

Campus Institutional TDM Implementation



September 18, 2018

Agenda

- I. Introductions
- II. Meeting Objective
- III. Background
- IV. Response to Public
Comments
- V. Questions or Comments



Meeting Objective



Respond to questions and comments received regarding TRN-9.01, the final administrative rule for TDM actions required in the Campus Institutional Zones as part of a Transportation Impact Review.

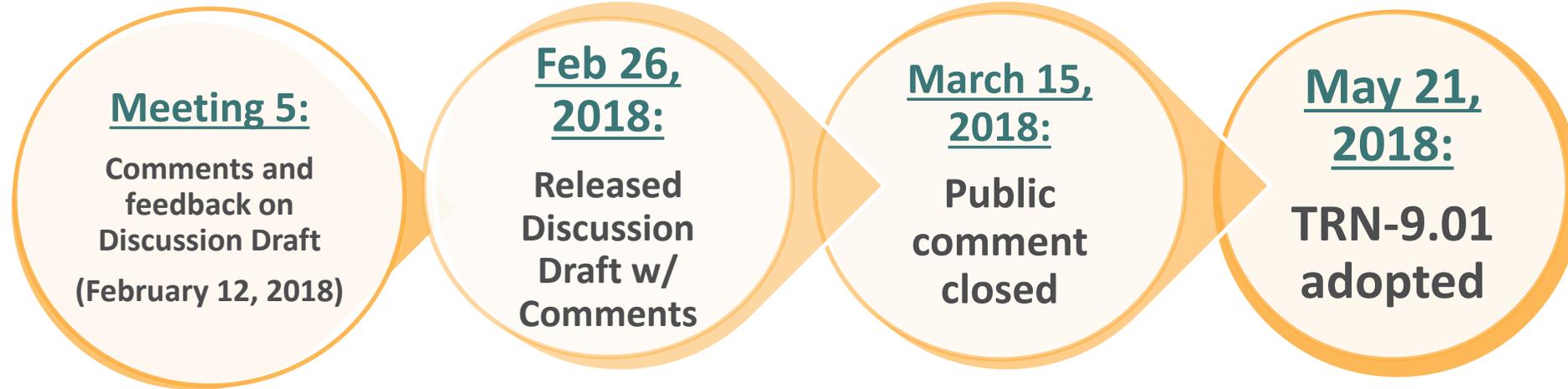


Background

Public process – May 2017 – May 2018



Public process – cont.



Project Website: [portlandoregon.gov/transportation](https://www.portlandoregon.gov/transportation)

<https://www.portlandoregon.gov/transportation/74861>

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Future PDX > Transportation Demand Management Rulemaking for Campus Institutional Zones

- Final Administrative Rule**
- Public Comments
- Meeting Schedule and Materials
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Transportation Demand Management Rulemaking for Campus Institutional Zones



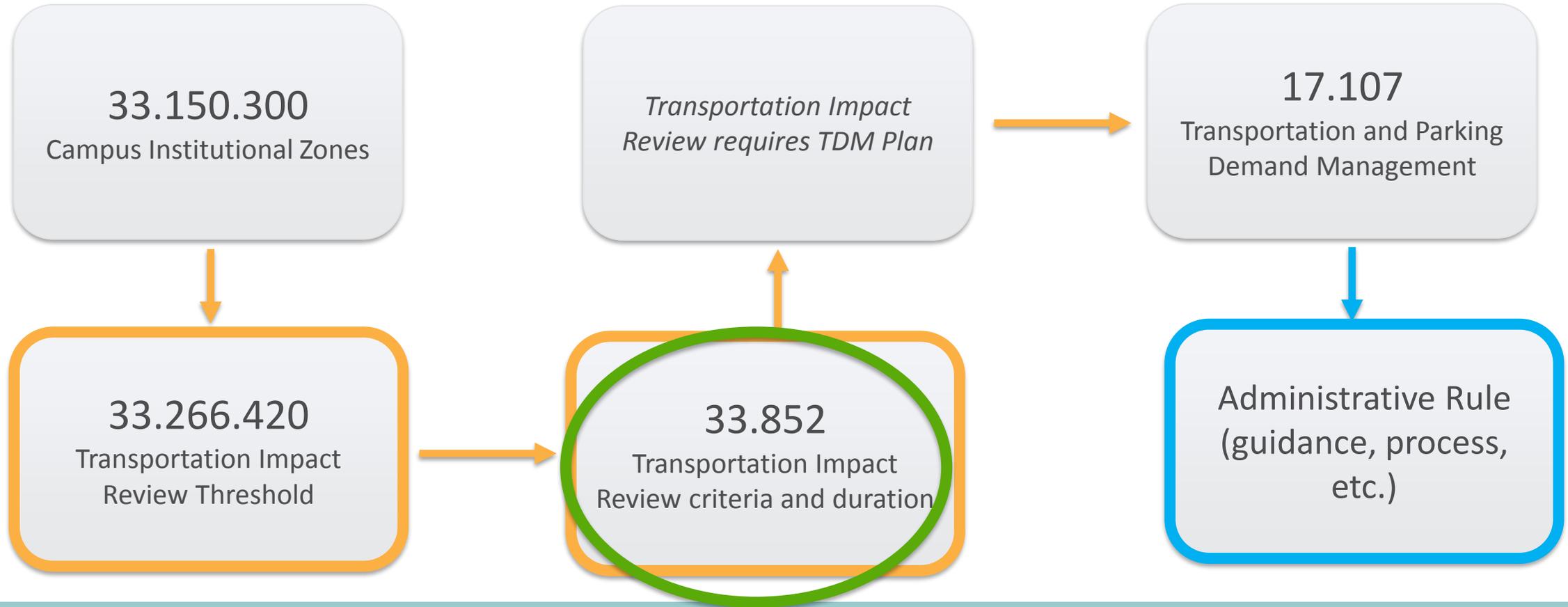
The final administrative rule can be found [here](#).

The administrative rule was enacted in conjunction with the City of Portland 2035 Comprehensive Plan in May 2018.

The primary policy goal of the Campus Institutional Zoning Update Project is to provide for the growth of Portland's major campus institutions as essential service providers, centers of innovation and major employers.



Related Code Sections



Comments and Response Themes

- Changes (that that PBOT made to final admin rule)
- Transportation Impact Review
- Type 2 Land Use Review
- Clarifications
- Enforcement and Violations
- Past investments and evaluation



Changes

(Regarding TDM definition) “Section IV.1, V.A and V.D.1 provide that PBOT expects that every TDM plan will include, among other things, “**TDM encouragement.**” What is TDM encouragement? **This term is not defined** elsewhere in the draft or in the applicable code provisions.”

- Replaced with “...education, information...”

Changes

(Regarding past mode split data) "Section V.D.2 provides that PBOT will consider the applicant's mode split performance in the last 10 years. However, it is possible that this data may not be available. **Is the following review more appropriate?** "Applicants mode split performance in the past 10 years, to the extent available."

- Added

(Regarding Alternate Performance Targets) "Section V.F references code section **17.106.020.C4a**, but the alternative performance targets are listed at **17.106.020.C4 a-d**. Is this a conflict?"

- Changed to **17.107.020.C4**

Changes

(Regarding Alternate Performance Targets) “Proposed Rule V.E. The proposed rule should explain how factors 1-5 affect PBOT’s evaluation of all Current and Performance Targets.”

- Changed to reference 17.107.020.C4

(Regarding Early Assistance Meetings) “Proposed Rule V.C. Providence asks that the word “**required**” be changed to “**encouraged.**” While an Early Assistance might be useful, it may not be required.”

- Changed



Changes

(Regarding Neighborhood Association engagement) “**Why repeat, in different words, the requirement of 33.150.060 (Section V.)?** Cross-referencing is the standard practice of City Code drafting. Cross-referencing helps eliminate ambiguity. Why is the City a mandatory party in the neighborhood contact requirement?”

- Simplified to reference neighborhood association engagement requirements in 33.150.060.



Changes

(Regarding Neighborhood Association engagement) “Section V.D.5 notes that, when **evaluating the TDM plan**, PBOT will consider the applicant's "**past efforts to communicate with the affected neighborhood and business associates (sic)...**" However, this **does not appear to flow from any applicable code provisions....**”

- Removed.



Changes

(Ongoing Participation and Adaptive Management) “...includes additional actions may be used to achieve performance targets. What types of measures will institutions be required to include in this section? What are the limits? What if it is not practicable for the institution to reach the identified mode split”

- Section IV.E “The Ongoing Participation and Adaptive Management relates to applicants that meet the criteria of [17.107.020.D](#) and choose to update the TDM plan from its previously approved land use review as the basis for the future plan. It describes additional actions that the applicant proposes in order to meet the 2035 performance targets listed in Title [17.107.020.C.1.](#)”



Transportation Impact Review (TIR)

- **The Transportation Impact Review (33.852) is the land use decision on a CI user's proposed development**
 - The TDM plan is a required element of a TIR.
 - There is not a separate decision on the TDM plan.
 - Trigger for TIR is 20,000 sq ft of new development or more than 4 parking spaces.
- **Chapter 33.852.105 Supplemental Action Requirements**
 - (h) Transportation and parking demand management plan that has all the elements required by Chapter 17.107;
- **Chapter 33.852.110 Approval Criteria for Transportation Impact Reviews**
 - (b) Proposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site;

Transportation Impact Review

- “If a CI owner builds no new parking nor adds 20,000 square feet (or more) of building space, what are the TDM requirements?”
- “How does a TDM plan re-calibrate if campus employment levels decline?”
- “What occurs if a CI user wants to proceed with new or expanded facilities and a TDM plan (or its amendment) is still in process or is under challenge or appeal?”
- “From a practical standpoint, what is the process for adoption of a TDM plan? It is a separate land use approval with possible hearings and appeals? Is it distinctive from the TIR processes/analysis?”



Transportation Impact Review

- “Once an approved TDM plan is in place, are TDM issues eliminated from land use permitting processes?”
- “How will TDM plans be measured against the modeling assumptions that created the mode-split targets, if the modeling assumptions change over time? Does this re-open the TDM plans?”
- Section V.D states that the approval criteria for a TDM plan are listed in Chapter 33.852.110, but that code section is titled "Approval Criteria for Transportation Impact Reviews?" Is this a conflict?



Transportation Impact Review

- “Proposed Rule V.D. This proposed rule contains the approval criteria for a TDM Plan. The proposed rule includes additional elements used to evaluate the TDM Plan. The proposed rule should explain how the additional strategies affect the approval criteria.”



Type 2 Land Use Decision

- **“What occurs if a CI user disagrees with other parties' notions of how its TDM plan should be structured? For example, a TDM "minimum component" is carpooling where mass transit is unavailable. What if the CI user determines that because its employees live in multiple locations and have differing work schedules, a carpooling component is operationally and economically not feasible? Who has the ultimate decision-making authority on such issues?”**
- **“The rule is unclear on the appellate procedure, the standard of review, and the burden of proof. In the event PBOT approves a TDM plan as part of the transportation impact review, the rule should specify that the presumption is that the determination is correct and the burden of proof should be on the appellant to prove otherwise.”**



Title 17 and Title 33

- “Under the CI code provisions, Transportation Impact Review (TIR) is required if the development increases the net building area on the campus by more than 20,000 or increases the number of parking spaces on the campus by more than 4. **However, it is unclear what level of detail will be required when describing the proposed development.** Section 33.852.105 provides that the TIR "must include proposed development, and may include possible development anticipated for up to ten years." Does this mean that the applicant could simply say "addition of 20,000 square feet" or "addition of 20 parking spaces"? **Clarification is needed on the level of detail that will be required for purposes of the TIR with the TDM requirements added.**



Clarifications

- “Section IV.1 states that “TDM Plan is described in Chapter 17.106 and goes on to provide **that PBOT expects that every TDM Plan will include certain elements. However, these required elements do not align with the Required Elements of a Transportation and Parking Demand Management Plan set forth at section 17.106.020 of the code.**”
- “Where are the objective standards required by 33.266.410 (B)(2)? The draft does not clarify the implementation of Title 33 and Title 17 provisions.”



Clarifications

- **“It is unclear from the rule what physical improvements an applicant must make to satisfy its TDM obligation under a TIR.** The rules should account for situations where the right of way is unavailable to an institution to make such improvements, or when such improvements outweigh the benefits to be gained by the improvement. Further, the rule should provide in such instances that an institution may a fee-in-lieu instead of physical improvements when required by PBOT.”
- IV.C: This section notes that the TDM plan includes "employees" and indicates that applicants 'may choose to include students, visitors, and volunteers into their TDM.' **May colleges opt to exclude students from the TDM plan?**



Enforcement and Violations

- **“What are the consequences if PBOT determines at the two-year reviews (Section V.F) that TDM objectives are not being met? Does this become a land use issue and does it affect new or expanded facility projects? How does this affect processes for approving new or expanded CI facilities?”**
- **“What TDM-related actions or events would be "violations", triggering the possible imposition of penalties under Chapter 17.106/17.106.050?”**
- **“...The proposed rule should clarify that PBOT may not require or may not issue violations where an institution is unable to make appropriate gains notwithstanding best efforts or mitigating circumstances.”**



Evaluation and Past Investments

- “What is the **baseline for establishing whether TDM reductions are occurring? How do CI users who have already made investments in TDM reductions received credit for their investments? What are the measurement tools for determining if the TDM is working?**”
- “For **colleges with Transportation Demand Management (TDM) Plans approved previous land use reviews**, the code notes that the TDM Plan can serve as the basis of any subsequent updates, provided the applicant is in compliance with the plan. However, the code does not address how previous actions will influence the City's review of the following required elements of the TDM Plan: (1) performance targets and (2) strategies likely to achieve the identified mode split and parking management performance strategies. **Specifically, how will institutions get credit for significant investments/actions taken over the last 20 years to reduce total trips, increase the use of transit, etc.?**”



Evaluation and Past Investments

- **“How will the mode-split data and measurement be tracked and reported so that it accurately reflects all TDM efforts? Currently, the once every two-year snap-shot (Employee Commute Options survey) is the only measurement tool and even that is not clearly defined as to how it is implemented (time of day, time of year, random sample, etc.). Will other more qualitative measurement options be considered?”**



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