

AGENCY OF LAND  
CONSERVATION & DEVELOPMENT

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**OREGON DEPARTMENT OF TRANSPORTATION  
STATE AGENCY COORDINATION PROGRAM**

**IN ACCORDANCE WITH ORS 197.180 AND  
OAR CHAPTER 660, DIVISION 30 AND 31**

**September 18, 1990**

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## EXECUTIVE SUMMARY

### Chapter 1 - Introduction

State agency coordination programs describe what agencies will do to comply with Oregon's land use planning program. More specifically, they describe how an agency will meet its obligation under ORS 197.180 to carry out its programs affecting land use in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans.

A state agency coordination program must contain a number of elements and an administrative rule.

ODOT is one of five state agencies with previously certified state agency coordination programs. The Department's current coordination program was certified in January of 1983. Since then, the state agency coordination statute has been amended and the Land Conservation and Development Commission has adopted new administrative rules. The statute requires that state agencies must have new certified coordination programs by 1991.

### Chapter 2 - ODOT Organization and Programs

The Department of Transportation is established by ORS 184.615 and carries out the functions set forth in ORS 184.617. The Department consists of the Transportation Commission, the Director, several assistant directors and their staff, and four divisions: Aeronautics, Highway, Motor Vehicles, Public Transit.

The Oregon Transportation Commission is the governing body of the Department of Transportation. The function of the Commission is to establish the policies for the operation of the Department of Transportation. The primary duty of the Commission is to "develop and maintain a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state." ORS 184.618.

ODOT's programs are divided into several program areas.

**Planning Program:** The Department's planning program is carried out at several geographic scales and levels of detail from the general statewide transportation systems plans to specific project plans. The Department's plans are organized according to a Unified Transportation Plan structure. This single codification system is composed of elements for each of the transportation modes that are coordinated with one another through policies.

**Operations Program:** The Department operates about 7,600 miles of state highways, 35 state airports and related facilities such as offices, maintenance yards and weigh stations.

**Maintenance Program:** The Department maintains its facilities by painting, repairing, cleaning, resurfacing any carrying out similar activities.

**Modernization Program:** The Department modernizes state highways and state airports by building new facilities and upgrading existing facilities.

**Funding Program:** The Department administers a number of funds available for use by the state, municipalities and special districts for roads, bicycle and pedestrian paths, railroads, airports and public transit systems.

**Regulatory Program:** The Department regulates several transportation related activities. It issues licenses and permits, conducts inspections and enforces laws and rules.

**Technical Assistance Program:** The Department provides a variety of types of technical assistance such as planning, analysis, mapping, engineering, management advice and training.

**Administrative Support Program:** The Department has a broad administrative support program to assist in the organization and implementation of its many transportation programs.

### **Chapter 3 - ODOT Programs Affecting Land Use**

Since none of ODOT's programs are specifically referenced in the statewide planning goals, the identification of land use programs is based on whether they would significantly affect (1) resources, objectives or areas identified in the statewide planning goals or (2) present or future land uses identified in acknowledged comprehensive plans. Such is the case for programs that either carry out or are used to make decisions to carry out one or more activities that are regulated by the statewide planning goals or acknowledged comprehensive plans. These activities include:

1. Adopting transportation plans which significantly affect the objectives of the Transportation Goal (Goal 12);
2. Enlarging an existing transportation facility to increase the level of transportation service provided, relocating an existing transportation facility, or constructing a new transportation facility;
3. Constructing a new accessory facility, enlarging an existing accessory facility, or significantly changing the use of an existing accessory facility;
4. Changing the size of land parcels through the sale of property;
5. Altering land or structures in a way that significantly affects resources or areas protected by the goals or comprehensive plans. Examples include:
  - a. Placing or disposing of materials in wetlands, waterways or floodplains;
  - b. Structurally stabilizing shore lands by placing riprap or by other means;
  - c. Draining wetlands by ditching or by other means;
  - d. Demolishing or altering a historic bridge or other historic structure; and
  - e. Removing riparian vegetation.
6. Issuing a permit or license listed in OAR 660-31 or otherwise significantly affecting land use.

Most of the Department's planning program is a land use program because it carries out the Department's transportation planning activities which affect the objectives of Goal 12 and because it is used to make decisions to carry out one or more of the activities affecting land use listed above. However, some activities carried out under the Department's planning program do not significantly affect land use. These include information gathering, analysis, and reporting, and the planning for some Class 2 projects.

The Department's maintenance and operations programs are land use programs because they carry out a few activities which significantly affect land use. Examples of these activities include expanding of an aggregate production site, placing fill in a wetland to enable the placement of guardrail, placing riprap along a bay shoreline, and selling surplus right of way which results in a land partition. However, most of the activities carried out under these programs do not significantly affect land use.

The Department's modernization program is a program affecting land use because most of the activities carried out under the program significantly affect land use. However, building some Class 2 projects does not involve any activities that significantly affect land use.

The Department's regulatory program is a land use program because through it, permits and licenses listed in OAR 660-31 or otherwise affecting land use are issued. These include road approach permits, airport licensing and site approval, and the permitting of off-premise signs, and issuing permits for utility use of right-of-way. All of these permits are Class B permits and are subject to the LCDC Permit Compliance and Compatibility Rule. (OAR 660-31).

The Department's funding, technical assistance and administrative services programs are not land use programs because they are not used by the Department to carry out activities that significantly affect land use or to make decisions to carry out activities which significantly affect land use.

#### **Chapter 4 - Coordination of Programs Affecting Land Use**

None of ODOT's programs affecting land use are presently expressly exempted by statute, constitutional provision or appellate court decision from the requirements in ORS 197.180 to be compatible with acknowledged comprehensive plans. Therefore all of the Department's programs affecting land use must be carried out in compliance with the statewide planning goals in a manner compatible with acknowledged comprehensive plans.

In most instances, the Department shall achieve compliance with the statewide planning goals by assuring that its land use programs are compatible with applicable acknowledged comprehensive plans. However, the Department shall adopt findings demonstrating compliance with applicable statewide planning goals when required. The procedures which follow identify the circumstances when the Department shall directly apply the statewide planning goals.

**Planning Program:** ODOT's program for assuring compliance and compatibility recognizes the successive stages of transportation planning and establishes a process that coordinates compliance and compatibility determinations with the geographic scale of the plan and the level of detail of information that is available. At each planning stage, some compliance and compatibility issues come into focus with sufficient clarity to enable them to be addressed and resolved. Issues that can not be seen clearly enough to determine compliance and compatibility will be resolved in subsequent planning stages and any plan decisions that depend on their resolution shall be contingent decisions. The result of this successive refinement process shall be the resolution of all compliance and compatibility issues by the end of the project planning stage of the transportation planning program.

**Coordination Procedures for Operations, Maintenance and Modernization Programs:** The identification of which operations program and modernization program activities significantly affect land use is done during the development of a project prospectus for all activities that proceed through the Department's project planning process. Compliance and compatibility for operations and modernization projects is established during the project planning process. For operations and maintenance activities that do not proceed through the project planning process, such as the operation of aggregate sites, the Department will determine whether the proposed activity would significantly affect land use. If so, the Department would consult with the local planning

department and obtain needed planning approvals. In the case of disposing of surplus right of way, the Department will require potential buyers to obtain a written statement of compatibility.

**Regulatory Program Procedures:** For all of the Department's permit programs that affect land use, the Department will notify permit applicants of their responsibility to demonstrate compliance and compatibility. The Department will not issue a permit unless certification of compatibility is demonstrated by the applicant.

#### **Chapter 5 - Program of Cooperation and Technical Assistance**

The Department is interested in amendments to the transportation elements of city and county comprehensive plans. In addition, the Department is interested in a number of types of city and county plan implementation and plan amendment actions that can affect transportation facilities. The Department expects to be notified by local governments about:

1. Actions affecting state highway access
2. Actions affecting future state airport and highway expansions
3. Actions affecting state airport and highway drainage
4. Actions affecting traffic on state highways
5. Actions involving noise sensitive land uses adjacent to highways
6. Actions involving noise sensitive land uses in the vicinity of airports
7. Actions that involve physical hazards to air navigation and airport obstructions
8. Actions that involve development in runway protection zones and approach safety zones
9. Actions that affect other major transportation corridors and facilities
10. Actions affecting aggregate resource sites

ODOT will work to incorporate its plans and programs into comprehensive plans in a number of ways. The Department will request that affected cities and counties incorporate relevant portions of modal systems plans and facility plans adopted by the Department into their comprehensive plans. As an early step in the project planning process for Class 1 and Class 3 projects, ODOT will request that the affected local governments amend their comprehensive plans and land use regulations to make them consistent with applicable modal system plans and facility plans. The Department will work with metropolitan planning organizations in the formulation of regional transportation plans. The Department will also work with cities and counties during periodic review to incorporate its plans into local comprehensive plans.

Most of the Department's coordination with local public facility planning will occur during periodic review. The Department will assist local governments with transportation planning. The primary concerns of the Department are that:

1. Public facility plans include relevant portions of adopted modal systems plans, regional transportation plans, facilities plans, and project plans.

2. State facilities not be proposed to provide services that are contrary to their functions as set forth in state and regional transportation plans.
3. Planned local street systems be adequate to serve planned development and not increase usage of a state facility in a manner that is inconsistent with its intended function.
4. Proposed improvements to state facilities be consistent with state transportation plans.
5. Short range improvements to state facilities not be proposed if they are not listed in the Department's capital improvements programs unless the public facilities plan recognizes that the improvements are not in the Department's capital improvements programs.
6. Improvements identified in the Department's capital improvements programs that are compatible with the acknowledged comprehensive plan be identified in the public facility plan.
7. Public facility plans identify facilities needed to serve commercially and industrially planned areas at state airports.

#### **Chapter 6 - Coordination with State and Federal Agencies and Special Districts**

The Department's primary areas of coordination with the Department of Land Conservation and Development (DLCD) involve ODOT's planning program, city and county plan amendments, and periodic review. The Department may also coordinate with DLCD to help resolve issues of compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans for any of its land use programs.

The Department coordinates with a large number of state and federal agencies and special districts as it prepares its various plans. The Department's coordination procedures provide coordination opportunities throughout the Department's planning program.

#### **Chapter 7 - Organization of ODOT's Coordination Program**

There are two organizational focuses for the Department's coordination program. The Department is reestablishing a strong field component through its region planning representatives. This is the level where most of the program will be implemented. The Planning Section of the Highway Division provides central coordination of the program as well as technical assistance and training to the regions.

Following are descriptions of organizational responsibilities.

**Planning Section:** The manager of the Planning Section of the Highway Division has overall responsibility for ODOT's coordination program. A unit reporting to the manager is responsible for carrying out coordination, technical assistance and training for the program. The manager and unit work closely with the administrators and staff of the Aeronautics, Highway and Public Transit Divisions to assure that the objectives of those divisions are carried out.

**Region Planning Representatives:** Transportation Planning Representatives in each of the Highway Division region offices are responsible for managing and coordinating the program at the region level and coordinating with local governments. They assist the district offices with the implementation of land use and access management policy.

**District Offices:** District offices are responsible to managing the Department's access permit program and are often involved in the review of city and county implementation actions as a result. The districts work with the region planning representatives to allocate responsibilities for coordinating with local governments on comprehensive plan implementation.

**Aeronautics and Public Transit Divisions:** The Aeronautics and Public Transit Divisions coordinate with the Planning Section and the region planning representatives to carry out the Department's coordination program.

**Environmental Section:** The Environmental Section prepares environmental evaluations and assists the regions and other sections in the Project Development Section in managing project planning activities. Land use specialists in the Environmental Section evaluate land use impacts of proposed projects and evaluate compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans.

**Strategic Planning Unit:** The Strategic Planning Unit is responsible for coordinating the development of the Transportation Policy Plan and multimodal systems plans. The unit is responsible for assuring that these are developed in accordance with the appropriate procedures in the Department's state agency coordination program and rule.

**CHAPTER 1**

**INTRODUCTION**

Achieving effective coordination between state and local planning bodies was one of the principal issues addressed by the 1973 Legislature in passing Oregon's land use planning act. The law requires agency coordination to be brought about in two ways (1) through the preparation, acknowledgement and periodic review of comprehensive plans, and (2) by the preparation and certification of state agency coordination programs.

State agency coordination programs describe what agencies will do to comply with Oregon's land use planning program. More specifically, they describe how an agency will meet its obligation under ORS 197.180 to carry out its programs affecting land use in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans. This is contained in four major elements of the state agency coordination program.

1. Description of agency rules and programs affecting land use.
2. Procedures for carrying out programs affecting land use in compliance with the goals and a manner compatible with acknowledged comprehensive plans.
3. Procedures for coordinating with the Department of Land Conservation and Development, affected state and federal agencies and special districts.
4. Program for cooperating with and providing technical assistance to local governments.

The certification by LCDC of state agency coordination programs is very similar to the acknowledgement of city and county comprehensive plans and ordinances. Just as acknowledgement meant that local governments could use their comprehensive plans to guide land use decisions, certification means that state agencies can follow the procedures in their certified state agency coordination programs to meet the requirements of Oregon's land use planning program.

ODOT is one of five agencies with previously certified state agency coordination programs. The Department's current coordination program was certified in January of 1983. Since then, the state agency coordination statute has been amended and the Land Conservation and Development Commission has adopted new rules. The statute requires that state agencies must submit revised coordination programs so that they may be certified by LCDC before January 1, 1991.

This is ODOT's revised State Agency Coordination Program. It will replace the Department's 1983 State Agency Coordination Program when it is certified by the Land Conservation and Development Commission.

**CHAPTER 2**

**ODOT ORGANIZATION AND PROGRAMS**

## ODOT STRUCTURE AND ENABLING STATUTES

The Department of Transportation is established by ORS 184.615 and carries out the functions set forth in ORS 184.617. The Department consists of the Transportation Commission, the Director, several assistant directors and their staff, and four divisions: Aeronautics, Highway, Motor Vehicles, and Public Transit. Figure 1 shows the structure of the Department.

The Oregon Transportation Commission, created by ORS 184.612, is the governing body of the Department of Transportation. The function of the Commission is to establish the policies for the operation of the Department of Transportation in a manner consistent with the policies and purposes of ORS 184.610 to 184.640. The primary duty of the Transportation Commission is to "develop and maintain a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state". This plan "shall be used by all agencies and officers to guide and coordinate transportation activities." ORS 184.618. The Commission is given authority to coordinate and administer programs relating to aeronautics, highways, motor vehicles, public transit and any other programs related to transportation as may be assigned by law to the Department of Transportation. The Commission may delegate to any Department employee any power granted to the Commission. ORS 184.635.

The Aeronautics Division is responsible for promoting air safety and overseeing the statewide aeronautics system in Oregon. The Division operates, maintains, and improves the 35 state-owned airports that are open to the public. In addition, the Division oversees and licenses public use airports, heliports, seaplane bases, and personal-use facilities. The Division is organized under ORS Chapter 835.

The Highway Division administers and implements state programs for the planning, development, construction, maintenance and operation of Oregon's state highway system. The Division is organized under ORS Chapter 366.

The Motor Vehicles Division administers Oregon law relating to fuel taxes (motor vehicle and aircraft), vehicle titling and registration, vehicle dealer and wrecker licensing, commercial drivers school licensing, driver licensing, and driver improvement and control. Other responsibilities of the Division include administration of implied consent law, motor vehicle traffic and driver records, safety equipment approvals, safety codes for worker transportation vehicles, and financial responsibility. The Division is organized under ORS Chapter 802.

The Public Transit Division provides coordination, planning, financing and development services to public transit providers statewide. The Division is organized under ORS 184.670 - 184.733.

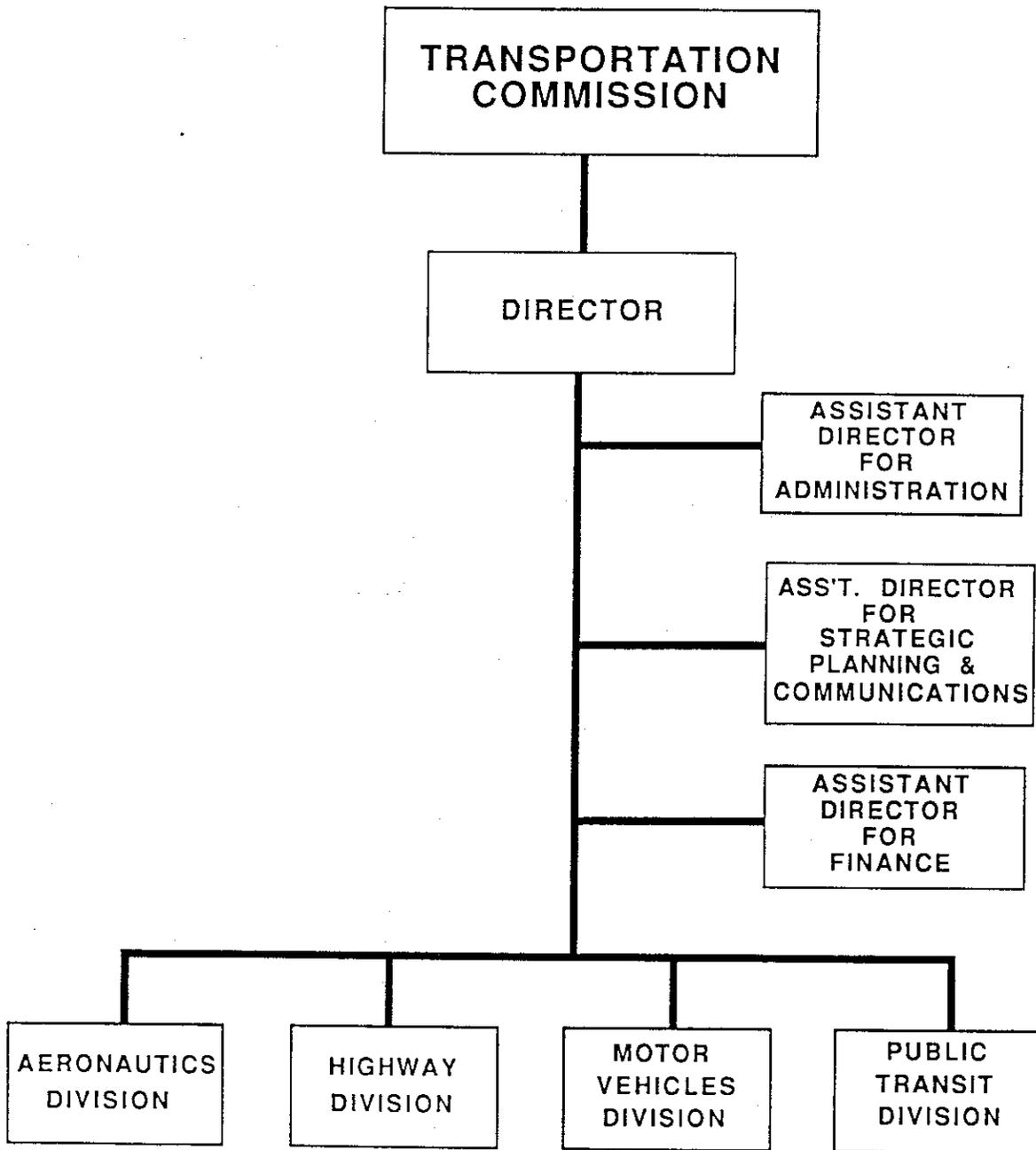
Appendixes B and C contain copies of the indexes of ODOT statutes and rules respectively.

## SUMMARY OF ODOT PROGRAMS

ODOT carries out a number of programs, each of which is composed of a number of activities. Following is a summary of the principal program areas carried out by the Department.

**FIGURE 1  
DEPARTMENT ORGANIZATION**

**OREGON DEPARTMENT  
OF TRANSPORTATION**



## PLANNING PROGRAM

The Department's planning program is carried out at several geographic scales and levels of detail from the general statewide transportation systems plans to specific project plans. ORS 184.618 describes ODOT's responsibilities for planning.

*(1) As its primary duty, the Oregon Transportation Commission shall develop and maintain a state transportation policy and a comprehensive, long-range plan for a multimodal transportation system for the state which encompasses economic efficiency, orderly economic development, safety and environmental quality. The plan shall include, but not be limited to, aviation, highways, mass transit, pipelines, ports, rails and waterways. The plan shall be used by all agencies and officers to guide and coordinate transportation activities and to insure transportation planning utilizes the potential of all existing and developing modes of transportation.*

*(2) Each division shall prepare plans to carry out its responsibility and collect, summarize and analyze information concerning the condition and usage of the service provided. Each division shall compile such information in a form suitable for use by the director in the planning activities of the department.*

*(3) As the plan is developed by the commission, the director shall prepare and submit to the commission for approval, implementation programs. Work approved by the commission to carry out the plan shall be assigned to the appropriate division for design, construction, maintenance and operation of the facility.*

### Systems Planning

The Department is in the process of organizing its transportation plans according to a Unified Transportation Plan structure. This is shown schematically in Figure 2. The introduction to the plan will include a description of the organization of the plan and procedures for amending the plan. The Department's State Agency Coordination Program will be incorporated into this element of the plan. The transportation policy plan element establishes the direction for the Department's transportation programs. It and the multimodal plan element will coordinate planning for the various transportation modes.

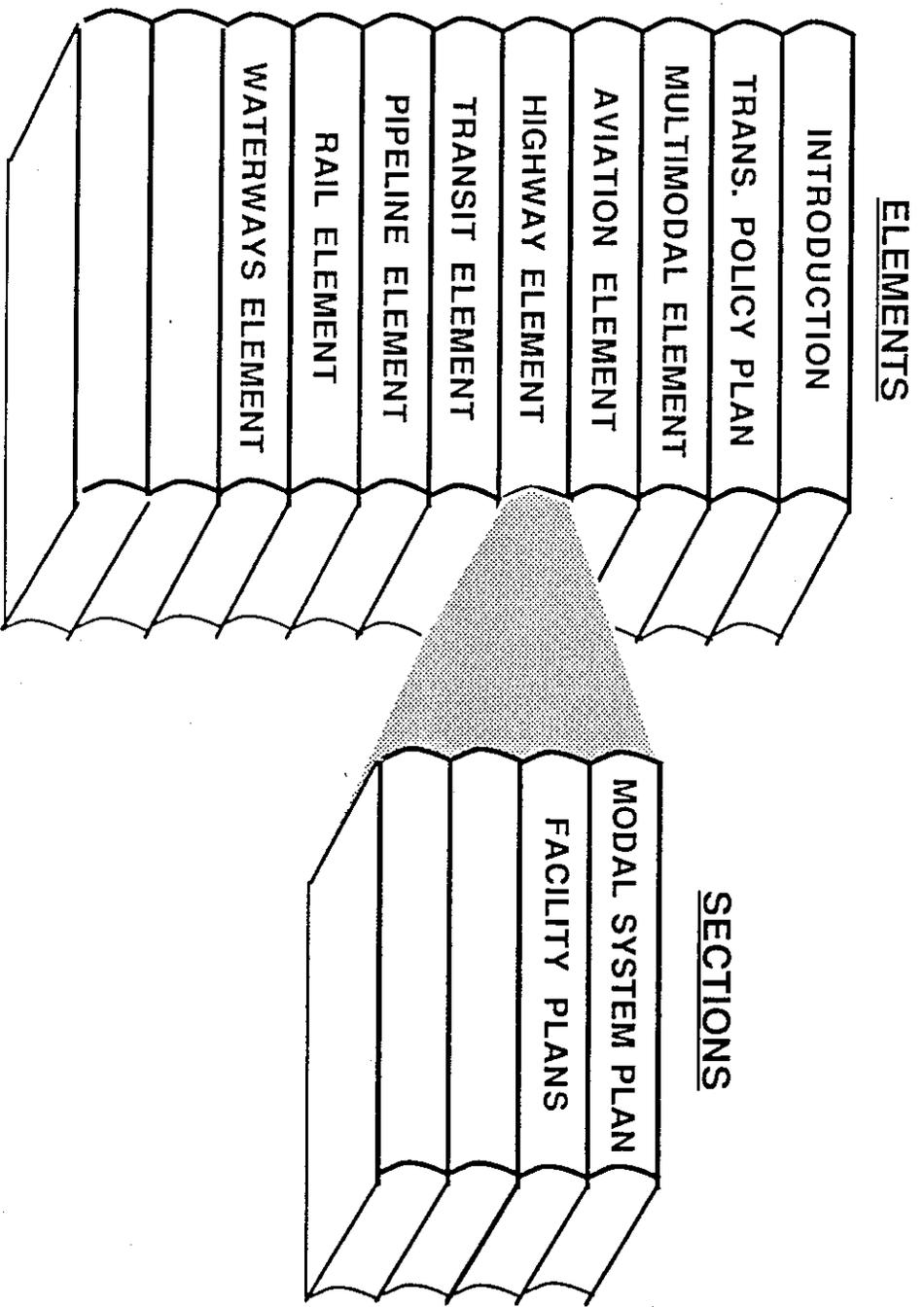
Each of the elements which address specific transportation modes will be organized into sections. The most important sections in each element from a land use standpoint are the sections containing the modal system plan and facility plans. The modal system plan section contains the overall plan and policies for the transportation mode. The facility plans section contains plans for specific transportation facilities such as airports or highway corridors.

The Transportation Policy Plan, Modal Systems Plans and Facility Plans are described in more detail below.

1. Transportation Policy Plan: This is the policy plan for the state transportation system, encompassing all modes of transportation. It addresses matters such as overall direction in the allocation of resources, coordination of the different modes of transportation, the relationship of transportation to land use, economic development, the environment and energy usage, public involvement in transportation planning, coordination with local governments and other agencies, transportation financing, and management of the Department. It is adopted by the Transportation Commission.

# UNIFIED TRANSPORTATION PLAN STRUCTURE

FIGURE 2



The Transportation Commission adopted the first transportation policy plan in 1978. In 1984, the Transportation Commission revised the plan when it adopted the document titled Transportation Commission Policies and Department Planning Process.

2. Modal Systems Plans: These are the overall plans and policies for each mode of transportation. These plans evaluate system wide needs for transportation services, identify and classify facilities by function and importance to meet the needs, and establish policies for the system and each class of facilities. These policies may cover topics such as prioritization of resources across the system; allocation of resources between maintenance, preservation, operation, and modernization; operational goals for classes of facilities; and relationship of facility categories to land use. Modal Systems Plans are adopted by the Transportation Commission.
3. Facility Plans: These are plans for individual transportation facilities such as state airport master plans and highway corridor plans. They include the identification of needs for using the facility, an overall plan for improving the facility to meet the needs, and policies for operating the facility. The Transportation Commission adopts facility plans.

### **Project Planning**

Facility plans are implemented through the development and implementation of project plans. For example, project plans may be developed for the extension of an airport runway consistent with the facility plan for the airport.

Project planning starts with the preparation of a project prospectus. This is a preliminary description and evaluation of a proposed project which is used by the Department to schedule project development activities.

The prospectus also classifies the project in accordance with the requirements of the National Environmental Policy Act and federal regulations which implement the Act. The classifications are based on the likelihood that significant environmental effects would result from the construction of the project. The classifications are as follows.

1. Class 1 projects include actions that significantly affect the quality of the environment and require draft and final environmental impact statements (EIS). The type of work normally placed in Class 1 includes (a) new controlled access freeway, (b) a highway project of four or more lanes on a new location, and (c) a major project involving acquisition or more than minor amounts of right-of-way, substantial changes in access control, a large amount of demolition, displacement of a large number of residences or businesses, or substantial change in local traffic patterns.
2. Class 2 projects include activities that have little or no environmental impact and consequently are categorically excluded from environmental analysis by federal regulations. The types of work placed in this class include minor improvement, operation, maintenance, repair and preservation.
3. Class 3 projects include actions where the significance of the environmental impact is unclear and is evaluated through the preparation of an environmental assessment (EA). The purpose of the EA is to establish whether the proposed project will significantly affect the environment. If a potentially significant impact is discovered, the project is reclassified to Class 1 and an EIS is prepared. Otherwise, the assessment results in a "finding of no significant impact" (FONSI).

The Federal Highway Administration (FHWA) must concur with the classification for projects in order for federal funds to be spent.

Once a project prospectus has been approved, the development of project plans for Class 1 and Class 3 projects proceed through two phases, a location phase and a design phase. For Class 2 projects, work may proceed directly to the design phase.

During the location phase, project alternatives are evaluated and specific parameters for project design are determined. Environmental assessments and environmental impact statements are prepared at this level of project planning. For major transportation corridor projects, location planning can go through a corridor identification phase and an alignment identification phase. The location phase ends with design approval or a "no-build" decision. This decision is made when a Record of Decision (ROD) is issued for a Class 1 project or a Finding of No Significant Impact (FONSI) is issued for a Class 3 project.

Design approval must occur before funds may be spent for right-of-way acquisition or the preparation of final plans, specifications and estimates for the project. The Commission has the authority to grant approval and may delegate that authority to officials of the Department. For federally-funded projects, the FHWA must also issue design approval.

In the design phase, construction plans, specifications and estimates are developed consistent with the design approval. Right of way is acquired during this phase as well. The design phase concludes with the approval of project plans, specifications and estimates (PS&E). With PS&E approval, funding for project construction is approved.

Several clearances are required before PS&E approval may be granted. Final plans and specifications are reviewed for consistency with environmental mitigation requirements and land use requirements. Land use permits involving design details, such as building permits and floodplain permits, are obtained before completion of final plans. Permits for in-stream work, removal or fill, and necessary removal or disposal of materials are obtained as well.

For some major projects, the location and design phases may be preceded by a reconnaissance phase. The purpose of this planning phase is only to evaluate the feasibility of a proposed project and not to decide whether a project will be built.

More extensive descriptions of the project planning process are provided in ODOT's Action Plan and Highway Compatibility Guidelines.

## **OPERATIONS PROGRAM**

The Department operates about 7,600 miles of state highways, 35 state airports, and related facilities such as offices, maintenance yards and weigh stations. Operations activities include use of the facilities, installation and alteration of directional devices, signs and markings, airport lighting and navigation aids, elimination of hazards to air navigation, and a number of other safety and support activities. The operations program includes the acquisition of land needed to carry out operations activities. It also includes the sale of surplus property.

## **MAINTENANCE PROGRAM**

The Department maintains its facilities by painting, repairing, cleaning, resurfacing, and carrying out similar activities.

## **MODERNIZATION PROGRAM**

The Department modernizes state transportation facilities such as state highways and state airports. Activities in this program include building new facilities, making facility expansions such as adding width to highways, and upgrading facilities such as replacing bridges. The modernization program includes the acquisition of land needed to modernize transportation facilities.

## **FUNDING PROGRAM**

The Department administers a number of transportation funds available for use by the state, municipalities and special districts. These affect a variety of transportation facilities including roads, public transit systems, airports, railroads and bicycle and pedestrian paths. The Department prepares capital improvement programs such as the Six-Year Highway Improvement Program to schedule the funding of transportation improvements.

The purpose of the Six-Year Highway Improvement Program and other capital improvement programs is different than that of the Department's planning program. Capital improvements programs are not plans. They reflect the Department's best estimate of how projected revenues can be matched to transportation improvement needs and priorities identified in the Department's plans and the metropolitan area transportation plans. Capital improvements programs also are not a substitute for the funding decisions that are made in concert with the project planning process.

## **REGULATORY PROGRAM**

The Department regulates several transportation related activities. It issues licenses and permits, conducts inspections and enforces laws and rules.

## **TECHNICAL ASSISTANCE PROGRAM**

The Department provides a variety of types of technical assistance such as planning, analysis, mapping, engineering, management advice and training.

## **ADMINISTRATIVE SUPPORT PROGRAM**

The Department has a broad administrative support program to assist in the organization and implementation of its many transportation programs. Activities such as financial management, public affairs, personnel services, information services and office services are included in this program.

Following is a detailed description of the activities that each of the divisions carries out in each of the program areas. The programs administered by the three assistant directors for the Department are grouped together under the heading of central services.

## **ODOT CENTRAL SERVICES PROGRAMS**

### **PLANNING PROGRAM**

The ODOT Central Services Strategic Planning Unit develops the Commission and Department overall transportation policies and plans. The Strategic Planning Unit also develops the State Rail Plan pursuant to the federal Railroad Revitalization and Regulatory Reform Act (49 CFR 266) and ORS 184.618. The unit also assists the divisions in systems planning activities. It also works with the divisions to develop a building facilities plan for Salem operations.

## **OPERATIONS PROGRAM**

ODOT Central Services is responsible for operating the Transportation Building in Salem. This includes minor betterment to the building to meet the Department's needs.

## **MAINTENANCE PROGRAM**

ODOT Central Services is responsible for maintaining the Transportation Building in Salem.

## **MODERNIZATION PROGRAM**

ODOT Central Services does not carry out any modernization activities.

## **FUNDING PROGRAM**

ODOT Central Services manages the federal Local Rail Service Assistance program which is used for acquisition, repair and improvement of rail lines and for rail planning services. It also authorized to administer the State Rail Rehabilitation Fund. (ORS 760.620)

## **REGULATORY PROGRAM**

ODOT Central Services is not responsible for regulatory activities.

## **TECHNICAL ASSISTANCE PROGRAM**

ODOT Central Services provides assistance with rail planning and management and with transportation planning in general.

## **ADMINISTRATIVE SUPPORT PROGRAM**

ODOT Central Services provides a variety of administrative support activities for the Department including planning for Department and division operations, financial management, public affairs, personnel management, information systems, and office services.

## **AERONAUTICS DIVISION PROGRAMS**

### **PLANNING PROGRAM**

The Aeronautics Division's planning activities include preparing and updating the Oregon Aviation System Plan and preparing master plans, environmental studies, and airport layout plans for state owned airports and air navigation facilities. The Division develops a system plan project priority listing. The Division also develop plans to meet its needs for office space and other accessory uses that are necessary to carry out the Division's programs. (ORS 184.618, 835.015, 836.025, 836.075)

### **OPERATIONS PROGRAM**

The Aeronautics Division operates 35 state owned airports and the Division's headquarters building. Activities include use of the facilities, installation and alteration of airport lighting and navigation aids, elimination of hazards to air navigation, and a number of other safety and support activities. (ORS

836.025) The Division also coordinates air search and rescue by collecting funds, forming and maintaining volunteer groups, and coordinating search and rescue activities. (ORS 835.075, 837.035) The Division administers 146 leases to private parties and businesses on its 35 state-owned airports.

#### **MAINTENANCE PROGRAM**

The Aeronautics Division maintains state airports and its headquarters building. Activities include runway and taxiway patching and overlaying, vegetation mowing and pruning, building painting, repair, and remodeling. (ORS 836.025)

#### **MODERNIZATION PROGRAM**

The Aeronautics Division acquires property and manages contracts for the construction of airport expansions and upgrades of runways, taxiways, navigation systems, and access roads on state owned airports. (ORS 836.025)

#### **FUNDING PROGRAM**

The Aeronautics Division develops a capital improvements program for improvements to state airports. The Division also administers the Financial Aid to Municipalities fund to assist in matching federal funds for municipal airport planning, design, engineering, improvement and construction. (ORS 836.015, 836.070)

#### **REGULATORY PROGRAM**

The Aeronautics Division is responsible for airport site approval and licensing. It also conducts airport safety inspections. (ORS 836.025, 836.080-836.120) The Division may also adopt rules which define physical hazards to air navigation and establish standards for lighting or marking objects and structures that constitute hazards to air navigation. The Division also registers pilots and aircraft (ORS 837.005-837.070) and licenses aircraft dealers (ORS 837.075).

#### **TECHNICAL ASSISTANCE PROGRAM**

The Aeronautics Division may assist local governments and airport operators with planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities. (ORS 836.010) The Division is also authorized to act as agent of any municipality in receiving and disbursing federal moneys and in contracting for and supervising planning, acquisition, construction, improvement, maintenance and operation. (ORS 836.020)

#### **ADMINISTRATIVE SUPPORT PROGRAM**

The Division's activities in this program include planning division operations, financial management and office services.

## HIGHWAY DIVISION PROGRAMS

### PLANNING PROGRAM

The Highway Division carries out a number of planning activities including collecting and compiling information and statistics on the highway system and its parts, developing the Oregon Highway Plan, the Oregon Bikeway Plan, and highway corridor plans. The Division also undertakes a number of project planning activities including reconnaissance (feasibility) studies, location and environmental studies, and final engineering of highway improvements. The Division also develops plans to meet its needs for office space and other accessory uses that are necessary to carry out the Division's programs. (ORS 184.618, 366.155, 366.205, 366.215, 366.290, 366.295, 373.010, 374.015) The Highway Division uses the Oregon Action Plan for Transportation 1989 to guide its planning activities.

### OPERATIONS PROGRAM

The Highway Division's Operations activities include transportation systems management, channelization, rockfall protection, and the installation of guardrail, signs, lighting, and signals. They also include a number of other activities such as operating drawbridges and toll bridges, landscaping, operating quarries and rock stockpile sites, and building operation and minor betterment. (ORS 184.618, 366.205, 366.220, 366.310, 366.450) The Division also manages excess right of way and disposes of surplus right of way. (ORS 184.634, 366.395)

### MAINTENANCE PROGRAM

The Highway Division maintains highway facilities by sweeping, sanding, plowing snow, removing debris, grading shoulders, striping, managing vegetation, cleaning culverts and ditches, and maintaining its buildings, signs, signals and other facilities. The Division's maintenance activities also include making minor or localized base corrections, replacing shoulders and guardrail, extending culverts, sealing, patching, resurfacing, and overlaying pavements, placing riprap, and painting and repairing bridges. (ORS 184.618, 366.205, 366.220, 366.290, 366.310, 366.450, 373.010, 373.030, 374.015) The Division is authorized under ORS 366.445 to "repair or cause to be repaired at once any state highway which has been damaged by slides, flood or other catastrophe so that the highway may be immediately reopened to traffic".

### MODERNIZATION PROGRAM

The Highway Division expands the state highway system and individual highways by building new facilities, new interchanges, and added travel, climbing, passing and turning lanes. The Division upgrades highways by improving them to higher geometric standards, making significant grade and alignment changes, replacing bridges, and reconstructing highway segments. Other modernization projects include the modernization, expansion or relocation of maintenance yards, weigh stations, ports of entry and office buildings. Activities that are part of the modernization program include the acquisition of right-of-way and management of construction contracts. (ORS 184.618, 366.205, 366.215, 366.290, 366.295, 366.310, 366.320, 366.340, 373.030, 374.015, 374.035, 374.410, 381.005, 381.065, 381.096, 382.105)

### FUNDING PROGRAM

The Highway Division develops a capital improvements program, the Six-Year Highway Improvement Program, to schedule highway expenditures.

The Highway Division administers several funds which can be used by cities and counties for project planning and construction of improvements to local streets, roads, bridges, bikeways and pedestrian ways.

Federal funds administered include:

1. Federal Aid Urban funds which are available for improvement projects on federal aid urban routes. These funds are available in urban areas with populations over 5,000.
2. Federal Aid Secondary County funds which are available for improvement projects on county federal aid secondary routes.
3. Highway Bridge Replacement funds which are available for the replacement of structurally and functionally obsolescent bridges.
4. Interstate Transfer funds which make available monies from withdrawn interstate projects.
5. Federal Planning funds which fund local transportation planning in urbanized areas.

The Highway Division carries out the authority given to the Department by ORS 366.730 and the Surface Transportation and Uniform Relocation and Assistance Act of 1987 to administer these federal funds. State funds which the Highway Division administers include:

1. Special City Allotment funds which are available to cities with populations of less than 5,000 are available for improvements to streets receiving excessive wear due to heavy and unusual traffic patterns. (ORS 366.805)
2. Bikeway/Footpath funds that are available to encourage the development of city and county footpath and bikeway systems. (ORS 366.514)
3. Immediate Opportunity funds are available to cities and counties to make improvements to public road facilities necessary to attract or retain a business which provides primary employment.

## **REGULATORY PROGRAM**

The Highway Division regulates signs near state highways (ORS 377.505 - 377.545, 377.700-377.992) Signs are regulated through a permit program (OAR 734-60, 734-62, 734-65). The Division is authorized to screen or relocate junkyards, or take action against junkyards established in restricted areas after June 30, 1967. (ORS 377.505 - 377.545, 377.610 - 377.650, OAR 730-40) The Division regulates the use of the state highway system by regulating types, sizes and weights of allowed vehicles (OAR 734-20 and OAR 734-70 through 79) by weighing and inspecting trucks and issuing permits for oversize and overweight loads. The Division regulates access to state highways through a permit program (ORS 374.305-374.325, OAR 734-50). The Division regulates the use of state highway right-of-way for siting utilities. (ORS 374.305-374.325, OAR 734-55) The Division also assists the Commission in establishing uniform standards for traffic control devices in the state. (ORS 810.200)

## **TECHNICAL ASSISTANCE PROGRAM**

The Highway Division carries out a number of technical assistance activities including:

1. Planning coordination and traffic forecasting in urbanized (50,000+ population) and urban (5,000+) areas;
2. Bridge inspection;
3. Bridge, structural, and foundation design;
4. Materials testing, inspection and design;
5. Preparation and publication of guidelines;
6. Technical assistance for bikeway and footpath planning;
7. Technology Transfer program; and
8. Miscellaneous mapping, data collection and planning activities.

## **ADMINISTRATIVE SUPPORT PROGRAM**

The Highway Division carries out a number of administrative support activities including:

1. Planning of division operations;
2. Financial management;
3. Automation services;
4. Monitoring and auditing of construction and maintenance programs;
5. Materials testing, inspection and design services;
6. Equipment purchase, fabrication, storage, maintenance, and repair;
7. Office support.

## **MOTOR VEHICLES DIVISION**

### **PLANNING PROGRAM**

The Motor Vehicles Division develops plans to meet its needs for office space.

### **OPERATIONS PROGRAM**

The Motor Vehicles Division operates its headquarters offices in Salem and field offices around the state. Operations activities include making minor betterments to these buildings.

## **MAINTENANCE PROGRAM**

The Motor Vehicles Division maintains its headquarters and field offices.

## **MODERNIZATION PROGRAM**

The Motor Vehicles Division adds new field offices and expands existing offices to meet present and future needs.

## **FUNDING PROGRAM**

The Motor Vehicles Division does not have any activities in this program area.

## **REGULATORY PROGRAM**

The Motor Vehicles Division's regulatory activities include the licensing of drivers, vehicles, dealers, and wreckers. The Division issues mobile home trip permits. The Division also holds hearings on licensing and title disputes and on dealer and wrecker violations. (ORS 802.010)

## **TECHNICAL ASSISTANCE PROGRAM**

The Motor Vehicles Division collects and compiles information on accident statistics, DMV statistics, and driving records.

## **ADMINISTRATIVE SUPPORT PROGRAM**

The Motor Vehicles Division carries out a number of activities in support of the Department's programs including the collection of vehicle and gas taxes and license plate fees for the Department (ORS 802.010, Chapter 319) and planning, public affairs, and office support for the Division.

## **PUBLIC TRANSIT DIVISION**

### **PLANNING PROGRAM**

The Public Transit Division, through the Department, is authorized to conduct state-wide coordination, planning and research. (ORS 184.685 and 184.689) It has published the 1988 Oregon Public Transportation Study. The Division may also plan for specific transit projects such as passenger terminal facilities. (ORS 184.689)

### **OPERATIONS PROGRAM**

The Public Transit Division does not operate any Department facilities although it is authorized to do so. (ORS 184.689) The Division may also enter into operating agreements with cities, counties, public transit districts and others regarding public transit services, routes, schedules, equipment, terminals and related matters. (ORS 184.705)

### **MAINTENANCE PROGRAM**

The Public Transit Division does not maintain any Department facilities but it is authorized to do so. (ORS 184.689)

## **MODERNIZATION PROGRAM**

Although it is authorized to do so, the Division has not constructed transportation facilities for the Department. (ORS 184.689)

## **FUNDING PROGRAM**

The Public Transit Division administers a number of transit assistance funds (ORS 184.670, 184.689, 184.730, 184.733) including:

1. Small City and Rural Area Transit Assistance program which provides operation, capital and administrative assistance to transit systems.
2. Specialized Transportation Fund which provides operating, capital and administrative assistance to counties and transit districts.
3. Elderly and Disabled Capital Assistance Program which provides capital grants to private non-profit corporations providing transportation services to the elderly and disabled.

## **REGULATORY PROGRAM**

The Public Transit Division does not have any regulatory duties.

## **TECHNICAL ASSISTANCE PROGRAM**

The Public Transit Division's activities in this program area (ORS 184.689) include:

1. Technical Resource Assistance Program provides assistance to local governments on transit development plans, marketing and public relations, route design and scheduling, ridership surveys and performance audits.
2. Rideshare service assistance providing information, publicity, and technical assistance to local districts which want to promote or initiate rideshare services.
3. Rural Transit Assistance Program which supports training, technical assistance and research needs of transportation operators.

## **ADMINISTRATIVE SUPPORT PROGRAM**

The Public Transit Division carries out various office activities in support of its programs.

**CHAPTER 3**

**ODOT LAND USE PROGRAMS**

## METHOD FOR IDENTIFYING LAND USE PROGRAMS

### SAC Administrative Rule Requirements

OAR 660-30-005 defines land use programs as follows:

*(2) "Rules and Programs Affecting Land Use":*

*(a) Are state agency's rules and programs (hereafter referred to as "land use programs") which are:*

*(A) Specifically referenced in the statewide planning goals; or*

*(B) Reasonably expected to have significant effects on:*

*(i) Resources, objectives or areas identified in the statewide planning goals; or*

*(ii) Present or future land uses identified in acknowledged comprehensive plans.*

*(b) Do not include state agency rules and programs, including any specific activities or functions which occur under the rules and programs listed in paragraph (2)(a)(A) of this rule if:*

*(A) An applicable statute, constitutional provision or appellate court decision expressly exempts the requirement of compliance with the statewide goals and compatibility with acknowledged comprehensive plans; or*

*(B) The rule, program, or activity is not reasonably expected to have a significant effect on:*

*(i) Resources, objectives or areas identified in the statewide goals; or*

*(ii) Present or future land uses identified in acknowledged comprehensive plans;*

*or*

*(C) A state agency transfers or acquires ownership or an interest in real property without making any change in the use of the property. Action concurrent with or subsequent to a change of ownership that will affect land use or the areas of the property is subject to either the statewide goals or applicable city or county land use regulations."*

### Application of OAR 660-30-005

Goal 15 specifically references ODOT's program for the Willamette River Greenway. However, this reference has become out of date with the formation of a separate Department of Parks and Recreation and is no longer applicable to the Department. Because no other statewide planning goals specifically reference ODOT, the identification of Department programs affecting land use is based on whether they would significantly affect resources, objectives or areas identified in the statewide planning goals or present or future land uses identified in acknowledged comprehensive plans. Such is the case for programs that either carry out or are used to make decisions to carry out one or more activities that are regulated by the statewide planning goals or acknowledged comprehensive plans. These activities include:

1. Adopting transportation plans which significantly affect the objectives of the Transportation Goal (Goal 12);

2. Enlarging an existing transportation facility to increase the level of transportation service provided, relocating an existing transportation facility, or constructing a new transportation facility;
3. Constructing a new accessory facility, enlarging an existing accessory facility, or significantly changing the use of an existing accessory facility;
4. Changing the size of land parcels through the sale of property;
5. Altering land or structures in a way that significantly affects resources or areas protected by the goals or comprehensive plans. Examples include:
  - a. Placing or disposing of materials in wetlands, waterways or floodplains;
  - b. Structurally stabilizing shore lands by placing riprap or by other means;
  - c. Draining wetlands by ditching or by other means;
  - d. Demolishing or altering a historic bridge or other historic structure; and
  - e. Removing riparian vegetation.
6. Issuing a permit or license listed in OAR 660-31 or otherwise significantly affecting land use.

## **ANALYSIS OF ODOT PROGRAMS**

### **Planning Program**

Most of the Department's planning program is a land use program because it carries out the Department's transportation planning activities which affect the objectives of Goal 12 and because it is used to make decisions to carry out one or more of the activities affecting land use listed above. All Class 1 and Class 3 projects involve activities which significantly affect land use. Some Class 2 projects, however, do not involve any activities which significantly affect land use. Some other activities carried out in the Department's planning program also do not significantly affect land use. These include information gathering, analysis, and reporting.

### **Operations and Maintenance Programs**

The Department's operations and maintenance programs are land use programs because they carry out a few activities which significantly affect land use. Examples of these activities include expanding an aggregate production site, placing fill in a wetland to enable the placement of guardrail, placing riprap along a bay shoreline, and selling surplus right of way which results in a land partition. However, most of the activities carried out under these programs do not significantly affect land use.

### **Modernization Program**

The Department's modernization program is a program affecting land use because most of the activities carried out under the program significantly affect land use. However, building some Class 2 projects does not involve any activities that significantly affect land use.

## **Funding Program**

The Department's funding program is not a land use program because it does not carry out activities that significantly affect land use nor is it used to make decisions to carry out activities which significantly affect land use. This is the case for both the management of funds for state transportation facilities and the administration of funds that are passed on to municipalities and other transportation operators. The Department's management of funds to carry out activities affecting land use is dependent on decisions that are made in the project planning process. Funding decisions are not made independently of the planning process. (Please see Chapter 2.) The Department's administration of funds that are passed on is dependent on decisions made by others. The funds administered may facilitate activities which affect land use but are not determinative on whether those activities are carried out. The determinative decisions are made by those receiving funds and by local governments. Although not a program affecting land use, the Department will coordinate its administration of funds with local administration of land use laws. (Please see Chapter 5.)

## **Regulatory Program**

Some of ODOT's permit programs are listed in OAR 660-31 or otherwise significantly affect land use. These include road approach permits, airport licensing and site approval, and the permitting of off-premise signs, and issuing permits for utility use of right-of-way. All of these permits are Class B permits and are subject to the LCDC Permit Compliance and Compatibility Rule. (OAR 660-31).

The regulation of junkyards, although not a permit program, does affect land use because ODOT's rules govern the siting and screening of junkyards. The regulation of junkyards is not subject to OAR 660-31 because it is not a permit program.

## **Technical Assistance and Administrative Support Programs**

ODOT's technical assistance and administrative support programs are not land use programs because they do not carry out activities that significantly affect land use nor are they used to make decisions to carry out activities which significantly affect land use.

**CHAPTER 4**

**COORDINATION OF LAND USE PROGRAMS**

## IDENTIFICATION OF EXEMPT AND COMPATIBLE LAND USE PROGRAMS

None of ODOT's land use programs are presently expressly exempted by statute, constitutional provision or appellate court decision from the requirements in ORS 197.180 to be compatible with acknowledged comprehensive plans.

### PROGRAM FOR ASSURING COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND COMPATIBILITY WITH ACKNOWLEDGED COMPREHENSIVE PLANS

ORS 197.180 and the LCDC State Agency Coordination Rule, OAR 660-30, require that the Department develop procedures and adopt an administrative rule for assuring that programs affecting land use are carried out in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans.

In most instances, the Department shall achieve compliance with the statewide planning goals by assuring that its land use programs are compatible with applicable acknowledged comprehensive plans. However, the Department shall adopt findings demonstrating compliance with the statewide goals when required to do so by OAR 660-30-065(3). The procedures which follow identify the circumstances when the Department shall directly apply the statewide planning goals.

The Department's various land use programs are quite different from one another in what they do and how they are carried out. Therefore it is not possible to devise a single procedure to assure that these programs are carried out in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans. Therefore, individual procedures have been developed for each program category.

### PLANNING PROGRAM PROCEDURES

ODOT's program for assuring compliance and compatibility recognizes the successive stages of transportation planning and establishes a process that coordinates compliance and compatibility determinations with the geographic scale of the plan and the level of detail of information that is available. At each planning stage, some compliance and compatibility issues come into focus with sufficient clarity to enable them to be addressed. These issues shall be resolved at that time. Other issues may be apparent but not seen clearly enough to determine compliance and compatibility. These issues shall be resolved in subsequent planning stages and any plan decisions that depend on their resolution shall be contingent decisions. The result of this successive refinement process shall be the resolution of all compliance and compatibility issues by the end of the project planning stage of the transportation planning program.

The Department's coordination efforts at the transportation policy plan and modal systems plan stages will be directed at involving metropolitan planning organizations, local governments and others in the development of statewide transportation policies and plans. Since these plans have general statewide applicability and since ODOT has the mandate under ORS 184.618 to develop such plans, compatibility with the comprehensive plan provisions of specific cities and counties will not be generally established. However, compatibility determinations shall be made for new facilities identified in modal systems plans that affect identifiable geographic areas. Compliance with any statewide planning goals that specifically apply will be established at these planning stages.

The focus of the Department's efforts to establish compatibility with acknowledged comprehensive plans will be at the facility planning and project planning stages of the planning program. At these stages, the effects of the Department's plans are more regional and local in nature although some statewide effects are also present.

To the extent possible, the Department shall use the periodic review process to resolve compatibility conflicts unless it is protracted or if a number of cities or counties are affected and their periodic reviews are not coordinated.

Following are the procedures that the Department shall or may use to coordinate its planning program. The required procedures have been incorporated into the Department's administrative rule for state agency coordination, OAR chapter 731, section 15 (Appendix D).

#### **COORDINATION PROCEDURES FOR ADOPTING THE FINAL TRANSPORTATION POLICY PLAN**

1. Except in the case of minor amendments, the Department shall involve the Department of Land Conservation and Development (DLCD), metropolitan planning organizations, and interested cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of the transportation policy plan. This involvement may take the form of mailings, meetings, or other means that the Department determines are appropriate for the circumstances. The Department shall hold at least one public meeting on the plan prior to adoption.
2. The Department shall evaluate and write draft findings of compliance with all applicable statewide planning goals.
3. The Department shall present to the Transportation Commission the draft plan and findings of compliance with all applicable statewide planning goals.
4. The Transportation Commission may direct the Department to hold one or more public hearings on the draft plan prior to adoption.
5. The Transportation Commission shall adopt findings of compliance with all applicable statewide planning goals when it adopts the final transportation policy plan.
6. The Department shall provide copies of the adopted final transportation policy plan and findings to DLCD, the metropolitan planning organizations, and others who request to receive a copy.

#### **COORDINATION PROCEDURES FOR ADOPTING FINAL MODAL SYSTEMS PLANS**

1. Except in the case of minor amendments, the Department shall involve the Department of Land Conservation and Development (DLCD), metropolitan planning organizations, and interested cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of a modal systems plan. This involvement may take the form of mailings, meetings, or other means that the Department determines are appropriate for the circumstances. The Department shall hold at least one public meeting on the plan prior to adoption.
2. The Department shall evaluate and write draft findings of compliance with all applicable statewide planning goals.
3. If the draft plan identifies new facilities which would affect identifiable geographic areas, the Department shall meet with the planning representatives of affected cities, counties and

metropolitan planning organization to identify compatibility issues and the means of resolving them. These may include:

- a. Changing the draft plan to eliminate the conflicts;
  - b. Working with the affected local governments to amend their comprehensive plans to eliminate the conflicts; or
  - c. Identifying the new facilities as proposals which are contingent on the resolution of the conflicts prior to the completion of the transportation planning program for the proposed new facilities.
4. The Department shall present to the Transportation Commission the draft plan, findings of compatibility for new facilities affecting identifiable geographic areas, and findings of compliance with all applicable statewide planning goals.
  5. The Transportation Commission may direct the Department to hold one or more public hearings on the draft plan prior to adoption.
  6. The Transportation Commission, when it adopts a final modal systems plan, shall adopt findings of compatibility for new facilities affecting identifiable geographic areas and findings of compliance with all applicable statewide planning goals.
  7. The Department shall provide copies of the adopted final modal systems plan and findings to DLCDC, the metropolitan planning organizations, and others who request to receive a copy.

#### **COORDINATION PROCEDURES FOR ADOPTING FINAL FACILITY PLANS**

1. Except in the case of minor amendments, the Department shall involve DLCDC and affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of a facility plan. This involvement may take the form of mailings, meetings, or other means that the department determines are appropriate for the circumstances. The Department shall hold at least one public meeting on the plan prior to adoption.
2. The Department may meet with the planning representatives of affected local governments and metropolitan planning organization to gather information and identify possible compatibility issues to be used in the development of the draft facility plan.
3. The Department shall provide a draft of the proposed facility plan to planning representatives of all affected cities, counties and metropolitan planning organization and shall request that they identify any specific plan requirements which apply, any general plan requirements which apply and whether the draft facility plan is compatible with the acknowledged comprehensive plan. If no reply is received from an affected city, county or metropolitan planning organization within 30 days of the Department's request for a compatibility determination, the Department shall deem that the draft plan is compatible with that jurisdiction's acknowledged comprehensive plan. The Department may extend the reply time if requested to do so by an affected city, county or metropolitan planning organization.
4. If any statewide goal or comprehensive plan conflicts are identified, the Department shall meet with the local government planning representatives to discuss ways to resolve the conflicts.

These may include:

- a. Changing the draft facility plan to eliminate the conflicts.
  - b. Working with the local governments to amend the local comprehensive plans to eliminate the conflicts, or
  - c. Identifying the conflicts in the draft facility plan and including policies that commit the Department to resolving the conflicts prior to the conclusion of the transportation planning program for the affected portions of the transportation facility.
5. If the comprehensive plan of an affected city or county contains no specific or general plan requirements which apply, the department may request that the city or county amend its comprehensive plan to incorporate appropriate requirements.
  6. The Department shall evaluate and write draft findings of compatibility with acknowledged comprehensive plans of affected cities and counties, findings of compliance with all statewide planning goals which specifically apply as determined by OAR 660-30-065(3)(d), and findings of compliance with all provisions of other statewide planning goals that can be clearly defined if the comprehensive plan of an affected city or county contains no conditions specifically applicable or any general provisions, purposes or objectives that would be substantially affected by the facility plan.
  7. The Department shall present to the Transportation Commission the draft facility plan, findings of compatibility with the acknowledged comprehensive plans of affected cities and counties and findings of compliance with applicable statewide planning goals.
  8. The Transportation Commission may direct the Department to hold one or more public hearings on the draft facility plan prior to adoption.
  9. The Transportation Commission shall adopt findings of compatibility with the acknowledged comprehensive plans of affected cities and counties and findings of compliance with applicable statewide planning goals when it adopts the final facility plan.
  10. The Department shall provide copies of the adopted final facility plan and findings to DLCD, to affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and to others who request to receive a copy.

#### **COORDINATION PROCEDURES FOR PLANNING CLASS 1 AND CLASS 3 PROJECTS**

The coordination procedures for Class 1 and Class 3 projects focus on the location phase of project planning to achieve compliance and compatibility. A series of coordination activities lead up to the Department's land use decision at design approval. At this point, compliance and compatibility will have been established and all local land use approvals will have been granted.

For projects involving the development of a new transportation corridor, the location phase may be split into two stages. The first stage determines whether the new facility should be built and, if so, the location of the facility corridor. The second stage determines the alignment of the facility. For these projects, the location phase procedures are followed twice.

Following design approval, the Department follows procedures to assure that project plans and specifications are consistent with land use approvals and that all permits are obtained prior to approval of plans, specifications and estimates (PS&E).

Following are the procedures that shall be used by the Department when it develops plans for these classes of projects.

1. The Department shall involve affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and other interested parties in the development of location plans as described in the Oregon Action Plan for Transportation. The Department shall include planning officials of the affected cities, counties and metropolitan planning organization on the project technical advisory committee.
2. Prior to the development of alternatives, the Department may meet with officials of affected cities and counties including planning officials to do the following:
  - a. Discuss the objectives and scope of the project;
  - b. Identify potential comprehensive plan conflicts and possibilities for avoidance; and
  - c. Develop a formal agreement coordinating the project planning process with the local land use review process.
3. The formal agreement that is developed may include the following:
  - a. Identification of the objectives and scope of the project;
  - b. Identification of responsibilities for analyzing and writing findings of compliance with the applicable statewide planning goals and compatibility with local comprehensive plans;
  - c. Identification of responsibilities for decisions and when the decisions will be made with respect to one another;
  - d. A statement that affected cities and counties shall initiate changes to their comprehensive plans and land use regulations to make them consistent with applicable modal system plans, facility plans, and the agreed project scope and objectives, and to permit the Department to be an applicant for any planning permits that may be needed; and
  - e. A statement that the affected cities and counties shall make all land use decisions necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft Environmental Impact Statement or Environmental Assessment and before completion of the Final Environmental Impact Statement or Revised Environmental Assessment.
4. The Department may assist affected cities and counties with amendments to their comprehensive plans and land use regulations necessary to make them consistent with applicable modal system plans, facility plans and the agreed project scope and objectives.
5. Goal compliance and plan compatibility shall be analyzed in conjunction with the development of the Draft Environmental Impact Statement or Environmental Assessment.

6. The Department shall rely on affected cities and counties to make all land use decisions necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft Environmental Impact Statement or Environmental Assessment and before completion of the Final Environmental Impact Statement or Revised Environmental Assessment. These shall include the adoption of general and specific plan provisions necessary to address applicable statewide planning goals. Suggestions for how these local land use decisions may be coordinated can be found in the Highway Compatibility Guidelines.
7. If compatibility with a city or county comprehensive plan cannot be achieved, the Department may modify one or more project alternatives to achieve compatibility or may discontinue the project.
8. The Commission or its designee shall adopt findings of compatibility with the acknowledged comprehensive plans of affected cities and counties when it grants design approval for the project. Notice of the decision will be mailed out to all interested parties.
9. Preliminary final plans may be provided to the local planning office(s) for review for compliance with previous planning approvals and identification of planning permits of a ministerial nature that may be needed.
10. The Department shall obtain ministerial planning permits prior to construction of the project.

#### **COORDINATION PROCEDURES FOR CLASS 2 PROJECTS**

Coordination procedures are much simpler for Class 2 projects than for Class 1 or Class 3 projects because the land use impacts of projects in this class are minor. Projects are reviewed when the project prospectus is prepared to determine whether they would involve any activities that would significantly affect land use. The following coordination process shall be followed for those projects that would affect land use.

1. Planning officials of affected cities and counties shall be contacted at the start of project planning to identify any possible compliance or compatibility conflicts and ways of avoiding conflicts.
2. The Department shall attempt to avoid any identified compliance or compatibility conflicts as it develops its plans.
3. Planning officials of affected cities and counties shall be requested to review preliminary final plans to identify whether any local land use approvals are needed and whether any of the acknowledged comprehensive plan's general provisions would be substantially affected. If no local planning approvals are required and if the comprehensive plan's general provisions would not be substantially affected the Department shall conclude that the project is compatible. If no comments are received from an affected local jurisdiction within 15 days of the Department's request for a compatibility determination, the Department shall deem that the preliminary project plans are compatible with the acknowledged comprehensive plan for that jurisdiction. The Department may extend the reply time if requested to do so by an affected city or county.

4. If any local planning approvals are required the Department shall either modify its project plans so as to not require approvals, or shall apply for the necessary approvals.
5. If the affected city or county does not grant approval, the Department may:
  - a. Modify the project plans so as to not require approval;
  - b. Discontinue further work on the project; or
  - c. Appeal the city or county decision.
6. The Department shall obtain local planning approvals prior to construction of the project.

#### **COORDINATION PROCEDURES FOR CONSTRUCTING OR IMPROVING BUILDINGS IN SALEM AREA**

The Capitol Planning Commission is authorized by ORS 276.030 through 276.043 to establish and implement a long-range plan of development for the capitol area and all other state-owned areas in the Salem metropolitan area and the unincorporated areas of Marion and Polk Counties. The purpose of this planning is to coordinate the acquisition of real property and the construction of buildings by the state.

The Department shall satisfy its goal compliance and plan compatibility responsibilities for constructing or improving buildings in areas subject to the jurisdiction of the Capitol Planning Commission by adhering to the Capitol Planning Commission's land use coordination rules in OAR Chapter 110, Division 10, and the procedure contained in the Capitol Planning Commission's certified State Agency Coordination Program.

#### **COORDINATION PROCEDURES FOR OPERATIONS, MAINTENANCE AND MODERNIZATION PROGRAMS**

The identification of operations and modernization program projects significantly affecting land use occurs when project prospectuses are prepared. Compliance and compatibility for projects that affect land use is established during the project planning process. Additional coordination in accordance with the procedures listed below will only be necessary if significant changes to project plans are proposed.

The Motor Vehicles Division contracts with the Department of General Services to site field offices. Coordination procedures in state agency coordination program for the Department of General Services shall assure compatibility for field office siting.

For operations and maintenance activities that do not proceed through the project planning process, such as the operation of aggregate sites, the Department will determine whether the activities are among those listed in Chapter 3. The following coordination procedures shall be used when carrying out activities that would significantly affect land use.

1. The Department shall consult planning officials of the affected city or county to determine whether any local land use approvals are required to carry out the proposed activity.

2. If any local planning approvals are required, the Department shall either modify the proposed activity so as to not require approval, or shall apply for the necessary approvals.
3. If the approvals are not granted the Department may:
  - a. Modify the proposed activity so as to not require permits;
  - b. Not do the proposed activity; or
  - c. Appeal the local decision.

### **COORDINATION PROCEDURES FOR THE DISPOSAL OF SURPLUS RIGHT OF WAY**

ODOT will apply LCDC Goal 17 implementation requirement number 6 as well as applicable statutes when determining whether to declare right of way as surplus. Prior to the sale of surplus right of way, the Department will do the following to assure compliance and compatibility:

1. Notify potential buyers of their responsibility to establish compliance and compatibility.
2. Obtain a written statement from a planning official of the affected city or county that all land use planning approvals have been obtained or that the planned sale complies with the acknowledged comprehensive plan but no local land use approvals are needed.

### **REGULATORY PROGRAM PROCEDURES**

For all of the Department's permit programs that affect land use, the Department shall do the following prior to permit issuance:

1. The Department shall notify applicants of their responsibility to demonstrate compliance and compatibility.
2. The Department shall not issue a permit unless certification of compatibility is demonstrated by the applicant. The Department may deny, condition or further restrict a permit that is compatible as necessary to carry out applicable Department rules and statutes.
3. Certification shall be (1) documentation that all local land use planning approvals have been obtained or (2) a written statement by a planning official of the affected city or county that the application complies with the acknowledged comprehensive plan but no local land use approvals are needed.

The Department's sign permit and airport licensing programs include annual permit renewals. The compatibility procedures listed above shall be followed in the case of renewals that involve substantial modifications or intensification of the permitted activity. Such is the case for the enlargement of signs and for the expansion of airports to permit service to a larger class of aircraft. The Department's road approach and utility use permits do not require renewals.

**REFERRAL OF COMPATIBILITY DISPUTES TO THE LAND CONSERVATION  
AND DEVELOPMENT COMMISSION**

If a compatibility conflict persists after pursuing the compatibility procedures listed above, the Department shall request that the Land Conservation and Development Commission make a compatibility determination in accordance with OAR 660-30-070 (7) through (12).

**CHAPTER 5**

**PROGRAM OF COOPERATION AND TECHNICAL ASSISTANCE**

## COORDINATION WITH PLAN IMPLEMENTATION AND PLAN AMENDMENT

The Department is interested in amendments to the transportation elements of city and county comprehensive plans. In addition, the Department is interested in a number of types of city and county plan implementation and plan amendment actions that can affect transportation facilities. The Department's interests relate to its role as the builder and operator of state transportation facilities and its role as the statewide transportation planning agency. The Department would like to receive notification and work with local governments in the following instances.

Actions Affecting State Highway Access: The Department is interested in land use actions that will affect access to state highways. These include most land use actions on properties adjacent to or near state highways where the use of an existing highway access would change or a new highway access is being proposed.

Actions Affecting Future State Airport and Highway Expansions: The Department is interested in land use actions adjacent to state airports and highways that may affect future expansions of these facilities. The most significant areas of concern include lands near airport runways, around all freeway interchanges, and adjacent to the alignments of approved highway projects.

Actions Affecting State Airport or Highway Drainage: The Department is interested in land use actions adjacent to or in the vicinity of state airports or highways that will significantly change the quantity or rate of runoff discharge to state ditches and drainage structures, or that may block a drainage way that conveys runoff from state drainage systems.

Actions Affecting Traffic on State Highways: The Department is interested in plan amendments and zone changes in the general vicinity of state highways that will significantly affect highway traffic volumes. The Department is concerned about traffic generators that would overload highway intersections. This may include even relatively small zone changes where a substandard highway intersection would be affected or where a pattern of plan or zone changes is resulting in a substantial cumulative impact.

Actions Involving Noise Sensitive Land Uses Adjacent to State Highways: The Department is interested in land use actions on properties adjacent to state highways involving noise sensitive land uses. These include uses such as schools, residential developments, sanctuaries, parks, picnic areas, playgrounds, active sports areas, recreation areas, motels, hotels, churches, libraries, hospitals, rest homes and other types of facilities that have areas designated for outdoor activities where a quiet outdoor environment is desirable.

Actions Involving Noise Sensitive Land Uses In the Vicinity of Public Use Airports: The Department is interested in land use actions on properties in noise corridors around public use airports involving noise sensitive land uses such as those listed for highways above. Areas of interest include (1) areas identified by airport master plans and (2) areas within 1,500 feet of airport runways for airports for which there is no master plan.

Actions that Involve Physical Hazards to Air Navigation and Airport Obstructions: The Department is interested in land use actions that may result in the creation of physical hazards to air navigation in the state generally and those actions that may result in obstructions to airspace in the vicinity of public use airports. Areas of interest include (1) areas within 5,000 feet of the runway of a visual approach airport, (2) areas within 10,000 feet of an instrument approach airport, (3) areas designated by an airport master plan, and (4) any construction of more than 200 feet in height above the ground level.

Actions that Involve Development in Runway Protection Zones and Approach Safety Zones of Public Use Airports: The Department is interested in all proposed development in airport runway protection zones (formerly termed clear zones). The Department is interested in all actions that affect the densities of development in approach safety zones including building population densities, coverage densities and overall densities. Areas of interest are identified in airport master plans and FAA descriptions of imaginary surfaces.

Actions that Affect Other Major Transportation Corridors and Facilities: The Department is interested in zone changes and plan amendments along major transportation corridors and around major transportation terminals. Examples of these facilities include major transit corridors, railroads, and ports. The Department is interested in land use changes that may affect the economic vitality of transportation facilities (e.g. changes in land use intensity affecting ridership on a light rail line and changes in industrial zoning that may affect the economic vitality of a railroad or port.

Actions Affecting Aggregate Resource Sites: The Department is interested in land use actions that affect the supply of aggregate for the construction and maintenance of transportation facilities. The Department is especially interested in actions on or in the vicinity of aggregate resource sites that may affect the viability of those sites for aggregate production.

#### **COORDINATION WITH COMPREHENSIVE PLAN IMPLEMENTATION**

ODOT shall use the following process to coordinate with local governments on the plan implementation actions:

1. ODOT shall periodically provide all cities and counties with the names and addresses of people in the Department who should be notified regarding land use actions of interest to the Department. The appropriate district maintenance office should be notified of all building permits of interest. The appropriate region planning representative should be notified of all other planning actions of interest. The Aeronautics Division should be notified of all actions involving airports. (See Figure 3).
2. ODOT shall respond to local notices within the time prescribed in the notice. The Department shall identify concerns and relate them to comprehensive plan and ordinance requirements. All divisions and sections of the Department shall coordinate with the appropriate region planning representative to assure consistency in the Department's comments.
3. ODOT shall advise local governments on what factual information is needed to address its concerns and may assist in providing needed information within the limits of its resources. ODOT may also comment on the adequacy of factual information supplied by applicants.

FIGURE 3

PLAN IMPLEMENTATION AND PLAN AMENDMENT COORDINATION MATRIX

|                   | HIGHWAY ACCESS | EXPANSION IMPACT | DRAINAGE IMPACT | TRAFFIC IMPACT | TRAFFIC NOISE | AIRPORT NOISE | AIRSPACE OBSTRUCTION | AIRPORT APPROACH | TRANSPORT CORRIDOR | AGGREGATE SITE |
|-------------------|----------------|------------------|-----------------|----------------|---------------|---------------|----------------------|------------------|--------------------|----------------|
| PLAN AMENDMENT    |                |                  |                 |                |               |               |                      |                  |                    |                |
| ZONE CHANGE       |                |                  |                 |                |               |               |                      |                  |                    |                |
| PLANNED UNIT DEV. |                |                  |                 |                |               |               |                      |                  |                    |                |
| SUBDIVISION       |                |                  |                 |                |               |               |                      |                  |                    |                |
| SITE PLAN REVIEW  |                |                  |                 |                |               |               |                      |                  |                    |                |
| CONDITIONAL USE   |                |                  |                 |                |               |               |                      |                  |                    |                |
| PARTITION         |                |                  |                 |                |               |               |                      |                  |                    |                |
| SETBACK VARIANCE  |                |                  |                 |                |               |               |                      |                  |                    |                |
| HEIGHT VARIANCE   |                |                  |                 |                |               |               |                      |                  |                    |                |
| BUILDING PERMIT   |                |                  |                 |                |               |               |                      |                  |                    |                |

NOTE: SHADED RECTANGLES IDENTIFY LOCAL LAND USE ACTIONS OF WHICH ODOT SHOULD BE NOTIFIED. ARROWS IDENTIFY THE UNITS OF ODOT THAT SHOULD BE NOTIFIED FOR ACTIONS IN THE INDICATED ROWS OR COLUMNS. SEE TEXT FOR DETAILS.

4. ODOT shall offer to meet with planning officials and applicants in instances where there are significant conflicts.
5. ODOT may pursue the following actions where local actions conflict with ODOT plans and programs:
  - a. Meet with planning officials and applicants and participate in the local decision-making process;
  - b. Request informal mediation by the Department of Land Conservation and Development; and
  - c. Appeal the decision.

#### COORDINATION WITH COMPREHENSIVE PLAN AMENDMENTS

ODOT shall use the following process to coordinate with local governments on the plan amendment actions:

1. ODOT shall periodically provide all cities and counties with the names and addresses of people in the Department who should be notified regarding plan amendments of interest to the Department. The appropriate region planning representative should be notified of all plan amendments of interest. In addition, the Aeronautics Division should be notified of plan amendments involving airports. (See Figure 2).
2. If timely notice has been received, ODOT shall respond to proposed plan amendments prior to the first hearing of the planning commission. If not, ODOT may ask for an extension of time to review the proposal. ODOT shall identify its concerns and relate them to applicable ordinance requirements, plan policies and statewide goal requirements. All divisions and sections of the Department shall coordinate with the appropriate region planning representative to assure consistency in the Department's comments.
3. If the Department has concerns about a proposed plan amendment, it shall identify applicable transportation plans and advise local governments on what factual information is needed to address its concerns. The Department may assist in providing needed information within the limits of its resources. ODOT may also comment on the adequacy of factual information supplied by applicants.
4. ODOT may pursue the following actions where local actions conflict with ODOT plans and programs:
  - a. Meet with planning officials and applicants and participate in the local planning process;
  - b. Request informal mediation by the Department of Land Conservation and Development; and
  - c. Appeal the decision.

## INCORPORATION OF ODOT PLANS AND PROGRAMS INTO COMPREHENSIVE PLANS AND PARTICIPATION IN PERIODIC REVIEW

ODOT shall work to the extent possible to incorporate its plans and programs into comprehensive plans in the following ways:

1. ODOT shall request that affected cities and counties incorporate relevant portions of modal systems plans and facility plans adopted by the Department into their comprehensive plans. ODOT shall assist local governments with the amendments.
2. As an early step in the project planning process for Class 1 and Class 3 projects, ODOT shall request that the affected local governments amend their comprehensive plans and land use regulations to make them consistent with applicable modal system plans and facility plans.
3. ODOT shall be an active participant in the development of regional transportation plans for the state's metropolitan areas (i.e. urbanized areas, cities with populations of 50,000 or more along with surrounding urban areas).
4. ODOT shall work with cities and counties during periodic review to incorporate its plans into local comprehensive plans.

### **Participation in Metropolitan Area Transportation Planning**

Transportation planning for the five urbanized areas of the state, Portland, Eugene, Salem, Medford and Longview-Kelso-Rainier is done through a coordinated process involving ODOT, area governments and transit providers. Federal statutes require such planning in order to receive federal capital or operating assistance funds. The purpose of this planning process is to assure that transportation planning in these areas is continuing, cooperative and comprehensive, and also consistent with comprehensive land use plans.

Metropolitan planning organizations (MPO), transit agencies and ODOT are responsible for carrying out transportation planning in urbanized areas. The MPOs provide the organization for cooperative transportation decisionmaking. The MPOs have a policy committee, a technical committee and a coordinating agency or agencies dealing with transportation. Designation of an MPO for an urbanized area is made by the Governor with an agreement among the units of general purpose local government in the area.

The policy committees are composed of elected officials of area governments and representatives of all agencies involved in transportation planning including ODOT. The policy committee is responsible for endorsing metropolitan area transportation plans and transportation improvement programs.

The technical committees are composed of the technical staff of local governments and transportation agencies. ODOT staff serve on the various technical committees.

Coordination responsibilities in the Portland Metropolitan Area are shared by the Metropolitan Service District (Metro), ODOT and Tri-Met. Coordination in the other metropolitan areas in Oregon are the responsibility of the local councils of governments (COG): the Mid-Willamette Valley COG in Salem, the Lane COG in Eugene, the Rogue Valley COG in Medford, the Cowlitz-Wakiakum COG in the Longview-Kelso-Rainier metropolitan area.

The transportation planning process in the metropolitan areas includes the following:

1. Development of a transportation plan describing policies, definition of the transportation system, and identification of strategies and facility improvements needed to meet policy objectives. It includes an analysis of transportation system management strategies to make more efficient use of existing transportation systems.
2. Development of a transportation improvement program (TIP) which is a multiyear program of transportation improvement projects. The TIP covers a period of 3 years or more, indicates the area's priorities, and includes realistic estimates of total costs and revenues for the program period. Federal funding for specific projects in the urbanized areas must be approved in the TIP in order to be eligible for funding. Projects listed in the TIP must be consistent with the regional transportation plan.
3. Other activities that support the development and implementation of a transportation plan, TIP and subsequent project development activities.

The TIP includes an annual or biennial element. This includes projects in all phases of development that will be implemented with federal assistance. Endorsement of the annual (biennial) element of the TIP by the MPO constitutes the local approval of funding to allow for the listed improvements. The TIP must be concurred in by ODOT and it is reflected in the Department's capital improvement programs.

ODOT does the following to assure that it coordinates with the transportation planning process of the metropolitan areas of the state.

1. The Department shall assist the MPOs in the development of planning work programs, regional transportation plans and transportation improvement programs. The Department shall identify issues of consistency with its transportation plans as early as possible in the process of developing transportation plan alternatives.
2. The Department shall participate on the policy and technical advisory committees of metropolitan planning organizations in the development and endorsement of transportation plans and transportation improvement programs.
3. The Department shall be consistent with the adopted regional transportation plans when developing its capital improvement programs. The Department's capital improvement programs and the TIPs shall be coordinated with one another.
4. The Department shall involve affected MPOs in the development of plans for transportation facilities within the metropolitan areas.

#### **Periodic Review and Coordination with Local Public Facility Planning**

Most of the Department's coordination with local public facility planning will occur during periodic review. Therefore the procedures for carrying out such coordination have been combined with periodic review procedures. If a city or county adopts or amends a public facilities plan independent of periodic review, the Department shall follow the procedures for coordinating with plan amendments combined with relevant portions of the procedures listed below.

1. The Department shall notify the Department of Land Conservation and Development when it adopts or amends modal systems plans or facility plans, and shall request that DLCDC identify these plans in periodic review notices.

2. After the Department receives notice of a city or county periodic review, it shall notify the city or county of Department plans that have been adopted pursuant to ORS 184.618 since acknowledgement of the local comprehensive plan. The Department shall also identify substantial changes in circumstances related to statewide transportation that should be addressed during the local government's periodic review.
3. The Department shall provide the city or county with inventory information on state facilities that need to be included in the public facilities plan. This information may include modal systems plans, facility plans, capital improvements programs, project plans and relevant data.
4. The Department shall identify information at its disposal relating to the areas of interest listed above. This shall include available information on its aggregate sources and needs for aggregate as well as information on standards for determining the quality of aggregate sources.
5. The Department shall assist the city or county, to the extent that resources allow, in their preparation of the portion of the public facilities plan that affects statewide transportation facilities. The Department may also work with the city or county and the Economic Development Department to identify potential sources of funding to carry out the transportation portion of the public facilities plan.
6. The Department shall request to be furnished drafts of the public facilities plan and other portions of the periodic review order that relate to items identified by the Department in step #2 above.
7. The Department shall notify the city or county of any concerns about possible conflicts with its plans and programs prior to the first local public hearing of which it receives timely notice. The Department has the following interests in addition to those listed at the beginning of this chapter:
  - a. Public facility plans include relevant portions of adopted modal systems plans, regional transportation plans, facilities plans, and project plans.
  - b. State facilities not be proposed to provide services that are contrary to their functions as set forth in state and regional transportation plans.
  - c. Planned local street systems be adequate to serve planned development and not increase usage of a state facility in a manner that is inconsistent with its intended function.
  - d. Proposed improvements to state facilities be consistent with state transportation plans.
  - e. Short range improvements to state facilities not be proposed if they are not listed in the Department's capital improvements programs unless the public facilities plan recognizes that the improvements are not in the Department's capital improvements programs.
  - f. Improvements identified in the Department's capital improvements programs that are compatible with the acknowledged comprehensive plan be identified in the public facility plan.

- g. Public facility plans identify facilities needed to serve commercially and industrially planned areas at state airports.
8. The Department shall offer to meet with local planning officials in order to resolve conflicts. The Department may also request assistance from the Department of Land Conservation and Development to mediate conflicts.
9. The Department shall notify the Department of Land Conservation and Development of conflicts that remain after a city or county has adopted its final periodic review order.

#### COORDINATION OF THE ADMINISTRATION OF FUNDS

The Department administers a number of funds (listed in Chapter 2) that are used by cities, counties, transit districts and others to construct and operate transportation facilities. Since these funds may facilitate actions affecting land use on the part of the recipients, the Department shall notify applicants of their obligations to carry out activities affecting land use in compliance with local comprehensive plans.

#### PARTICIPATION IN COASTAL MANAGEMENT PROGRAM

Following the removal of the Parks and Recreation Division from ODOT and the formation of a separate department, ODOT has a limited role in Oregon's Coastal Management Program (OCMP). Department authorities listed in the OCMP include ORS 377.100 - 377.105, Historic and Scenic Highways, and ORS 377.505 - 377.545, Scenic Areas.

ORS 377.100 required the Transportation Commission to conduct a study of historic, scenic and cultural values of the state highway system and to make appropriate designations. This study has been completed and is available for local governments. Portions of the Oregon Coast Highway (US 101) have been designated as scenic and historic.

ORS 377.105 requires that the Department "provide for the rehabilitation, restoration, maintenance and preservation of those features of the highway or structure that have historical, engineering, recreational, scenic or tourist related significance, whenever prudent and feasible." If restoration or rehabilitation is not prudent and feasible for a portion of a designated highway or highway structure, the Department may replace the highway or highway structure but must consider aesthetics and environmental effects. Such an analysis will be coordinated with affected local governments through the project planning coordination procedures listed in Chapter 4.

ORS 377.505 - 377.545 authorizes the Department to designate scenic areas and to regulate the placement of signs and junkyards along highways in those areas. The Department will coordinate the implementation of this program with local governments in accordance with procedures described in Chapter 4.

The Department will coordinate its activities in the coastal zone with DLCD and affected state and federal agencies. (Please see Chapters 4 and 6.) The Department will also advise DLCD on the consistency of federal activities related to the Department's OCMP authorities. In carrying out its responsibilities under the federal consistency process, the Department will adhere to the requirements of OAR Chapter 660, Division 35.

The Department will participate with DLCD and other OCMP agencies, as resources permit, to develop and update a five-year strategic plan for Oregon's coastal zone.

#### **LOCAL GOVERNMENT RELIANCE ON ODOT TRANSPORTATION PLANS**

ODOT encourages local governments to adopt relevant portions of the Department's transportation plans in order to comply with applicable provisions of Goal 12 pursuant to OAR 660-30-085.

#### **TECHNICAL ASSISTANCE**

The Department has a long history of providing technical assistance to cities and counties. The Department's many programs are listed in Chapter 2. The Department has no special programs of technical assistance to coastal cities and counties under the state's coastal zone management program. Cities and counties in need of technical assistance can contact the appropriate region planning representative who will route the request to the appropriate unit of the Department.

The Department will provide technical assistance to local governments on public facility funding, local public facility plans, permit issuance and economic development as required by ORS 197.712(2)(f) and 197.717(1) and (2). The Department recognizes that providing technical assistance will assist it in meeting its goals, and therefore will strive to meet the needs of cities and counties to the extent that its resources allow.

**CHAPTER 6**

**COORDINATION WITH AGENCIES AND SPECIAL DISTRICTS**

## COORDINATION WITH THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

The Department's primary areas of coordination with the Department of Land Conservation and Development (DLCD) involve the Department's planning program, city and county plan amendments, and periodic review. The Department may also coordinate with DLCD to help resolve issues of compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans for any of its land use programs. Coordination procedures are described in Chapters 4 and 5.

## COORDINATION WITH STATE AND FEDERAL AGENCIES AND SPECIAL DISTRICTS

The Department coordinates with a number of state agencies as it prepares its Transportation Policy Plan and Modal Systems Plans. These may include:

- Economic Development Department
- Oregon Department of Energy
- Oregon Department of Environmental Quality
- Department of Land Conservation and Development
- Traffic Safety Commission
- Public Utility Commission

The coordination procedures that the Department follows are described in Chapter 4.

The Department participates in the development of regional transportation plans for the state's urbanized areas as described in Chapter 5.

The Department coordinates with an extensive list of state and federal agencies as it develops Facility and Project Plans. The greatest degree of coordination occurs for Class 1 and Class 3 projects. The Department notifies potentially interested agencies through the state clearinghouse and through its own notification process. Agencies who may be notified include:

### STATE AGENCIES:

- Department of Agriculture
- Economic Development Department
- Department of Energy
- Department of Environmental Quality
- Department of Fish and Wildlife
- Department of Forestry
- Department of Geology and Mineral Industries
- Department of Land Conservation and Development
- Department of Parks and Recreation
- Public Utility Commission
- Division of State Lands
- Traffic Safety Commission
- Department of Water Resources

### FEDERAL AGENCIES:

- Department of Agriculture
- Centers for Disease Control
- Department of Commerce

Federal Emergency Management Agency  
Army Corps of Engineers  
Department of Energy  
Advisory Council on Historic Preservation  
Department of Housing and Urban Development  
National Marine Fisheries Service  
Department of the Interior  
    Bureau of Indian Affairs  
    Bureau of Land Management  
    Fish and Wildlife Service  
    National Park Service  
Environmental Protection Agency  
Department of Transportation  
    Coast Guard  
    Federal Aviation Administration  
    Federal Highway Administration  
    Federal Railroad Administration  
    Urban Mass Transportation Administration

The Department coordinates with a several types of special districts that may be affected by Department plans and projects. These may include port districts, irrigation districts and diking districts.

The Public Transit Division coordinates with a number of agencies and special districts as it carries out its funding and technical assistance programs. These include the Oregon Department of Human Resources, Public Utility Commission, U.S. Department of Transportation, Department of Health, Education and Welfare, and a number of transit districts.

The Aeronautics Division coordinates with the Department of Environmental Quality as that department carries out its Airport Noise Abatement program.

The Department coordinates with the Capital Planning Commission and the Department of General Services in the planning and development of buildings in the Salem area. Chapter 4 describes coordination procedures.

#### **INTERAGENCY COORDINATION CONTACT FOR LAND USE**

Chapter 7 identifies the persons in the Department who should be contacted under various circumstances.

**CHAPTER 7**

**ORGANIZATION OF ODOT PLANNING COORDINATION PROGRAM**

## ORGANIZATION OF THE PROGRAM

### Overall Description

There are two organizational focuses for the Department's coordination program. The Department is reestablishing a strong field component through its region planning representatives. (Figure 4 shows region boundaries.) These positions are responsible for managing the program at the region level and for coordinating with local governments on land use matters affecting the Aeronautics and Public Transit divisions as well as the Highway Division. This is the level where most of the program will be implemented. The Planning Section of the Highway Division provides central coordination of the program as well as technical assistance and training to the regions. This coordination focus provides the most direct organizational linkage to the region offices and therefore will be more effective in maintaining the interest level of the regions. This focus also reflects that the vast majority of land use coordination issues involve the Highway Division.

Following are descriptions of organizational responsibilities.

### Planning Section

The manager of the Planning Section of the Highway Division has overall responsibility for ODOT's coordination program. A unit reporting to the manager will be responsible for carrying out coordination, technical assistance and training for the program. The manager and unit will work closely with the administrators and staff of the Aeronautics, Highway and Public Transit Divisions to assure that the objectives of those divisions are carried out. Responsibilities include:

1. Coordinating the development of land use policy and access management policy for the Department to maintain consistency and provide guidance for the regions.
2. Coordinating with the Aeronautics and Public Transit Divisions as well as other sections of the Highway Division to assure that the objectives of the divisions are incorporated into department policy and implemented by the regions.
3. Maintaining and amending the Department's state agency coordination program. Interpreting Department compliance and compatibility procedures. Assuring that all units of the Department carry out their land use programs in accordance with the Department's state agency coordination program and rule.
4. Developing findings when the Department must act incompatibly in order to fulfill a statutory obligation.
5. Coordinating land use policy for the Department with the Department of Land Conservation and Development.
6. Coordinating periodic review responses with the Department of Land Conservation and Development.

FIGURE 4

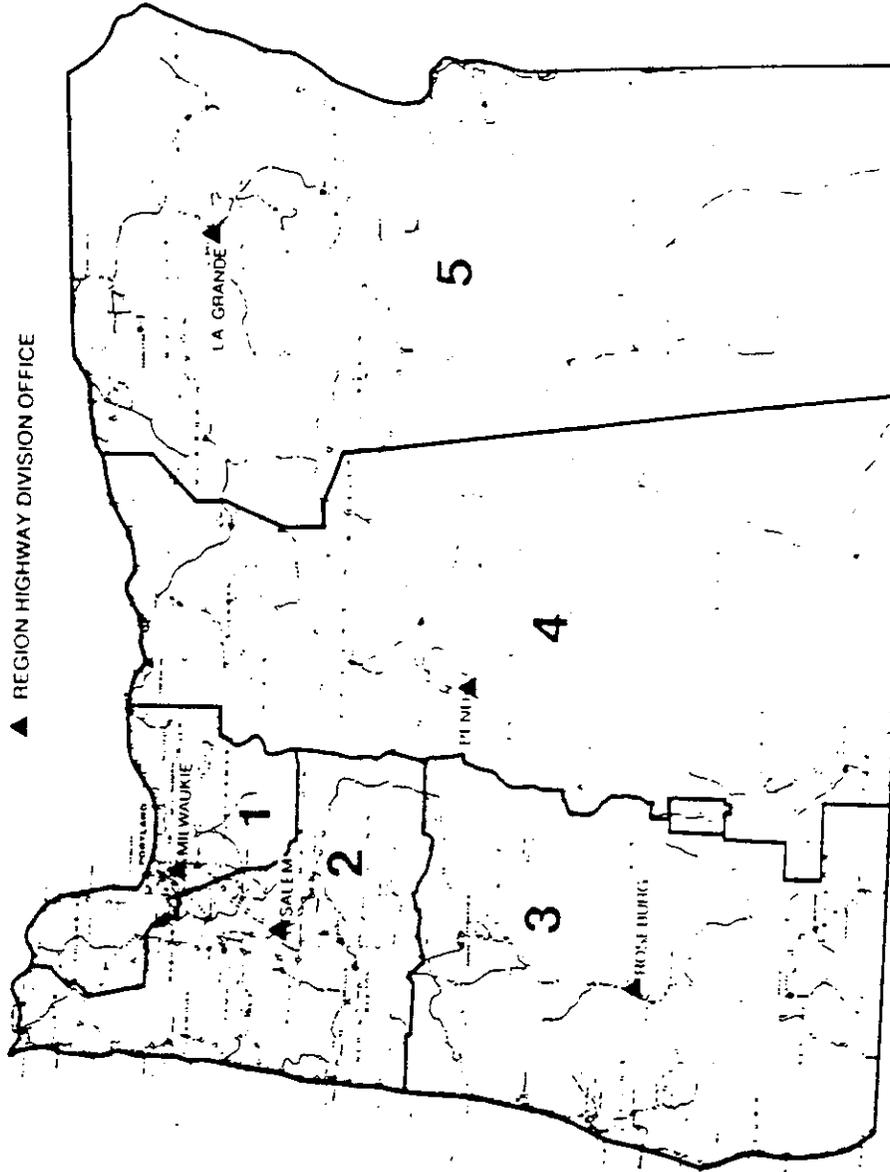
# HIGHWAY DIVISION REGIONS

FOR MORE INFORMATION  
REGARDING THIS PROGRAM  
IN YOUR AREA, PLEASE CONTACT  
HIGHWAY DIVISION REGIONS

- ▲ REGION 1  
Don Adams  
9002 S.E. McLaughlin Blvd.  
Milwaukie 97222  
Telephone: 653-3090
- ▲ REGION 2  
Bob Pool  
207 E. Salem Highway Bldg.  
2960 State St.  
Salem 97310  
Telephone: 378-2626
- ▲ REGION 3  
Jim Gix  
1523 S.E. Cobb St.  
P.O. Box 1128  
Roseburg 97470  
Telephone: 440-3399
- ▲ REGION 4  
Dale Allen  
63055 Hwy. 97N.  
P.O. Box 5309  
Bend 97708  
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- ▲ REGION 5  
J. X. Wilson  
211 Adams Ave.  
P.O. Box 850  
La Grande 97850  
Telephone: 963-3177

STATE HIGHWAY DIVISION  
PROGRAM SECTION  
307 TRANSPORTATION BLDG.  
SALEM, OREGON 97310  
378-6563

Some projects may extend into another county. The county listed is where the largest part of the project is located.



7. Requesting informal mediation and formal compatibility determination by the Land Conservation and Development Commission.
8. Providing the technical resources needed to assist the regions in responding to planning and access management issues: transportation planning, traffic analysis, land use analysis, periodic review analysis, access management and land use agreements.
9. Developing guidelines, model comprehensive plan policies and land use ordinances.
10. Providing training to the regions and district offices on land use and access management.

### **Region Planning Representatives**

Transportation Planning Representatives in each of the Highway Division region offices are responsible for managing and coordinating the program at the region level and coordinating with local governments. They assist the district offices with the implementation of land use and access management policy. Responsibilities include:

1. Coordinating the implementation of land use and access management policy for the Department within the regions.
2. Working with local governments on periodic review and the development of public facilities plans. Coordinating with the Aeronautics and Public Transit Divisions to develop periodic review responses for the Department.
3. Managing the Department's program for coordinating with local governments on comprehensive plan implementation and plan amendment. Determining, in cooperation with the district maintenance offices and the Aeronautics Division, responsibilities for coordinating with local governments on comprehensive plan implementation measures such as site plan reviews, variances, conditional uses, and zone changes.
4. Working with Department of Land Conservation and Development field representatives on periodic review and coordination issues relating to land use actions within the regions.
5. Providing technical assistance to the districts on access management matters within the regions. Coordinating the Department's response on requests for grants of access.
6. Providing technical assistance for local and regional transportation studies.
7. Assuring that project planning activities are carried out in accordance with the procedures in the Department's state agency coordination program and rule.
8. Meeting with city and county planning officials to resolve compatibility disputes.
9. Assisting the districts and other units in the Regions in carrying out their programs affecting land use according to the compliance and compatibility procedures in the state agency coordination program and rule.
10. Reviewing preliminary plans with local planning officials and resolving incompatibilities that result from plan changes.

## **District Offices**

District offices are responsible to managing the Department's access permit program and are often involved in the review of city and county comprehensive plan implementation actions as a result. The districts work with the region planning representatives to allocate responsibilities for coordinating with local governments on comprehensive plan implementation. Responsibilities of the districts include:

1. Implementing the Department's access permit program within the districts.
2. Coordinating with cities and counties on comprehensive plan implementation actions that have been assigned to the districts in agreement with the region planning representatives.
3. Assuring that maintenance, preservation and operations activities, for which the districts are responsible, are carried out according to the procedures in the Department's state agency coordination program and rule.

## **Aeronautics and Public Transit Divisions**

The Aeronautics and Public Transit Divisions coordinate with the Planning Section and the region planning representatives to carry out the Department's coordination program. Responsibilities include:

1. Following procedures in the Department's state agency coordination program and rule for assuring that land use programs for which they are responsible are carried out in compliance with the statewide planning goals and in a manner compatible with acknowledged comprehensive plans.
2. Coordinating with the Planning Section during the development of Division programs relating to land use.
3. Coordinating with the appropriate region planning representative on implementation of division programs relating to land use.
4. Providing guidance and training to the region planning representatives on land use matters related to public transit and aeronautics.
5. Developing division comments on periodic review, plan implementation and plan amendment matters. Coordinating with region planning representatives on these matters.
6. Assist region planning representatives in resolving land use issues related to aeronautics and public transportation.

## **Environmental Section**

The Environmental Section prepares environmental evaluations and assists the regions and other sections in the Project Development Section in managing project planning activities. Land use specialists in the Environmental Section evaluate land use impacts of proposed projects and evaluate compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans. Responsibilities include:

1. Coordinating with region planning representatives to ensure that project planning activities are carried out according to the coordination procedures in the Department's state agency coordination program.
2. Evaluating land use effects of transportation projects and consistency and compatibility unless these responsibilities have been assigned by agreement to a city or county.
3. Preparing findings of compliance with the statewide planning goals and compatibility with acknowledged comprehensive plans unless this responsibility has been assigned to a city or county by agreement.

#### **Motor Vehicles Division**

The Motor Vehicles Division is responsible for carrying out its land use programs in accordance with the appropriate procedures in the Department's state agency coordination program and rule.

#### **Strategic Planning Unit**

The Strategic Planning Unit is responsible for coordinating the development of the Transportation Policy Plan and multimodal systems plans. The unit is responsible for assuring that these are developed in accordance with the appropriate procedures in the Department's state agency coordination program and rule.