

**Oregon Department of Land Conservation and Development
Order Approving Major Progress Report Submitted by Metro**

DLCD Order 001945

August 26, 2024

Contents

I.	Decision	1
II.	Review Procedures and Criteria.....	2
III.	Overview of Requirements for a Major Progress Report	2
	A. Submission and Review	2
	B. Elements of Major Progress Reports	3
IV.	Comments Received	4
	A. Metro fails to report the required data to show regional and local performance.....	4
	B. Metro’s Regional Transportation Plan fails to show the required 30 percent reduction in vehicle miles traveled (VMT) per capita by 2045.	4
	C. Metro fails to prioritize GHG reducing investments.	5
	D. Metro fails to adjust assumptions to reflect current state actions.	6
V.	Director’s Review	7
	A. Jurisdiction.....	7
	B. Scope of Review	7
	C. Director Evaluation.....	7
	1. Performance Targets.....	7
	2. Corrective Actions	12
	3. Comments	15
VI.	Conclusion	15
VII.	Appeal of this Order.....	15
VIII.	Certificate Of Service	16

I. Decision

For the reasons explained in this order, the Department of Land Conservation and Development (DLCD or department) approves the major report on progress toward meeting the requirements in Oregon Administrative Rule (OAR) chapter 660, divisions 12 and 44 submitted by Metro on May 30, 2024.

II. Review Procedures and Criteria

OAR 660-012-0915 provides for the review of major progress reports.

OAR 660-012-0915(2) provides for the director to make a determination of completeness upon submission of the major progress report. If the report is not complete, the rule provides for the director to notify the submitter and for the submitter to send additional information.

OAR 660-012-0915(3) provides for the director to post a copy of the major progress report on the department website and for the director to provide notice and opportunity to provide comment regarding the submitted major progress report.

OAR 660-012-0915(4) provides for the director to make one of four findings upon review of the major progress report and submitted comments. The director shall:

“(a) Find that the submitter has met the performance targets set as provided in OAR 660-012-0910, and has adopted local amendments to implement any approved land use and transportation scenario plan as provided in OAR 660-044-0130;

“(b) Find that the submitter has proposed adequate corrective actions to address any performance targets that were not met and adequate to meet any performance targets set as provided in OAR 660-012-0910;

“(c) Find that the submitter has not met a performance target set as provided in OAR 660-012-0910 and has proposed inadequate corrective actions; or

“(d) Find that the submitter has not implemented an approved land use and transportation scenario plan as provided in OAR 660-044-0130 and proposed inadequate corrective actions.”

OAR 660-012-0915(5) provides for the director to issue an order approving the report if the director makes a finding as provided in OAR 660-012-0915(4)(a) or (b).

OAR 660-012-0915(6) provides for the director to refer the report to the Land Conservation and Development Commission (commission) for a compliance hearing if the director makes a finding as provided in OAR 660-012-0915(4)(c) or (d).

III. Overview of Requirements for a Major Progress Report

A. Submission and Review

Metro submitted the [major progress report](#) to the department on May 30, 2024. As provided in OAR 660-012-0900(2), Metro prepared the major progress report in coordination with cities and counties in the Portland metropolitan area. Cities and counties in the Portland metropolitan area are not required to report individually.

The department determined the major progress report was complete. The department delivered notice to provide comment regarding the major progress report as provided in OAR 660-012-0915(3) on June 27, 2024. The notice provided for comments to be submitted, with a deadline of July 18, 2024.

B. Elements of Major Progress Reports

The following elements must be included in a major progress report, as provided in OAR 660-012-0900(7):

“(a) All information required in a minor report, as provided in [OAR 660-012-0900(6)].”

Section (6) requires a minor progress report to include:

“(a) A narrative summary of the state of coordinated land use and transportation planning in the planning area over the reporting year, including any relevant activities or projects undertaken or planned by the city or county;

“(b) The planning horizon date of the acknowledged transportation system plan, a summary of any amendments made to the transportation system plan over the reporting year, and a forecast of planning activities over the near future that may include amendments to the transportation system plan;

“(c) Copies of reports made in the reporting year for progress towards centering the voices of underserved populations in processes at all levels of decision-making as provided in OAR 660-012-0130 and a summary of any equity analyses conducted as provided in OAR 660-012-0135; and

“(d) Any alternatives reviews undertaken as provided in OAR 660-012-0830, including those underway or completed.”

OAR 660-012-0900(7) continues:

“(b) For reporting cities and counties:

“(A) A description of what immediate actions the city or county has considered to be taken to reduce greenhouse gas emissions as provided in ORS 184.899(2); and

“(B) A description of the consultations with the metropolitan planning organization on how the regional transportation plan could be altered to reduce greenhouse gas emissions as provided in ORS 184.899(2).

“(c) Reporting for each regional and local performance measures as provided in OAR 660-012-0905 or OAR 660-044-0110 including:

“(A) Baseline data;

“(B) Baseline projections of expected outcomes from acknowledged plans;

“(C) An assessment of whether the city, county, or Metro has met or is on track to meet each performance target for each reporting year between the base year and planning horizon year set as provided in OAR 660-012-0910;

“(D) For any performance targets that were not met, a proposal for the corrective actions that will be taken to meet the performance target by the next major progress report;

“(E) An assessment of whether the reporting city or county has adopted local amendments to implement the approved land use and transportation scenario plan as provided in OAR 660-044-0130;

“(F) For any amendments to implement the approved land use and transportation scenario plan as provided in OAR 660-044-0130 that have not yet been adopted, a proposal for the corrective actions that will be taken to adopt the amendments; and

“(G) The status of any corrective actions identified in prior reports.”

Metro submitted a report that included each element required in OAR 660-012-0900(7)(a) and (c). Metro is not required to include the elements listed in OAR 660-012-0900(7)(b) because this subsection only applies to “reporting cities and counties.”

IV. Comments Received

The department delivered notice and solicited comments within a 21-day period as provided in OAR 660-012-0915(3)(b). One set of comments was submitted jointly by two parties:

- Joe Cortright
- No More Freeways

The comments make four key claims, which are summarized below with analysis by the department.

A. Metro fails to report the required data to show regional and local performance.

Comment Summary: The first claim (comments, page 4) states Metro has not adequately reported its actual progress on reducing vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions. The comments claim the reported data for current progress is conflated with modeled future estimates of VMT. The comments refer to OAR 660-044-0110(9) which, in part, requires metropolitan areas in the Central Lane and Salem-Keizer metropolitan areas to develop performance measures to use “actual performance for the data elements used to project [GHG] emissions.”

The comments conclude that the report does not include actual performance to date, but leans too heavily on estimated future performance.

Department Analysis: This comment is inapplicable because it is directed towards the OAR 660-044-0110, the adoption of the preferred scenario. This requirement applies to cities and counties within the Eugene-Springfield and Salem-Keizer metropolitan areas, not Metro.

B. Metro’s Regional Transportation Plan fails to show the required 30 percent reduction in vehicle miles traveled (VMT) per capita by 2045.

Summary: The second claim (comments, page 6) states the Regional Transportation Plan (RTP) fails to meet requirements in OAR 660-012-0160(6) that require a 30 percent reduction in VMT

by 2045 through the financially constrained project list in the RTP.¹ The comments discuss in detail how Metro determines and reports on progress toward meeting goals for reducing VMT. The comments assert that Metro relied on two different models and assumptions (1) for modeling VMT in the climate findings and (2) to plan and implement their projects and spending. The comments refer to the use of state policy assumptions in Metro’s calculations of VMT for climate findings, while calculating VMT without those assumptions for other parts of the Regional Transportation Plan.

The comments conclude Metro must make a choice in whether to use the state policy assumptions in calculating VMT and use a consistent methodology throughout the entirety of the plan.

Analysis: This comment is inapplicable because it addresses the requirements in OAR 660-012-0160(6), which apply to Metro’s adoption of a regional transportation plan (RTP), not a major progress report. On August 23, 2023, Metro submitted notice of proposed adoption of the RTP to DLCD as a post-acknowledgement plan amendment (PAPA). The Metro Council adopted the RTP on November 30, 2023. Metro submitted notice of adoption on December 19, 2023.

C. Metro fails to prioritize GHG reducing investments.

Summary: The third claim (comments, page 18) states the RTP does not correctly prioritize transportation facilities to reduce GHG emissions and VMT. The comments note that OAR 660-012-0155 requires Metro to prioritize transportation facilities and services using a set of prioritization factors, including meeting GHG reduction targets. The comments further note Metro has found road projects are the least effective way to reduce GHG emissions across a set of policy alternatives.

The comments include an assertion that the RTP allocates most capital spending to freeway projects and does not prioritize projects properly. The comments include an assertion that the GHG reduction goal should be applied to projects individually as well as across the entire plan, and the RTP does not do this properly.

The comments conclude the RTP fails to properly prioritize projects individually and within the RTP.

Analysis: This comment is inapplicable because it addresses requirements in OAR 660-012-0155, which applies to the factors Metro used to prioritize projects to include in the RTP, not a major progress report. On August 23, 2023, Metro submitted notice of proposed adoption of the

¹ OAR 660-012-0160(6) provides that

“Metro shall adopt a regional transportation plan in which the projected vehicle miles traveled per capita at the horizon year using the financially-constrained project list is lower than the estimated vehicle miles traveled per capita at the base year by an amount that is consistent with the metropolitan greenhouse gas reduction targets in OAR 660-044-0020. Metro may rely on assumptions on future state and federal actions, including the following state-led actions that affect auto operating costs:

“(a) State-led pricing policies, and energy prices; and

“(b) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel mix, and fuel carbon intensity.”

RTP to DLCD as a PAPA. The Metro Council adopted the RTP on November 30, 2023. Metro submitted notice of adoption on December 19, 2023.

D. Metro fails to adjust assumptions to reflect current state actions.

Summary: The fourth claim (comments, page 22) states the RTP assumes the existence of transportation system pricing that has not been implemented. The comments note that this is a result of state inaction. The comments include an assertion that the RTP is invalid due to the postponement of transportation system pricing.

The comments conclude that the report includes the assumption of future state actions on transportation system pricing that may not occur, so the report must be revised.

Analysis: This comment addresses the requirements in OAR 660-012-0160(6)(a), which applies to Metro’s adoption of a regional transportation plan, not a major progress report. On August 23, 2023, Metro submitted notice of proposed adoption of the RTP to DLCD as a PAPA. The Metro Council adopted the RTP on November 30, 2023. Metro submitted notice of adoption on December 19, 2023.

The comments also briefly address the sufficiency of the major progress report with the same claim that the assumptions on state actions must be revised. However, Metro is allowed to make these assumptions as provided in several rules listed below.

OAR 660-044-0030(4)(a) provides:

“State Actions: Projections of greenhouse gas emissions may include reductions projected to result from state actions, programs, and associated interactions up to, but not exceeding, the levels identified in the Statewide Transportation Strategy.”

OAR 660-044-0040(2)(e) specifically required Metro to base the preferred scenario on:

“assumptions about state and federal policies and programs expected to be in effect over the planning period, including the Statewide Transportation Strategy, in coordination with the responsible state agencies[.]”

OAR 660-012-0160(6) states that when projecting VMT for the financially-constrained project list:

“Metro may rely on assumptions on future state and federal actions, including the following state-led actions that affect auto operating costs:

“(a) State-led pricing policies, and energy prices; and

“(b) Vehicle and fuel technology, including vehicle mix, vehicle fuel efficiency, fuel mix, and fuel carbon intensity.”

Therefore, the assumptions of future state-led actions used by Metro in the major progress report are consistent with requirements in administrative rules.

V. Director's Review

A. Jurisdiction

The director and, if appealed, the commission have authority to review major progress reports as provided in OAR 660-012-0915 and Oregon Revised Statutes (ORS) 197.040. *See also* ORS 197.012.

B. Scope of Review

The relevant review criteria are in OAR 660-012-0915(4). The director must review the major progress report and make one of the four findings provided in the rule.

C. Director Evaluation

The director reviewed the report submitted by Metro and comments on that report to determine which of four findings to make, as provided in OAR 660-012-0915(4).

The director finds that some performance targets were met, and some were not met. The director finds that the proposed corrective actions are adequate to meet the performance targets that are not being met. Metro will need to make significant changes to implement the corrective actions, particularly increasing investment in pedestrian, bicycle, transit, and travel demand management.

In addition, Metro should assess the actions taken over the last ten years to inform future actions, such as updates to the Regional Functional Plan, Regional Transportation Plan, and Climate Smart Strategy. While Metro has demonstrated that regional plans, if fully implemented, would put the region on track to meet the overall 2035 Metropolitan Greenhouse Gas Reduction Target, it is less than clear that the projects implemented over the last decade are consistent with that finding. For example, the additional metrics included in the report indicate that the region has seen a significant growth in throughway and arterial lane miles, trips made by walking have decreased, and pedestrian fatalities and severe injuries have increased over the last ten years.

Metro and cities and counties in the Portland metropolitan area will need to make significant progress on performance targets that were not met. They should make significant changes in how the transportation system is planned, built, and operated to meet the performance targets in the Climate Smart Strategy (as discussed further below), and demonstrate that progress in the next major report.

1. Performance Targets

In 2014, Metro adopted a set of performance measures and targets as part of a regional scenario plan approved by the commission in 2015. The regional scenario plan is called the Climate Smart Strategy. Metro developed the Climate Smart Strategy consistent with rules in place at the time in OAR chapter 660, division 44. In 2022 the commission adopted amendments in OAR chapter 660, division 12 to create the reporting requirements that lead to Metro submitting the major progress report review in this order. This division 12 reporting process ties in the preexisting reporting process that Metro uses for the Climate Smart Strategy reporting under division 44.

Metro's major progress report includes Table 4 in Exhibit E that demonstrates the region's progress toward implementing the Climate Smart Strategy with expected progress that would be achieved if planned projects included in the 2023 RTP financially-constrained list are fully implemented by 2045. Metro established the original Climate Smart Strategy targets for 2035,

and the 2023 RTP uses a planning horizon of 2045. However, these metrics still provide an understanding of where the region is on track and performance targets are expected to be met and where more work is needed where targets are not met.

In addition, Metro has submitted baseline metrics that compare where the region was in 2010 and where the region was in 2020. These numbers provide a sense of where the region is at currently in implementation of the Climate Smart Strategy.

In future reports, the department recommends Metro more clearly report on each adopted target, regional performance, and whether each target was met.

Performance Targets Met

The department has reviewed the report and finds that the following adopted performance targets have been met based on data shown in Table 4 in Exhibit E of the major progress report.

1. Implement the 2040 Growth Concept and local adopted land use and transportation plans

a. Share of households living in a walkable mixed used development in the UGB

The target is at least 37% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 37% by 2045. Therefore, this target is met.

b. New residential units built through infill and redevelopment in the UGB

The target is at least 65% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 75% by 2045. Therefore, this target is met.

c. New residential units built on vacant land in the UGB

The target is no more than 35% in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 25% by 2045. Therefore, this target is met.

d. Acres of urban reserves

The target is not more than 12,000 acres by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 4,739 acres by 2045. Therefore, this target is met.

e. Household-based daily vehicle miles per capita

The target is not more than 16 miles by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 11 miles by 2045. Therefore, this target is met.

2. Make transit convenient, frequent, accessible and affordable

b. Share of households within 1/4-mile all day frequent transit service

The target is at least 37% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 53% by 2045. Therefore, this target is met.

c. Share of low-income households within 1/4-mile all day frequent transit service

The target is at least 49% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 81% by 2045. Therefore, this target is met.

d. Share of employment within 1/4-mile all day frequent transit service

The target is at least 52% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 67% by 2045. Therefore, this target is met.

3. Make biking and walking safe and convenient

a(2). Daily trips made biking

The target is at least 280,000 trips by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 293,153 trips by 2045. Therefore, this target is met.

7. Manage parking to make efficient use of vehicle parking and land dedicated to parking

a(1). Share of work trips occurring in areas with actively managed parking

The target is at least 30% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 32% by 2045. Therefore, this target is met.

a(2). Share of non-work trips occurring in areas with actively managed parking

The target is at least 30% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 30% by 2045. Therefore, this target is met.

8. Support transition to cleaner low carbon fuels, efficient fuels and pay-as-you-go insurance

a(1). Share of registered passenger cars that are electric or plug-in-hybrid electric

The target is at least 8% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 35% by 2045. Therefore, this target is met.

a(2). Share of registered light trucks that are electric or plug-in-hybrid electric

The target is at least 2% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 32% by 2045. Therefore, this target is met.

b. Share of households using pay-as-you-go insurance

The target is at least 40% by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 40% by 2045. Therefore, this target is met.

10. Demonstrate leadership on climate change

a. Region-wide annual tons per capita greenhouse gas emissions (MTCO₂e) from household-based light-duty vehicles within the Target Rule area

The target no more than 1.2 by the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 0.4 by 2045. Therefore, this target is met.

Performance Targets Not Met

The department has reviewed the report and finds that the following adopted performance targets have not been met based on data shown in Table 4 in Exhibit E of the major progress report.

2. Make transit convenient, frequent, accessible and affordable

a. Daily transit service revenue hours (excluding C- TRAN service hours)

The target is at least 9,400 hours in the year 2035. The 2023 RTP would result in 9,059 hours by 2045. Therefore, this target is not met.

3. Make biking and walking safe and convenient

a(1). Daily trips made walking

The target is at least 768,000 in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 622,201 by 2045. Therefore, this target is not met.

b(1). Per capita biking miles per week

The target is at least 3.4 in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 3.0 by 2045. Therefore, this target is not met.

b(2). Per capita pedestrian miles per week

The target is at least 1.8 in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 1.1 by 2045. Therefore, this target is not met.

c(1). Fatal and severe injuries – pedestrians

The target is not more than 63 in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 107 by 2045. Therefore, this target is not met.

c(2). Fatal and severe injuries – bicyclists

The target is not more than 17 in the year 2035. No data was provided in the major report for the 2023 RTP. Therefore, this target is not met.

d(1). New miles of bikeways

The target is at least 421 in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 132 by 2045. Therefore, this target is not met.

d(2). New miles of sidewalks

Metro did not provide the performance target for 2035. The 2023 RTP demonstrates that implementation of the plan would result in 131 by 2045. Therefore, this target is not met.

d(3). New miles of regional trails

The target is at least 140 in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 82 by 2045. Therefore, this target is not met.

4. Make streets and highways safe and reliable

a(1). Fatal and severe injury crashes - motor vehicles

The target is not more than 199 in the year 2035. No data was provided in the major report for the 2023 RTP. Therefore, this target is not met.

a(2). Fatal and severe injuries – pedestrians

The target is not more than 32 in the year 2035. No data was provided in the major report for the 2023 RTP. Therefore, this target is not met.

a(3). Fatal and severe injuries – bicyclists

The target is not more than 17 in the year 2035. No data was provided in the major report for the 2023 RTP. Therefore, this target is not met.

b. Change in travel time and reliability in regional mobility corridors

No data was provided in the major report for either the 2035 target or for the 2023 RTP. Therefore, this target is not met.

c. Share of freeway lanes blocking crashes cleared within 90 minutes

The target is 100% in the year 2035. No data was provided in the major report for the 2023 RTP. Therefore, this target is not met.

5. Use technology to actively manage the transportation system

a. Share of arterial delay reduced by traffic management strategies

The target is at least 35% in the year 2035. No data was provided in the major report for the 2023 RTP. Therefore, this target is not met.

b. Share of regional transportation system covered with system management/TSMO

No data was provided in the major report for either the 2035 target or for the 2023 RTP. Therefore, this target is not met.

6. Provide information and incentives to expand the use of travel options

a. Share of households participating in individual marketing

The target is at least 45% in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 0.5% by 2045. Therefore, this target is not met.

b. Share of workforce participating in commuter programs

The target is at least 30% in the year 2035. The 2023 RTP demonstrates that implementation of the plan would result in 5% by 2045. Therefore, this target is not met.

9. Secure adequate funding for transportation investments

a. Address local, regional, and state transportation funding gap

No data was provided in the major report for either the 2035 target or for the 2023 RTP. Therefore, this target is not met.

10. Demonstrate leadership on climate change

b. Region-wide annual tons per capita greenhouse gas emissions (MTCO₂e) from all vehicles within the Target Rule area

No data for the target 2035 year was provided. The 2023 RTP demonstrates that implementation of the plan would result in 0.7 by 2045. Therefore, this target is not met.

2. Corrective Actions

As part of the major progress report, Metro has identified a set of ten corrective actions that need to be addressed in the next few years, leading up to and including the preparation and adoption of the next RTP to meet the adopted performance targets, especially focusing on performance targets that are not met. Metro's summaries of proposed corrective actions are listed below along with analysis of how each action relates to performance targets. The full descriptions of proposed actions are in Exhibit E of the [major progress report](#).

“1. Metro will begin monitoring and reporting current state and regional trends in transportation-related GHG emissions in coordination with ODOT.”

This proposed corrective action does not directly address any performance targets that are not met. However, this action would support regional and state objectives. Metro should include this information clearly within future major and minor reports.

“2. Metro will continue to improve its climate analysis tools, assessment methods and capabilities in advance of the 2028 RTP update to better estimate GHG emissions impacts of RTP projects and to better inform regional policy and investment decisions that impact climate.”

This proposed corrective action does not directly address any performance targets that are not met. However, this action would support Metro in implementation of the Climate Smart Strategy and could improve Metro's compliance with performance targets generally. Metro should include this information clearly within future major and minor reports.

“3. Metro recommends state agencies conduct a detailed, comprehensive review of the [Statewide Transportation Strategy] STS assumptions used to set regional greenhouse gas emissions reduction targets as described in OAR 660-044-0035 (Division 44 –

Metropolitan Greenhouse Gas Reduction Targets Rules) and to update the STS and GHG target rules as needed.”

This proposed corrective action does not directly address any performance targets that are not met. This corrective action does not involve action by Metro; instead, it is a recommendation to the state to review assumptions from the STS.

“4. Metro recommends ODOT update the Statewide Transportation Strategy, as needed, if the review described above reveals that assumptions are significantly off-track, and subsequently update Division 44 using the updated STS assumptions.”

This proposed corrective action does not directly address any performance targets that are not met. This corrective action does not involve action by Metro; instead, it is a recommendation to the state to update the STS based on findings from a potential review.

“5. Metro will work with state and local partners to conduct a comprehensive review and update to the Climate Smart Strategy to inform the next RTP update.”

This proposed corrective action could address performance targets that are not met. Regular review of progress and recalibration of plans and targets are necessary to achieve state and regional goals. The Climate Smart Strategy was adopted nearly ten years ago. In that time, Metro has demonstrated that the region is on track to meet the overall 2035 Metropolitan Greenhouse Gas Reduction Target and able to meet some of the specific implementation performance targets adopted with the strategy. However, performance is falling short in key areas, namely investment in the pedestrian, bicycle, and transit networks, participation in transportation demand management, and safety.

Metro, cities, and counties should focus short-term efforts on improving outcomes in these areas. Metro should review the actual actions taken in the previous years to help inform and calibrate an update to the Climate Smart Strategy and any updated performance measures and targets. Failure to do so could impede Metro’s ability to meet targets that are not currently met.

“6. Metro will update its Climate Smart Strategy implementation monitoring and reporting to reflect the updated strategy and any changes recommended to the Climate Smart Strategy performance monitoring measures and targets.”

This proposed corrective action addresses the performance targets that were not met because data was not available to determine whether the target was met, which includes 3c(1), 3c(2), 3d(2), 4(a)1, 4a(2), 4a(3), 4b, 4c, 5a, 5b, 9a, and 10b. This action would support the region to better monitor implementation of the Climate Smart Strategy by updating the Climate Smart implementation monitoring and reporting.

Metro should update its Climate Smart Strategy implementation and reporting program so that data is available for all performance measures for the next major progress report. Failure to do so could impede Metro’s ability to have a solid basis for implementing the Climate Smart Strategy in the next update to the RTP and to meet its 2035 Metropolitan Greenhouse Gas Reduction Target.

“7. Metro will update the Regional Travel Options (RTO) Strategic Plan and develop a Regional Transportation Demand Management (TDM) strategy.”

This proposed corrective action specifically addresses the two performance targets in category 6, “Provide information and incentives to expand the use of travel options” that are not met. Metro should undertake this corrective action with the inclusion of the following elements:

- a. Prioritize transportation options services when developing the next RTP.
- b. Work cooperatively with cities, counties, and transportation options providers to advance transportation options services across the region.
- c. Include updates on the progress of this corrective action for the region and each city and county in annual minor progress reports required by OAR 660-012-0900.

Failure to implement the above corrective actions could impede Metro’s ability to meet the targets in category 6 that are not currently met.

“8. Metro will work with regional partners to identify actions to advance transportation electrification in the greater Portland region that complement existing federal and state policies and programs.”

This proposed corrective action addresses performance targets in category 8, “Support transition to cleaner low carbon fuels, efficient fuels and pay-as-you-go insurance” that are being met. However, this action would further support regional and state objectives. The department supports the increased partnership and leadership from Metro.

“9. Metro will work with cities, counties, community-based organizations and transportation agencies to improve the process of developing and evaluating the project list in advance of the next RTP update.”

This proposed corrective action does not directly address any specific performance targets that are not met. However, this action would generally support Metro in improving implementation of the Climate Smart Strategy for performance targets that are not being met under category 3, “Make biking and walking safe and convenient.”

“10. Working in coordination with state and local partner agencies, Metro will increase efforts to prioritize and secure funding for transit service, bicycle and pedestrian infrastructure, and other regional greenhouse gas reduction strategies identified in the updated Climate Smart Strategy.”

This proposed corrective action specifically addresses performance targets that are not being met within category 2, “Make transit convenient, frequent, accessible and affordable,” category 3, “Make biking and walking safe and convenient,” and category 4, “Make streets and highways safe and reliable.” Metro should undertake this corrective action with the following elements:

- a. Prioritize pedestrian, bicycle, and transit infrastructure and services in the development of the next RTP to significantly increase support for these modes above the existing RTP.
- b. Update the Regional Functional Plan to include requirements for cities and counties to prioritize planning, funding, and development for pedestrians, bicycles, and transit to ensure that local actions make a significant change in the development of the transportation system.

- c. Work cooperatively with cities, counties, and transit service providers to advance transit service.
- d. Include updates on the progress on this corrective action for the region and each city and county in annual minor reports submitted to the department.

Failure to implement the above corrective actions could impede Metro's ability to meet targets that are not currently met.

3. Comments

The director finds that the comments raised important policy questions about Metro's land use and transportation planning. Most of the comments, however, were directed to rule requirements for adopting and reviewing the RTP, and did not materially address the criteria for reviewing a major progress report as provided in OAR 660-012-0915. Therefore, those comments were not used to review the major progress report.

The fourth comment addressed the assumptions that Metro used to develop the major progress report, but the comment does not correctly apply the provisions of OAR 660-044-0030(4)(a), OAR 660-044-0040(2)(e), and OAR 660-012-0160(6). Therefore, the fourth comment was considered, but not used to evaluate the major progress report.

VI. Conclusion

Metro has proposed adequate corrective actions to address the performance targets that were not met as provided in OAR 660-012-0915(4)(b). The director therefore approves the major progress report submitted to the department by Metro on May 30, 2024, as provided in OAR 660-012-0915(4)(b).

Signed this 26th day of August 2024

Brenda D Bateman

Brenda Bateman, Director

Department of Land Conservation and Development

VII. Appeal of this Order

This order may be appealed to the commission as provided in OAR 660-012-0915(5). Only parties who submitted written comments on the major progress report may appeal this order. Any appeal must be received by the department no later than 5:00 p.m., Monday, September 30, 2024.

The director will review any appeals received to determine if the appeal is valid. The director will use the following criteria to determine if an appeal is valid as provided in OAR 660-012-0915(5):

- Did the potential appellant submit written comments on the major progress report?
- Was the potential appeal received in a timely manner?
- As provided in OAR 660-012-0915(5)(b), does the potential appeal clearly identify a deficiency in the submitted report based on the requirements of OAR chapter 660 division 12 on issues raised in the written comments?

An appeal must contain enough information to allow the director to make a determination of validity based on these criteria.

As provided in OAR 660-012-0915(5)(c), the director shall determine if the appeal is valid, and that determination is final.

As provided in OAR 660-012-0915(5)(d), if no valid appeals are received in response to this order, the order is final.

As provided in OAR 660-012-0915(5)(e), appeals that are found to be valid will be referred to the commission for a compliance hearing as provided in OAR 660-012-0920. As provided in OAR 660-012-0920(4)(b), the compliance hearing will provide an opportunity for Metro, cities, counties, and any persons who submitted comment to provide written and oral testimony to the commission.

VIII. Certificate Of Service

I certify that on August 26, 2024, I served the attached “Department of Land Conservation and Development Order Approving Major Progress Report Submitted by Metro” to the addresses listed below by email and by mailing in a sealed envelope with first-class postage prepaid.

Party	Email	US Postal Service
Metro	kim.ellis@oregonmetro.gov roger.alfred@oregonmetro.gov	Kim Ellis Metro 600 NE Grand Ave. Portland OR 97232-2736
Joe Cortright	jcortright@gmail.com	Joe Cortright 1424 NE Knott St Portland OR 97212
No More Freeways	tmcdonald66@gmail.com chris@chrissmith.us crichter@batemanseidel.com	Carrie Richter Bateman Seidel Miner Blomgren Chellis & Gram, P.C. 1000 SW Broadway, Suite 1910 Portland OR 97205

Brandi Elmer, Executive Assistant to the Director