan for the area as a center. Special Transportation Areas (STA) designations may be another factor to consider. It would also be important to define the types of upzonings that would be exempt to ensure that the upzoning supports the

transportation benefits. This amendment should be reviewed when methodologies and performance standards have improved so the benefits of development in centers are accounted for. In that case the exemption might no longer be needed because upzonings in centers would show a positive effect on transportation and would not need to mitigate a "significant effect" under TPR 0060.

In some cases it could be more appropriate to allow a trip reduction credit greater than the 10% allowed in TPR 0060(6), rather than a complete exemption. This could be appropriate in areas that do not meet all of the requirements for a defined center, but are near a center or meet some of the requirements.

A4. Address traffic at time of UGB expansion

This issue was one of the most commonly mentioned in the survey. The concern is that transportation performance is best considered at a more general level when expanding an urban growth boundary (UGB) rather than when rezoning to implement the plan. Currently the rules for UGB expansions require that transportation in general be considered as one of the location factors (OAR 660-024-0060(6)); however, there is an exemption (OAR 660-024-0020(1)(d)) stating that the specific requirements of TPR 0060 do not have to be applied if no additional development is allowed (e.g. prior county zoning retained). It is possible that addressing this issue would lead to amendments in the UGB rules (OAR 660-024); therefore, the rulemaking notice should open the portion of Division 24 that relates to TPR.

An important issue in the rule-making process will be the appropriate level of detail for transportation planning at the time of UGB expansion. The committee does not support requiring analysis at the level typical for TPR 0060 analysis. The committee supports considering transportation broadly (e.g. relative costs, safety, capacity, multi-modal networks) at the time of UGB expansion.

A5. Technical clarifications: TSP update and multiple planning periods

These two issues scored relatively high on the survey. They would not involve major shifts in policy, but would clarify issues that could otherwise cause problems in specific situations.

The issue with TSP updates is that it is not clear whether TPR 0060 applies. TPR 0060 does not apply when establishing a TSP. It does apply to a minor amendment (e.g. to remove a planned facility) since amending the TSP is a comprehensive plan amendment. In past practice it has not been applied for major TSP updates (i.e. updating the plan horizon year), but this is not explicit in the text.

The issue with multiple planning periods comes up for cities within a metropolitan planning area where the Regional Transportation System Plan has a different horizon than the city's TSP. TPR 0060(1)(c) should be clarified to define what is meant by "the planning period identified in the adopted transportation system plan" when there are multiple TSPs.

B. OHP Amendments & Guidance Documents

Much of the discussion and testimony on OHP-related issues have focused on the need for additional flexibility in OHP mobility standards and concerns on limitations of peak hour v/c.

There are several different potential work areas to address mobility standard issues discussed below. These are designed to encourage the use of flexibility both in existing policy and through new or amended policies to better balance transportation, land use and economic development. It is also important to note that other ODOT work may lead to potential OHP amendments in the areas of access management, implementation of the Oregon Freight Plan and tolling policy development.

B1. Exempt proposals with small increase in traffic

There is concern that an increase of a single trip as a result of a proposed zone change or change in land use regulation is enough to qualify as a "significant" effect under TPR Section 0060, even though a single trip would not be "significant" in ordinary usage of the term. A provision could be considered that if additional trips resulting from the amendment are less than a defined threshold, then it would not be a significant effect for the purposes of TPR analysis on state highways. It may be possible to make this change through amendments to the OHP and/or ODOT guidance (in which case it would be a definition clarification, rather than a true exemption). It may, however, be necessary to amend the TPR to accomplish this, and a legal opinion will be needed to make the determination. Also worth considering would be amendments to the TPR to set a threshold for significance on local streets.

This definition of significant effect would provide relief for smaller projects and may better promote redevelopment activities with modest trip increases. It would allow ODOT to focus more resources on working with projects that would likely cause larger impacts. It would also free up resources for more advanced planning work encouraging a proactive approach to mobility and development issues. It would promote more efficient timing in development review. ODOT should include criteria based on the function of the state facility (e.g. interchange area functions) in these exemptions.

ODOT should consider OHP policy or procedural changes to exempt proposals with small increases in traffic from the definition of significant effect. This will need to include consideration of whether specific state highway functions should be excluded from this policy or procedural change (or if a different threshold should apply in different situations) and how safety issues should be addressed.

B2. Use average trip generation, not reasonable worst case

This issue was one of the most commonly mentioned in testimony and the survey. The concern is that when projecting the traffic that could result from a rezoning, the analysis must assume full build-out of the area with the types of development that would generate the most traffic, or at least assume the highest reasonable development. "Reasonable worst case" is not defined nor required by the TPR and OHP. The requirement comes from case law in Land Use Board of Appeals (LUBA) decisions. It may be more realistic to assume average trip generation because not all development leads to worst case traffic generation. This is especially the case for legislative amendments covering larger areas as opposed to quasi-judicial applications involving a single parcel and a specific proposed use.

ODOT should consider revising analysis procedures at both the system planning level (e.g. TSP development) and for TPR Section 0060 analyses to use average trip generation rates rather than reasonable worst-case scenarios, and to define the types of proposals where average trip

generation will be used. It is possible that fully implementing these revisions will require amendments to the OHP or TPR. If so, these amendments should be included in the initial phase of amendments.

B3. Streamline alternate mobility standard development

Alternate mobility standards provide one of the primary areas for flexibility in the OHP. The concern is that timelines and processes for alternate mobility standard development are too complex and time consuming for it to be a fully effective tool in a number of situations.

ODOT should review expectations for alternate mobility standards and streamline their development through enhanced guidance and staff procedures as well as modified policies if needed to make this a more effective, efficient and predictable tool.

B4. Corridor or area mobility standards

Current methodologies focus the evaluation of congestion at an intersection level (or even each movement within an intersection). There has been concern expressed that this technique does not accurately reflect the wider impacts of congestion, which may be better measured (and perhaps mitigated) beyond the development site over a wider corridor or area (including areas off the state highway system), rather than at a point-specific or intersection-specific location. The OHP currently provides flexibility for a corridor or area level mobility standard through the development of alternate mobility standards. However, there are a number of questions surrounding their development and implementation that should be addressed to expand and promote this flexibility. Questions on how to best and fairly mitigate over a corridor or area should also be considered.

ODOT should consider changes to Agency guidance and procedures on development and implementation of corridor or area-based mobility standards. Options for mitigation will be a key aspect of this work and may lead to policy modifications. Enhanced options for corridor and area-based standards and mitigation may be tied to developing measures outside of v/c ratios as discussed in more detail below.

B5. Standardize a policy framework for considering measures other than volume to capacity ratios (v/c)

Volume to capacity ratios measured during peak hours are not working well enough in highly congested conditions, making application difficult in many areas - especially in large urban areas. There are also concerns that v/c based measures focus only on site-specific locations and lack the multimodal considerations that other measures would provide. Work is needed to provide a policy framework outside of, and supplemental to, peak hour v/c ratios that provide additional flexibility, perform better in highly congested conditions, and provide an adequate measure of mobility and functionality for the state system and statewide objectives.

ODOT should analyze and implement options for expanded measures beyond and/or supplementing peak hour v/c. This process would build on initial results from the current ODOT Research Project SPR 716: "Development and Sensitivity Testing of Alternate Mobility Metrics" as well as additional Agency work. OHP policy changes should be considered to provide a policy framework that expands the flexibility for additional measures and provides for consistent applications through a number of situations across the state. Technical work, procedures and

methodologies would likely be a longer term effort to better implement policy changes. The Portland metro area may be one of several early focus areas for this work.

(3) How should the process be structured to recognize the joint authority of LCDC and OTC concerning these issues?

The committee recommends that the two lists of topics be addressed in parallel coordinated processes with several check-in points. Draft amendments would go to the respective bodies for formal hearings with a target date of December 2011.

A. Process for TPR Amendments

LCDC will need to appoint a rulemaking advisory committee (RAC) consisting of 12 – 15 members representing a wide range of interests including:

- City planners (a variety of sizes and regions)
- County planners
- Metropolitan planning organizations
- Developers
- Consultants
- Freight
- Advocacy organizations
- Citizen Involvement Advisory Committee (CIAC)
- Small business representative (especially important for the fiscal impact statement)
- State agencies: DLCD, ODOT, Business Oregon

The RAC would be chaired by an LCDC commissioner. The RAC would meet monthly to prepare draft amendments and to review the fiscal impact statement.

Once draft rules have been prepared by the RAC, they would be sent to the OTC advisory groups described below for review and comment to help coordinate the two processes. The target is to hold the LCDC hearing and possible adoption of TPR amendments in December 2011.

B. Process for OHP Amendments & Guidance Documents

OHP tasks will be based on input received to date, including through the committee process, and rely on existing advisory groups for input including Area Commissions on Transportation (ACTs), OTC-advisory committees (e.g. Freight Advisory Committee) and stakeholder groups. Policy changes will include opportunities for public review and input. More focused work on guidance and procedure documents will be managed through internal advisory committees and technical teams with expertise in these areas. When OHP amendments have been drafted, they will be sent to the RAC appointed by LCDC for review and comment to help coordinate the two processes. OTC consideration of policy amendments is targeted for December 2011. Potential tasks involving guidance and procedures would be completed concurrent with work on policy issues.

C. Role of the joint-subcommittee of LCDC and OTC

The committee will continue to be involved, but will not be the primary body for developing draft amendments. Meetings will be held approximately every three months to ensure that work is coordinated and progress is consistent with the committee's recommendations. The next meeting (targeted for July 2011) would review initial drafts for most of the recommended topics. The following meeting (targeted for September/October 2011) would look at drafts that have been refined and are ready for public involvement and outreach.

1999 OREGON HIGHWAY PLAN

HIGHWAY MOBILITY POLICY

Background

The Highway Mobility Policy establishes state highway mobility targets that implement the objectives of the Oregon Transportation Plan (OTP) and other OHP policies. The policy does not rely on a single approach to determine transportation needs necessary to maintain acceptable and reliable levels of mobility on the state highway system. It offers the flexibility to consider and develop methodologies to measure mobility that are reflective of current and anticipated land use, transportation and economic conditions of the state and in a community.

While ODOT measures vehicular highway mobility performance through volume to capacity (v/c) ratios (see Tables 6 and 7) when making initial determinations of facility needs necessary to maintain acceptable and reliable levels of mobility on the state highway system, achieving v/c targets will not necessarily be the determinant of the transportation solution(s). Policy 1F recognizes and emphasizes opportunities for developing alternative mobility targets (including measures that are not v/c-based) that provide a more effective tool to identify transportation needs and solutions and better balance state and local community needs and objectives.

Several policies in the Highway Plan establish general mobility objectives and approaches for maintaining mobility.

- Policy 1A (State Highway Classification System) describes in general the functions and objectives for several categories of state highways. Greater mobility is expected on Interstate and Statewide Highways than on Regional and District Highways.

- Policy 1B (Land Use and Transportation) has an objective of coordinating land use and transportation decisions to maintain the mobility of the highway system. The policy identifies several land use types and describes in general the levels of mobility objectives appropriate for each.

- Policy 1C (State Highway Freight System) has an objective of maintaining efficient through movement on major truck Freight Routes. The policy identifies the highways that are Freight Routes.

- Policy 1G (Major Improvements) has the purpose of maintaining highway performance and improving highway safety by improving system efficiency and management before adding capacity.

Although each of these policies addresses mobility, none provide measures by which to describe and understand levels of mobility and evaluate what levels are acceptable for the various classifications of state highway facilities.

The Highway Mobility Policy identifies how the State measures mobility and establishes targets that are reasonable and consistent with the direction of the OTP and Highway Plan policies. This policy carries out Policies 1A and 1C by establishing mobility targets for Interstate Highways, Freight Routes and other Statewide Highways that reflect the expectation that these facilities maintain a level of mobility to safely and efficiently support statewide economic development while balancing available financial resources. It carries out Policy 1B by acknowledging that lower vehicular mobility in Special Transportation Areas (STAs) and highly developed urban areas is the expectation and assigns a mobility target that accepts a higher level of congestion in these situations. The targets set for Regional and District Highways in STAs and highly urbanized areas allow for lower vehicular mobility to better balance other objectives, including a multimodal system. In these areas traffic congestion will regularly reach levels where peak hour traffic flow is highly unstable and greater traffic congestion will occur. In order to better support state and local economic activity, targets for Freight Routes are set to provide for less congestion than would be acceptable for other state highways. Interstate Highways and Expressways are incompatible with slower traffic and higher level of vehicular congestion and therefore, STA designations will not be applied to these highway classifications. For Interstate and Expressway facilities it will be important to manage congestion to support regional and state economic development goals.

The mobility targets are contained in Tables 6 and 7 and in Action 1F.1. Tables 6 and 7 refer only to vehicle mobility on the state highway system. At the same time, it is recognized that other transportation modes and regional and local planning objectives need to be considered and balanced when evaluating performance, operation and improvements to the state highway system. Implementation of the Highway Mobility Policy will require state, regional and local agencies to assess mobility targets and balance actions within the context of multiple technical and policy objectives. While the mobility targets are important tools for assessing the transportation condition of the system, mobility is only one of a number of objectives that will be considered when developing transportation solutions.

The highway mobility targets are used in three distinct ways:

- Transportation System Planning: Mobility targets identify state highway mobility performance expectations and provide a measure by which the existing and future performance of the highway system can be evaluated. Plan development may necessitate adopting methodologies and targets that deviate from adopted mobility targets in order to balance regional and local performance expectations.

- Plan Amendments and Development Review: Mobility targets are used to review amendments to comprehensive plans and land use regulations pursuant to the

Transportation Planning Rule (TPR) to assess if the proposed changes are consistent with the planned function, capacity and performance standards of state highway facilities.

- Operations: Mobility targets assist in making traffic operations decisions such as managing access and traffic control systems to maintain acceptable highway performance.

The Highway Mobility Policy applies primarily to transportation and land use planning decisions. By defining targeted levels of highway system mobility, the policy provides direction for identifying (vehicular) highway system deficiencies. The policy does not, however, determine what actions should be taken to address the deficiencies.

Mobility in the policy is measured using a volume to capacity ratio or v/c. This policy also provides opportunities to seek OTC approval for alternative mobility targets that are not v/c-based.

It is also important to note that regardless of the performance measure, v/c or other, the Highway Mobility Policy recognizes the importance of considering the performance of other modes of travel. While the policy does not prescribe mobility targets for other modes of travel, it does allow and encourage ODOT and local jurisdictions to consider mobility broadly – through multimodal measures or within the context of regional or local land use objectives. Providing for better multimodal operations is a legitimate justification for developing alternatives to established OHP mobility targets.

The Highway Mobility Policy will affect land use decisions through the requirements of the TPR. The TPR requires that regional and local transportation system plans (TSP) be consistent with plans adopted by the OTC. The TPR also requires that local governments ensure that comprehensive plan amendments, zone changes and amendments to land use regulations that significantly affect a transportation facility are consistent with the identified function, capacity and performance of the affected state facility. The Highway Mobility Policy establishes ODOT's mobility targets for state highways as the standards for determining compliance with the TPR (OAR 660-012-0060).

Policy 1F does not apply to highway design. Separate design mobility standards are contained in ODOT's Highway Design Manual (HDM). While HDM design standards and OHP mobility targets in Policy 1F may not be the same, ODOT's intention is to continue to balance statewide mobility and economic development objectives with community mobility, livability and economic development objectives through coordination between planning and design. Where the OTC adopts alternative mobility targets in accordance with this policy, they are establishing an agreement with the local jurisdiction to manage and develop the state system to the expected and planned levels of performance, consistent with the jurisdiction's underlying planning objectives (as set out in local comprehensive plan policy and land use regulations). However, coordination on exceptions to design mobility standards may still be required.

ODOT's intention is that the mobility targets be used to identify system mobility deficiencies over the course of a reasonable planning horizon. The planning horizon shall be:

- At least 20 years for the development of state, regional and local transportation plans, including ODOT's corridor plans; and

- The greater of 15 years or the planning horizon of the applicable local and regional transportation system plans for amendments to transportation plans, comprehensive plans or land use regulations.

ODOT measures vehicular highway mobility performance through v/c ratios. The v/c ratio was selected after an extensive analysis of highway performance measures prior to adoption of the 1999 Highway Plan. The review included the effectiveness of the measure to achieving other highway plan policies (particularly OHP Policy 1B, Land Use and Transportation), implications for growth patterns, how specifically should ODOT policy integrate with land use, flexibility for modifying targets, and the effects of Portland metro area targets on the major state highways in the region. V/C based measures were chosen for reasons of application consistency and flexibility, manageable data requirements, forecasting accuracy, and the ability to aggregate into area-wide targets that are fairly easy to understand and specify. In addition, since v/c is responsive to changes in demand as well as in capacity, it reflects the results of demand management, land use and multimodal policies. However, it is recognized that there are limitations in applying v/c, especially in highly congested conditions and in a multimodal environment. OHP policies allow options for other measures, or combinations of measures, to be considered.

Mobility targets are a measure by which the state assesses the functionality of a facility and are used, along with consideration of other policy objectives, to plan for system improvements. These mobility targets are shown in Table 6 and vary, depending on the category of highway, the location of the facility – within a STA, MPO, UGB, unincorporated community or rural lands – and the posted speed of the facility. Table 6 also reflects Policy 1B (Land Use and Transportation) and the State's commitment to support increased density and development activities in urban areas. Through higher v/c ratios and the adoption of alternative mobility targets, the State acknowledges that it is appropriate and anticipated that certain areas will have more traffic congestion because of the land use pattern that a region or local jurisdiction has committed to through adopted local policy.

Separate mobility targets for the Portland metropolitan area have been included in the policy (Table 7). These targets have been adopted with an understanding of the unique context and policy choices that have been made by local governments in that area including:

- A regional plan that links land use and transportation decisions and investments to support land uses in urban centers and corridors and supports multi-modal transportation options;

- Implementation of Transportation System Management and Operations (TSMO) strategies, including freeway ramp meters, real time traffic monitoring and incident response to maintain adequate traffic flow; and

- An air quality attainment/maintenance plan that relies heavily on reducing auto trips through land use changes and increases in transit service.

The Portland Metro targets have been adopted specifically for the Portland metropolitan area with a mutual understanding that these mobility targets better reflect the congestion that already exists within the constraints of the metro area's transportation system and which will not be alleviated by state highway improvements. The targets contained in Table 7 are meant for interim use only. The OTC expects the Portland Metro area to work with ODOT to explore a variety of measures to assess mobility and to develop alternative targets that best reflect the multiple transportation, land use and economic objectives of the region.

The mobility targets included in the Highway Mobility Policy must be used for the initial deficiency analysis of state highways. However, where it can be shown that it is infeasible or impractical to meet the targets, local governments may work with ODOT to consider and evaluate alternatives to the mobility targets in Tables 6 and 7. Any variance from the targets in Tables 6 and 7 will require OTC adoption. Increasingly, urban and urbanizing areas are facing traffic and land use pressures due to population growth, aging infrastructure, and reduced revenues for roadway and related infrastructure projects. In response to state funding constraints and the need to balance multiple objectives, system management solutions and enhancement of alternative modes of travel, rather than major highway improvements, are increasingly relied upon to address congestion issues. Developing mobility targets that are tailored to specific facility needs, consistent with local expectations, values and land use context will need to be part of the solution for some highway locations. Furthermore, certain urban areas may need area-specific targets to better balance state and local policies pertaining to land use and economic development. Examples where conditions may not match state mobility targets include metropolitan areas, STAs, areas with high seasonal traffic, and areas constrained by the existing built or natural environment.

Alternatives to the mobility targets and methodologies in the tables must be adopted through an amendment to the OHP. The OTC must adopt the new targets supported by findings that explain and justify the supporting methodology.

Policy 1F is not the only transportation policy that influences how the state assesses the adequacy of a highway facility and vehicle mobility is not the only objective. Facilitating state, regional and local economic development, enhancing livability for Oregon's communities, and encouraging multiple modes are also important policy areas that guide

state transportation investment and planning. Policy 1B recognizes that the state will coordinate land use and transportation decisions to efficiently use public infrastructure investments to enhance economic competitiveness, livability and other objectives. Economic viability considerations help define when to make major transportation investments (Policy 1G). Goal 4, Travel Alternatives, articulates the state's goal to maintain a well-coordinated and integrated multimodal system that accommodates efficient inter-modal connections for people and freight and promotes appropriate multi-modal choices. Making decisions about the appropriate level of mobility for any given part of the statewide highway system must be balanced by these, and other relevant OTP and OHP policies.

Policy 1F: Highway Mobility Policy

It is the policy of the State of Oregon to maintain acceptable and reliable levels of mobility on the state highway system, consistent with the expectations for each facility type, location and functional objectives. Highway mobility targets will be the initial tool to identify deficiencies and consider solutions for vehicular mobility on the state system. Specifically, mobility targets shall be used for:

- *Identifying state highway mobility performance expectations for planning and plan implementation;*

- *Evaluating the impacts on state highways of amendments to transportation plans, acknowledged comprehensive plans and land use regulations pursuant to the Transportation Planning Rule (OAR 660-12-0060); and*

- *Guiding operational decisions such as managing access and traffic control systems to maintain acceptable highway performance.*

Where it is infeasible or impractical to meet the mobility targets, acceptable and reliable levels of mobility for a specific facility, corridor or area will be determined through an efficient, collaborative process between ODOT and the local jurisdiction(s) with land use authority. The resulting mobility targets will reflect the balance between relevant objectives related to land use, economic development, social equity, and mobility and safety for all modes of transportation. Alternative mobility targets for the specific facility shall be adopted by the OTC as part of the OHP.

OTC adoption of alternative mobility targets through system and facility plans should be accompanied by acknowledgement in local policy that state highway improvements to further reduce congestion and improve traffic mobility issues in the subject area are not expected.

Traffic mobility exemptions in compliance with the TPR do not obligate state highway improvements that further reduce congestion and improve traffic mobility issues in the subject area.

Action 1F.1

Mobility targets are the measure by which the state assesses the existing or forecasted operational conditions of a facility and, as such, are a key component ODOT uses to determine the need for or feasibility of providing highway or other transportation system improvements. These mobility targets are shown in Table 6 and Table 7. For purposes of assessing state highway performance:

- Use the mobility targets below and in Table 6 when initially assessing all state highway sections located outside of the Portland metropolitan area urban growth boundary.

- Use the mobility targets below and in Table 7 when initially assessing all state highway sections located within the Portland metropolitan area urban growth boundary.

- For highways segments where there are no intersections, achieving the volume to capacity ratios in Tables 6 and 7 for either direction of travel on the highway demonstrates that state mobility targets are being met.

- For unsignalized intersections, achieving the volume to capacity ratios in Tables 6 and 7 for the state highway approaches indicates that state mobility targets are being met. In order to maintain safe operation of the intersection, non-state highway approaches are expected to meet or not to exceed the volume to capacity ratios for District/Local Interest Roads in Table 6, except within the Portland metropolitan area UGB where non-state highway approaches are expected to meet or not to exceed a v/c of 0.99.

- At signalized intersections other than interchange ramp terminals (see below), the overall intersection v/c ratio is expected to meet or not to exceed the volume to capacity ratios in Tables 6 and 7. Where Tables 6 and 7 v/c ratios differ by legs of the intersection, the more restrictive of the volume to capacity ratios in the tables shall apply. Where a state highway intersects with a local road or street, the volume to capacity ratio for the state highway shall apply.

- Although an interchange serves both the mainline and the crossroad to which it connects, it is important that the interchange be managed to maintain safe and efficient operation of the mainline through the interchange area. The main objective is to avoid the formation of traffic queues on off-ramps which back up into the portions of the ramps needed for safe deceleration from mainline speeds or onto the mainline itself. This is a significant traffic safety concern. The primary cause of traffic queuing at off-ramps is inadequate capacity at the intersections of the ramps with the crossroad. These intersections are referred to as ramp terminals. In many instances where ramp terminals connect with another state highway, the mobility target for the connecting highway will generally signify that traffic backups onto the mainline can be avoided. However, in some instances

where the crossroad is another state highway or a local road, the mobility target will not be a good indicator of possible future queuing problems. Therefore, the better indication is a maximum volume to capacity ratio for the ramp terminals of interchange ramps that is the more restrictive volume to capacity ratio for the crossroad, or 0.85.

- At an interchange within an urban area the mobility target used may be increased to as much as 0.90 v/c, but no higher than the target for the crossroad, if:

    1. It can be determined, with a probability equal to or greater than 95 percent, that vehicle queues would not extend onto the mainline or into the portion of the ramp needed to accommodate deceleration from mainline speed; and

    2. An adopted Interchange Area Management Plan (IAMP) is present, or through an IAMP adoption process, which must be approved by the OTC.

- Because the ramps serve as an area where vehicles accelerate or decelerate to or from mainline speeds, the mobility target for the interchange ramps exclusive of the crossroad terminals is the same as that for the mainline. Metered on-ramps, where entering traffic is managed to maintain efficient operation of the mainline through the interchange area, may allow for greater volume to capacity ratios.

Action 1F.2

- Apply mobility targets over at least a 20-year planning horizon when developing state, regional or local transportation system plans, including ODOT's corridor plans.

- When evaluating highway mobility for amendments to transportation system plans, acknowledged comprehensive plans and land use regulations, use the planning horizons in adopted local and regional transportation system plans or a planning horizon of 15 years from the proposed date of amendment adoption, whichever is greater. To determine the effect that an amendment to an acknowledged comprehensive plan or land use regulation has on a state facility, the capacity analysis shall include the forecasted growth of traffic on the state highway due to regional and intercity travel and consistent with levels of planned development according to the applicable acknowledged comprehensive plan over the planning period. Planned development, for the purposes of this policy, means the amount of population and employment growth and associated travel anticipated by the community's acknowledged comprehensive plan over the planning period. The OTC encourages communities to consider and adopt land use plan amendments that would reallocate expected population and employment growth to designated community centers as a means to help create conditions that increase the use of transit and bicycles, encourage pedestrian activity, reduce

reliance on single occupant vehicle travel and minimize local traffic on state highways.

Action 1F.3

In the development of transportation system plans or ODOT facility plans, where it is infeasible or impractical to meet the mobility targets in Table 6 or Table 7, or those otherwise approved by the Commission, ODOT and local jurisdictions may explore different target levels, methodologies and measures for assessing mobility and consider adopting alternative mobility targets for the facility. While v/c remains the initial methodology to measure system performance, measures other than those based on v/c may be developed through a multi-modal transportation system planning process that seeks to balance overall transportation system efficiency with multiple objectives of the area being addressed.

Examples of where state mobility targets may not match local expectations for a specific facility or may not reflect the surrounding land use, environmental or financial conditions include:

- Metropolitan areas or portions thereof where mobility expectations cannot be achieved and where they are in conflict with an adopted integrated land use and transportation plan for promoting compact development, reducing the use of automobiles and increasing the use of other modes of transportation, promoting efficient use of transportation infrastructure, improving air quality, and supporting greenhouse gas reduction objectives;

- When financial considerations or limitations preclude the opportunity to provide a planned system improvement within the planning horizon;

- When other locally adopted policies must be balanced with vehicular mobility and it can be shown that these policies are consistent with the broader goals and objectives of OTP and OHP policy;

- Facilities with high seasonal traffic;

- Special Transportation Areas; and

- Areas where severe environmental or land use constraints[13] make infeasible or impractical the transportation improvements necessary to accommodate planned land uses or to accommodate comprehensive plan changes that carry out the Land Use and Transportation Policy (1B).

[13] Examples of severe environmental and land use constraints include, but are not limited to, endangered species, sensitive wetlands, areas with severe or unstable slopes, river or bay crossings, and historic districts.

Any proposed mobility target that deviates from the mobility targets in Table 6 or Table 7, or those otherwise approved by the Commission, shall be clear and objective and shall provide standardized procedures to ensure consistent application of the selected measure. The alternative mobility target(s) shall be adopted by the OTC as an amendment to the OHP.

The OTC has sole authority to adopt mobility targets for state highways. It will be necessary for affected local jurisdictions to agree to and acknowledge the alternative mobility target for the state highway facility as part of a local transportation system plan and regional plan (MPO) as applicable. Findings shall demonstrate why the particular mobility target is necessary, including the finding that it is infeasible or impractical to meet the mobility targets in Table 6 or Table 7, or those otherwise approved by the Commission.

If alternative targets are needed but cannot be established through the system planning process prior to adoption of a new or updated TSP, they should be identified as necessary and committed to as a future refinement plan work item with an associated timeframe for completion and adoption. In this case, the mobility targets in Table 6 or Table 7, or those otherwise approved by the Commission, shall continue to apply until the alternative mobility targets are formally adopted by the OTC.

Modifications to the mobility targets could include changing the hour measured from the 30^{th} highest hour, using multiple hour measures, or considering weekday or seasonal adjustments. Development of corridor or area mobility targets is also allowed. ODOT's policy is to utilize a v/c based target and methodology as the initial measure, as this will standardize and simplify implementation issues throughout the state. Where v/c-based approaches may not meet all needs and objectives, development of alternative mobility targets utilizing non v-c-based measures, may also be pursued.

In support of establishing the alternative mobility target, the plan shall include feasible actions for:

- Providing a network of local streets, collectors and arterials to relieve traffic demand on state highways and to provide convenient pedestrian and bicycle ways;

- Managing access and traffic operations to minimize traffic accidents, avoid traffic backups on ramps, accommodate freight vehicles and make the most efficient use of existing and planned highway capacity;

- Managing traffic demand and incorporating transportation system management tools and information, where feasible, to manage peak hour traffic loads on state highways;

- Providing and enhancing multiple modes of transportation; and

- Managing land use to limit vehicular demand on state highways consistent with Policy 1B (Land Use and Transportation Policy).

The plan shall include a financially feasible implementation program and shall demonstrate that the proposed mobility target(s) are consistent with and support locally adopted land use, economic development, and multimodal transportation policy and objectives. In addition, the plan shall demonstrate strong local commitment, through adopted policy and implementation strategies, to carry out the identified improvements and other actions.

ODOT understands that in certain areas of the state, achieving the established mobility targets will be difficult and that regional and local policies must be balanced with transportation system performance. ODOT is committed to work with MPOs and local jurisdictions on system-level analysis of alternative mobility targets and to participate in public policy-level discussions where balancing mobility and other regional and community objectives can be adequately addressed.

In developing and applying alternative mobility targets and methodologies for facilities throughout the state, ODOT will consider tools and methods that have been successfully used previously for a particular facility and/or within a specific metropolitan area or region. Specific mobility targets may vary from one community or area to another depending on local circumstances. It is the objective of this policy to maintain consistency in the selection and application of analysis and implementation methodologies over time as they are applied to a specific facility or to a system of related facilities within a defined community or region.

ODOT will provide guidance documents and will work with local jurisdictions and others to apply best practices that streamline development of alternative mobility targets.

Action 1F.4

Alternative mobility targets may also be developed for facilities where an investment has been or is planned to be made which provides significantly more capacity than is needed to serve the forecasted traffic demand based on the existing adopted local comprehensive plan and it is possible to preserve that excess capacity for traffic growth beyond the established planning horizon or traffic growth resulting from local legislative plan amendments or plan amendments associated with OAR 731-017.

Action 1F.5

For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans and land use regulations subject to OAR 660-12-0060, in situations where the volume to capacity ratio or alternative mobility target for a highway segment, intersection or interchange is above the mobility targets in Table 6 or Table 7, or those otherwise approved by the Commission, and transportation improvements are not planned within the planning horizon to bring performance to the established target, the

mobility target is to avoid further degradation. If an amendment to a transportation system plan, acknowledged comprehensive plan or land use regulation increases the volume to capacity ratio further, or degrades the performance of an adopted mobility target, it will significantly affect the facility unless addressed through the language below regarding determination of a small increase in traffic. In addition to the capacity increasing improvements that may be required as a condition of approval, other performance improving actions to consider include, but are not limited to:

- System connectivity improvements for vehicles, bicycles and pedestrians.
- Transportation demand management (TDM) methods to reduce the need for additional capacity.
- Multi-modal (bicycle, pedestrian, transit) opportunities to reduce vehicle demand.
- Operational improvements to maximize use of the existing system.
- Land use techniques such as trip caps / budgets to manage trip generation.

In applying "avoid further degradation" for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Commission, a small increase in traffic does not cause "further degradation" of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in average daily trip volumes as follows:

- Any proposed amendment that does not increase the average daily trips by more than 400.
- Any proposed amendment that increases the average daily trips by more than 400 but less than 1001 for state facilities where:
    - The annual average daily traffic is less than 5,000 for a two-lane highway
    - The annual average daily traffic is less than 15,000 for a three-lane highway
    - The annual average daily traffic is less than 10,000 for a four-lane highway
    - The annual average daily traffic is less than 25,000 for a five-lane highway
- If the increase in traffic between the existing plan and the proposed amendment is more than 1000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would follow existing processes for resolution.

In applying OHP mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over the planning horizon. After negotiating reasonable levels of mitigation for actions required under OAR 660-012-0060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted target in the OHP to be considered in compliance with the target. It is not the intent of the agency to consider variation within modest levels of uncertainty in violation of mobility targets for reasonable mitigation. The specific mobility target still applies for determining significant affect under OAR 660-012-0060.

Action 1F.6

When making recommendations to local governments about development permit applications and potential actions for mitigation related to local development proposals and criteria consider and balance the following:

- OHP mobility targets;
- Community livability objectives;
- State and local economic development objectives;
- Safety for all modes of travel; and
- Opportunities to meet mobility needs for all modes of travel.

Encourage local jurisdictions to consider OHP mobility targets when preparing local development ordinances and approval criteria to evaluate proposed development applications that do not trigger Section 660-012-0060 of the TPR.

Action 1F.7

Consider OHP mobility targets as guidance to ODOT's highway access management program. Balance economic development objectives of properties abutting state highways with transportation safety and access management objectives of state highways in a manner consistent with local transportation system plans and the land uses permitted in acknowledged local comprehensive plans.

When evaluating OHP mobility targets in access management decisions for unsignalized intersections consider the following:

- The highest priority for OHP mobility targets in guiding access management practices is to address the state highway through traffic movements and the movements exiting the state highway facility.

- When evaluating traffic movements from an approach entering or crossing a state highway, the priority is to consider the safety of the movements. While a v/c ratio for a specific movement greater than 1.0 is an indication of a capacity problem, it does not necessarily mean the traffic movement is unsafe. Apply engineering practices and disciplines in the analysis and design of highway approaches to ensure traffic movements meet safety objectives for the program.

Private approaches at signalized intersections will be treated as all other signalized intersections under OHP Action 1F.1.

Action 1F.8

Consider OHP mobility targets when implementing operational improvements such as traffic signals and ITS improvements on the state highway system. The OHP mobility targets are meant to be used as a guide to compare the relative benefits of potential operational solutions rather than as a firm target to be met. The main goal of operational projects is to improve system performance - which may include mobility, safety or other factors - from current or projected conditions.

Action 1F.9

Enhance coordination and consistency between planning and project design decisions whenever possible. Ensure that project development processes and design decisions take into account statewide mobility and economic objectives, including design standards, while balancing community mobility, livability and economic development objectives and expectations. Consider practical design principles that take a systematic approach to transportation solutions in planning and project development processes. Practical design principles strive to deliver the broadest benefits to the transportation system possible within expected resources.

Table 6: Volume to Capacity Ratio Targets for Peak Hour Operating Conditions

VOLUME TO CAPACITY RATIO TARGETS OUTSIDE METRO[A,B,C]							
Highway Category	**Inside Urban Growth Boundary**					**Outside Urban Growth Boundary**	
	STA[D]	**MPO**	**Non-MPO Outside of STAs where non-freeway posted speed <= 35 mph, or a Designated UBA**	**Non-MPO outside of STAs where non-freeway speed > 35 mph, but <45 mph**	**Non-MPO where non-freeway speed limit >= 45 mph**	**Unincorporated Communities[E]**	**Rural Lands**
Interstate Highways	N/A	0.85	N/A	N/A	0.80	0.80	0.75
Statewide Expressways	N/A	0.85	0.80	0.80	0.80	0.80	0.75
Freight Route on a Statewide Highway	0.90	0.85	0.85	0.80	0.80	0.80	0.75
Statewide (not a Freight Route)	0.95	0.90	0.90	0.85	0.80	0.80	0.80
Freight Route on a Regional or District Highway	0.95	0.90	0.90	0.85	0.85	0.80	0.80
Expressway on a Regional or District Highway	N/A	0.90	N/A	0.85	0.85	0.80	0.80
Regional Highways	1.0	0.95	0.90	0.85	0.85	0.85	0.80
District / Local Interest Roads	1.0	0.95	0.95	0.90	0.90	0.85	0.85

Notes for Table 6

[A] For the purposes of this policy, the peak hour shall be the 30th highest annual hour. This approximates weekday peak hour traffic in larger urban areas. Alternatives to the 30th highest annual hour may be considered and established through alternative mobility target processes.

[B] Highway design requirements are addressed in the Highway Design Manual (HDM).

[C] See Action 1F.1 for additional technical details.

[D] Interstates and Expressways shall not be identified as Special Transportation Areas.

[E] For unincorporated communities inside MPO boundaries, MPO mobility targets shall apply.

Materials following this page were distributed at the meeting.

METRO

Metro Region Comments

Oregon Transportation Planning Rule Amendments
Oregon Highway Plan Revisions

OHP Consensus Points:

- Strongly support alternative mobility policy based on multi-modal corridors.

- Support shift from mobility "standards" to "targets".

- Support new latitude for ODOT in evaluating impacts of plan amendments proportionate to existing conditions.

OHP Discussion Points:

1. Carry the intent of the revised OHP forward through implementing documents – especially Oregon Highway Design Manual (OHDM)

2. Include a work program and timeframe for reconciling Special Transportation Areas (STAs) in the OHP with "multi-modal mixed-use areas" (MMAs) in the TPR.

3. Consider a percent of ADT option as a threshold for "small increases" in traffic, as defined in Action 1F.5. This would speak to urban area with relatively high traffic volumes.

_____

TPR Consensus Points

- Strongly support amendments to the TPR that would exempt zone changes consistent with comprehensive plans from 0060 provisions.

- Generally support provisions allowing for "multi-modal mixed-use areas" (MMAs) to be designated by local jurisdictions and exempted from the 0060 provisions.

- Generally support "partial-mitigation" concept for allowing plan amendments that promote economic development (as defined in the draft rule).

TPR Discussion Points

1. Multi-modal mixed-use areas (MMAs) overlap the intent of Title 6 of the Functional Plan, and the definition of MMAs is somewhat less ambitious than Title 6. This could allow more than what we currently define as "centers" in the Metro region to qualify. It also represents much more flexibility with OHP policy that is currently provided by Title 6. Does the Metro region support the level of "center" defined by the MMAs, given these considerations?

2. Does "written concurrence" by ODOT need to be further defined in the TPR or OHP? What assumption will ODOT use in defining planning improvements?

3. Does the "crash rate" criteria included in this section make MMAs unattainable in the Metro region because of our much higher levels of traffic and crash rates (and should a different threshold be used for the Metro area)? Should the "top 10%" criterion be defined as only the Metro region?

4. Should threshold of "posted mainline speeds" be adapted to the Portland region in recognition of the fact that our heavy volumes and levels of peak congestion significantly true prevailing speed on the system?

5. Is the "partial mitigation" solution appropriate for our region? Is it consistent with our own policies for funding system improvements? Does it conflict with our interest in farm-to-market improvements needed outside the region for access to our ports?

Draft Amendments to TPR 0060

– October 6, 2011 -
– For review by the Rulemaking Advisory Committee -
- to confirm decisions made at the September 26 meeting–

Changes since the September 26 RAC meeting are shown in a separate color.

Proposed Rule Text	*Explanations*
660-012-0005 – Definitions	
(7) "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, shifting to off-peak periods, and reduced or paid parking.	This definition is used in (1)(c).
660-012-0060 – Plan and Land Use Regulation Amendments	
(1) ~~Where~~If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government shall put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule ~~to 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~~. A plan or land use regulation amendment significantly affects a transportation facility if it would:	Clarified that a zoning map is part of land use regulations. Identified exceptions that are described more fully later in the rule. Moved the description of how to address a significant effect to section (2), which lists corrective actions.
(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);	
(b) Change standards implementing a functional classification system; or	
(c) Result in any of the effects listed in (A) through (C) below based on projected conditions ~~As~~ measured at the end of the planning period identified in the adopted transportation system plan. Projected traffic generation may be reduced if the amendment includes enforceable ongoing requirements that would demonstrably limit traffic generation, including, but not limited to, transportation demand management.~~:~~	The definition of "significant effect" is clarified so that anything which reduces traffic generation (as opposed to mitigation that adds capacity) may be considered when determining if there is a significant effect. A common approach to reduce or limit traffic generation is known as a "trip cap." This method typically limits development, rather than directly limiting trips. At the time of rezoning,
(A) ~~Allow land uses or levels of development that would result in t~~Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;	

Proposed Rule Text	*Explanations*
	trips are allocated for each parcel. At the time of development, size and intensity are limited based on the allocation and projected traffic generation per square-foot.
(B) Degrade~~Reduce~~ the performance of an existing or planned transportation facility such that it would not meet ~~below the minimum acceptable~~ performance standards identified in the TSP or comprehensive plan; or	Some performance standards are met by staying below the threshold, so the language was changed to be neutral about the direction.
(C) Degrade~~Worsen~~ the performance of an existing or planned transportation facility that is otherwise projected to not meet the ~~perform below the minimum acceptable~~ performance standards identified in the TSP or comprehensive plan.	
(2) ~~Where~~If a local government determines that there would be a significant effect, ~~compliance with section (1) shall be accomplished~~ then the local government shall ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility at the end of the planning period identified in the adopted transportation system plan through one or a combination of the following, unless the amendment qualifies for partial mitigation in section (11):	The consistency list was moved from section (1) since it deals with how to correct a significant effect, not the definition of a significant effect. Clarification added to say that corrective action is measured at the end of the planning period (same as significant effect) to allow for phased mitigation.
(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.	
(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.	New text added to enable section (11).
~~(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.~~	Altering designation densities or design requirements and demand management were removed from (2) because they are included in (1)(c) when determining whether there is a significant effect. They can also be used as part of the corrective action for an amendment that has a significant effect, in which case they would reduce the magnitude of the effect and thus reduce the extent of mitigation required in (2).
(c~~d~~)Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.	
(d~~e~~) Providing other measures as a condition of development or through a development agreement or similar funding method, including but not limited to transportation system management measures~~, demand management~~ or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.	
(e) Providing improvements that would benefit modes other than the	Added to allow more flexibility

Proposed Rule Text	*Explanations*
significantly affected mode, ~~or~~ improvements to facilities other than the significantly affected facility, or improvements at other locations if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect.	in corrective actions, but only with the approval of the provider (e.g. ODOT if a state highway is affected). For example, an amendment that would cause motor vehicle congestion could be balanced by constructing a sidewalk, adding a bicycle lane to the street, building a parallel connection or improving another intersection on the street.
(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:	
~~(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;~~	The requirement that that facility already be failing was removed to broaden the scope of amendments that would qualify for the provisions of (3). The result is that the rule focuses on the projected future conditions (rather than current conditions), which is consistent with planning focus of the TPR.
(a)~~(b)~~ In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;	
(b~~c~~) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;	
(c~~d~~) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and	
(d~~e~~) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.	

Proposed Rule Text	*Explanations*
(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.	Only minor ~~No~~ changes proposed within (4) for consistency. ~~Included here for context.~~
(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.	
(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:	This existing section applies a higher level of scrutiny to ***interstate*** interchanges; whereas, the new section (10) includes all interchanges for special treatment in that section. The RAC considered whether this existing text should be amended to be consistent with the new (11). The consensus was that changing this would increase the level of state regulation, which would be counter to the overall intent. The RAC concluded that changing this section should be considered in a future update based of further evaluation or if the inconsistency causes confusion or other problems.
(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.	
(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.	
(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.	
(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.	
(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning	

Proposed Rule Text	*Explanations*
period.	
(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:	
(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or	
(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.	
(d) As used in this section and section (3):	
(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;	
(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and	
(C) Interstate interchange area means:	
(i) Property within one-quarter ~~one-half~~ mile of the off-ramp terminal intersection of an existing or planned interchange on an Interstate Highway ~~as measured from the center point of the interchange~~; or	Changed to be consistent with new text in (10)(b)(E).
(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.	
(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).	
(5) [Transportation facility not a basis for an exception on rural lands]	No changes proposed within (5).
(6) 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;	No changes proposed within (6). Included here for context.
(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.

(7) [Special provisions for cities without a TSP amending to affect 2 | No changes proposed within

Proposed Rule Text	*Explanations*
acres of commercial land]	(7).
(8) 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.	No changes proposed within (8). Included here for context.
(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.	New section added to exempt zone map amendments consistent with comprehensive plan map designation.

Proposed Rule Text	*Explanations*
Option 1: (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map. (b) The local government has an acknowledged TSP.	A majority of the RAC supported Option 1 as a "bright line" test that does not evaluate the specifics of an acknowledged TSP.
Option 1A: (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map. (b) The local government has an acknowledged TSP. (c) The area subject to the amendment was not exempted from this rule at the time of a UGB amendment as permitted in OAR 660-024-0020(1)(d).	This variation on option 1 was drafted following the final RAC meeting based on suggestions during the discussion. It would carve out a narrow situation where this exemption cannot be used. The UGB rules in Division 24 allow an area to be brought into the UGB without detailed transportation analysis because the analysis would be required by TPR 0060 at the time of rezoning. In this situation, subsection (c) would not allow this exemption to be used to completely avoid transportation analysis. OAR 660-024-0020(1)(d): "The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary;"

Proposed Rule Text	*Explanations*
Option 2: (c) The proposed zoning is consistent with the TSP assumptions about development of the area of the proposed amendment. ~~If more than one zone is allowed within the comprehensive plan map designation, then consistency means the specific zone with projected traffic generation that most closely matches the TSP assumptions. Consistency is not met~~ The proposed zoning is not consistent with the TSP if the TSP is based upon an assumption~~ed continuation of~~ that the current zone would continue or an ~~, if it~~ assumption~~ed~~ that the area would remain undeveloped throughout the planning horizon, or if the area was brought into the UGB without applying this rule as permitted in OAR 660-024-0020(1)(d). ~~(d) The TSP evaluated at a system level, the transportation facilities and services needed to support assumed development. To meet this requirement it is not necessary that the~~ A TSP need not include a detailed traffic impact analysis for the specific area ~~proposed for the zoning map~~ of the amendment to be consistent.	Some members ~~A minority~~ of the RAC supported ~~Option 2, which~~ includ~~inges~~ additional provisions ~~in (c) and (d)~~ to determine whether the proposed amendment is consistent with prior planning ~~was anticipated~~ in the TSP. ~~The recommendation of the joint-subcommittee stated "It will be important in the rulemaking process to define the type and level of prior planning and analysis that qualifies for this exemption." The joint-subcommittee did not support a blanket exception.~~
Option 2A: (c) The proposed zoning is consistent with the TSP assumptions about development of the area of the proposed amendment. Consistency means: (A) Forecast ADT in the acknowledged TSP is within 20% of current ADT in the impact area; and (B) The most recent acknowledged population forecast is within 20% of actual population of the jurisdiction. (d) The proposed zoning is not consistent with the TSP if: (A) The TSP assumed continuation of the current zone; or (B) The TSP assumed the area would remain undeveloped throughout the planning horizon; or (C) The UGB was expanded without applying this rule as permitted in OAR 660-024-0020(a)(d).	This option was proposed by members of the RAC following the RAC meeting.

Proposed Rule Text	*Explanations*
(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of (a). This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.	New section to designate multimodal, mixed-use areas that are exempt from congestion performance standards. Using this exemption would be a two-step process, although the two steps could be accomplished in rapid succession at the same meeting. The first step is to designate an area where this exemption will apply. The requirements for what kind of area qualifies are in (b) and (c). The process to designate the area is in (d), or (e) if zoning changes are needed to qualify. The second step is to evaluate a proposed upzoning without regard to congestion standards. If the rezoning meets other approval criteria and meets the requirements in (a), then it is approved.
(a) A proposed amendment qualifies for this section if it: (A) is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and (B) is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.	Typically an upzoning would be consistent with the definition and function of an MMA. A rezone to reduce the intensity of uses would not be consistent.
(b) For the purpose of this rule, "multimodal mixed-use area" or "MMA"" means an area: (A) with a boundary adopted by a local government as provided in (d~~c~~) or (e~~d~~) and that has been acknowledged; (B) entirely within an urban growth boundary; (C) having adopted plans and development regulations that allow the uses listed in (8)(b)(A) through (C) of this rule and require new development to be consistent with the characteristics listed in (8)(b)(D) through (H) of this rule;	(A) through (C) in (8)(b) list the types uses expected in MMA, but obviously each development, and each rezoning will not include all of these uses. (D) through (H) list development standards that would apply to each development within an MMA.
(D) with land use regulations that do not require the provision of off-street parking, or that require lower levels of off-street parking than required in other areas and that allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and	Within an MMA people would not be completely reliant on automobiles; therefore development regulations that mandate parking can be relaxed

Proposed Rule Text	*Explanations*
(E) Located in one or more of the categories below	This section addresses interchanges, along with (c) below. Interchanges are the most expensive part of the network, thus the balance of competing objectives shifts somewhat near interchanges. The goal is to ensure safe operation of the interchange throughout the planning horizon because it is unlikely that an interchanges will be rebuilt to accommodate additional traffic.
(i) At least one-quarter mile from any interchange exit ramp terminal intersection~~Outside one-half mile of an interchange as measured from the center point of the interchange~~; (ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or (iii) Within one-quarter mile from any interchange ramp terminal intersection ~~one-half mile of an interchange~~ and the mainline facility provider has provided written concurrence with the MMA designation as provided in (c).	One-quarter mile from the intersection is consistent with ODOT access management regulations near interchanges (Division 51). ~~Using ramp terminals would mean that f~~Freeway to freeway interchanges do not have terminal intersections and thus would not be included in this~~e~~ requirement, which is appropriate~~. This would makes sense~~ since nearby development would not have any way to affect the freeway.~~ It could work better for odd shaped interchanges where the center is not clear. It would not be consistent with (4), but would be consistent with ODOT access management rules (Division 51)~~.
(c) When a mainline facility provider reviews an MMA designation near~~within one-half mile of~~ an interchange, the provider shall consider the following factors: (A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering: (i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities; (ii) Whether the interchange area is in the top ten percent (10%) of locations identified by the safety priority system index developed by ODOT; and (iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to bring a vehicle to a full stop from posted mainline speeds.	

Proposed Rule Text	*Explanations*
(B) If there are operational or safety effects as described above, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.	An agreement could include, trigger points for actions such as adjusting signal timing, access management, extending off ramps, variable speed control, and other traffic system management and operation actions.
(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.	
(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.	This section is intended to prevent a "catch-22" where an area cannot be designated because it does not have mixed use zoning, and cannot be rezoned because that would have a significant effect under existing congestion standards.
(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with (a), the amendment meets the balancing test in (b), and the local government coordinates as provided in (c).	New section added to allow balancing economic development benefits with transportation effects. While a majority of the RAC supported this, ~~S~~some RAC members did not want to allow ***partial*** mitigation. They preferred the ***proportional*** mitigation in the proposed amendments to (3) and the mitigation options in the proposed new subsection (2)(e).
(a) The amendment must:	
(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.	The phrase "industrial or traded sector" and the definition of "industrial" come from SB 766.
(i) For the purposes of this rule, "industrial use" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.	
(ii) For the purposes of this rule, "traded-sector" has the	ORS 285A.010 defines "Traded

Proposed Rule Text	*Explanations*
meaning given in ORS 285A.010. (B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent (5%) of the net developable area.	sector" as industries in which member firms sell their goods or services into markets for which national or international competition exists.
Option (D) Notwithstanding (B) and (C), an amendment qualifies for this section if all of the following conditions are met: (i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization (MPO). (ii) The amendment would provide land for "Other Employment Use" or "Prime Industrial Land" as those terms are defined in OAR 660-009-0005 (iii) The amendment is located within a county where the annual average unemployment rate is greater than the annual average unemployment rate of the State of Oregon.	A majority ~~Members~~ of the TAC supported ~~requested consideration of~~ a broader definition of economic development for smaller communities. ~~This is one way that such an exemption could be written if the RAC approves.~~ Other members felt partial mitigation imposed costs to the rest of the state (either in congestion or state funds needed to make up the difference) and thus should only be available when there was a net benefit to the state. They felt that some development (e.g. retail) moves jobs from one area to another and thus should not qualify for what amounts to a subsidy from the state. OAR 660-009-0005: (6) "Other Employment Use" means all non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the

Proposed Rule Text	*Explanations*
	community typically in large buildings or multi-building campuses. (8) "Prime Industrial Land" means land suited for traded-sector industries as well as other industrial uses providing support to traded-sector industries. Prime industrial lands possess site characteristics that are difficult or impossible to replicate in the planning area or region. Prime industrial lands have necessary access to transportation and freight infrastructure, including, but not limited to, rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes. Traded-sector has the meaning provided in ORS 285B.280
(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives ~~a~~ written concurrence ~~statement~~ from the provider of any transportation facility that would be significantly affected that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT shall coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a). The~~is~~ requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by (c) and the provider does not respond in writing (either concurring or non-concurring) ~~receive the transportation facility provider letter~~ within forty-five (45) days ~~of providing notice as required by (c)~~.	This subsection describes what is different for amendments that meet the definition in (a). The RAC decided it was important to ~~chose this option which~~ requires concurrence from ODOT and the county if their facilities would be affected. Because ODOT is not the state agency responsible for evaluating economic development benefits, there is a requirement to coordinate with Business Oregon.
(c) A local governments that proposes to use this section shall coordinate with Business Oregon, DLCD, area commission on transportation, metropolitan planning organization, and all affected transportation providers to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal coordination is encouraged throughout the process starting with pre-application meetings. Formal coordination must include notice at least forty-five (45) days prior to the first	

Proposed Rule Text	*Explanations*
evidentiary hearing. Notice must include the following: i. Proposed amendment. ii. Proposed mitigating actions from section (2) of this rule. iii. Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions will fall short of being consistent with the function, capacity, and performance standards of transportation facilities. iv. Findings showing how the proposed amendment meets the requirements of (a). v. Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.	

Table 7: Volume to Capacity Ratio Targets within Portland Metropolitan Region

VOLUME TO CAPACITY RATIO TARGETS INSIDE METRO[A]		
Location	**Target**	
	1st hour	**2nd hour**
Central City Regional Centers Town Centers Main Streets Station Communities	1.1	.99
Corridors[B] Industrial Areas Intermodal Facilities Employment Areas Inner Neighborhoods Outer Neighborhoods	.99	.99
I-84 *(from I-5 to I-205)*[C]	1.1	.99
I-5 North[C] *(from Marquam Bridge to Interstate Bridge)*	1.1	.99
OR 99E[C] (*from Lincoln Street to OR 224 Interchange)*	1.1	.99
US 26[C] *(from I-405 to Sylvan Interchange)*	1.1	.99
I-405[C] *(I-5 South to I-5 North)*	1.1	.99
Other Principal Arterial Routes I-205[C] I-84 *(east of I-205)* I-5 *(Marquam Bridge to Wilsonville)*[C] OR 217[C] US 26 *(west of Sylvan)* US 30 OR 8 *(Murray Blvd to Brookwood Avenue)*[C] OR 224[C] OR 47 OR 213 242nd/US26 in Gresham	.99	.99
Areas of Special Concern[D] Beaverton Regional Center Highway 99W *(I-5 to Tualatin Road)*	1.0 .95	[D]

Notes for Table 7: **Maximum volume to capacity ratios for two hour peak operating conditions through a 20-year horizon for state highway sections within the Portland metropolitan area urban growth boundary.**

[A] See Action 1F.1 for additional technical details.

[B] Corridors that are also state highways are 99W, Sandy Boulevard, Powell Boulevard, 82nd Avenue, North Portland Road, North Denver Street, Lombard Street, Hall Boulevard, Farmington Road, Canyon Road, Beaverton-Hillsdale Highway, Tualatin Valley Highway (from Hall Boulevard to Cedar Hills Boulevard and from Brookwood Street to E Street in Forest Grove), Scholls Ferry Road, 99E (from Milwaukie to Oregon City and Highway 43).

[C] Thresholds shown are for interim purposes only; refinement plans for these corridors are required in Metro's Regional Transportation Plan and will include a recommended motor vehicle performance policy for each corridor.

[D] Areas with this designation are planned for mixed use development, but are also characterized by physical, environmental or other constraints that limit the range of acceptable transportation solutions for addressing a level-of-service need, but where alternative routes for regional through traffic are provided. In these areas, substitute performance measures are allowed by OAR.660.012.0060(2)(d). Provisions for determining the alternative performance measures are included in Section 6.7.7 of the 2000 RTP. The OHP mobility target for state highways in these areas applies until the alternative performance targets are adopted in local plans and approved by the Oregon Transportation Commission.

OREGON HIGHWAY PLAN (OHP) MOBILITY STANDARD REVISIONS - 2011 FACT SHEET

Background

- The Land Conservation and Development Commission (LCDC) and the Oregon Transportation Commission (OTC) established a Joint Subcommittee in response to concerns on the Transportation Planning Rule (TPR) and OHP mobility standards.

- The Joint Subcommittee developed priority recommendations for Department of Land Conservation and Development (DLCD) work on the TPR and Oregon Department of Transportation (ODOT) work on the OHP based on stakeholder input.

- Senate Bill 795 (2011 Legislative Session) supports the work of the Joint Subcommittee and requires that TPR and OHP amendments be addressed prior to January 1, 2012.

- Information on proposed TPR revisions can be found on DLCD's project website at: http://www.oregon.gov/LCD/Rulemaking_TPR_2011.shtml.

Summary of Proposed OHP Policy 1F Revisions (Public Review Draft)

- The OHP serves as the document establishing state highway planning targets and objectives. However, OHP Policy 1F is broadened to not only implement other OHP policies, but to also better consider and balance the policy objectives in the multimodal Oregon Transportation Plan (OTP) and community objectives.

- Draft policy language being considered changes the term "mobility standards" to "mobility targets" as a way to enhance implementation and flexibility of the mobility policies and balance other state, regional and local objectives.

- Mobility targets are considered the start of the discussion rather than a required end result or solution during system and facility planning efforts.

- Policies incorporate OHP Policy Intent Statements previously initiated by the Department that provide less stringent requirements for plan amendments that have a small increase in traffic on congested facilities and that expand flexibility for determining mitigation in some TPR applications.

OHP Mobility Standard Revisions: Public Review Schedule

- Open of Public Comment Period: September 21, 2011
- Anticipated Public Hearing with OTC: November 16, 2011 (Silverton)
- Close of Public Comment Period: 5:00 p.m. November 21, 2011
- Expected OTC Action: December 21, 2011

- Policy changes call for consideration of "planned development" assumptions, consistent with the community's comprehensive plan, rather than "full development" assumptions.

- Policies enhance development of alternative mobility targets and require streamlining efforts as a specific action item. ODOT is considering other streamlining concepts through research and guidance document revisions.

- While the initial mobility targets remain volume to capacity ratio (v/c) based, policy revisions allow consideration of measures outside of v/c, encourage broader consideration of mobility across modes, and more clearly allow corridor or area mobility targets. This is in addition to options for changing v/c-based target levels and/or methodologies such as changing the hour of the day measured or considering multiple hour measures.

- OHP mobility targets continue to play a role in transportation system planning, plan amendment and development review analyses, and guiding operational decisions, although this role will evolve to consider mobility more broadly. Refined policies and new action statements clarify the roles and applicability of OHP mobility targets across different application areas including for access management (consistent with Senate Bill 264 from the 2011 Legislative Session) and for operational decisions.

- Policies enhance coordination and consistency between planning and design expectations and incorporate practical design principles.

- OHP Mobility Standard Tables are revised to recognize changes since their original development in 1999 such as considering increased levels of traffic and additional financial constraints.

Public Review

- Public review draft documents and background information are available on the OHP project website at: http://www.oregon.gov/ODOT/TD/TP/OHP2011.shtml.

- Written comments may be provided until 5:00 p.m., November 21, 2011 by emailing Michael Rock at Michael.D.Rock@odot.state.or.us (Contact Phone: 503-986-3179) or via U.S. mail at:

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