

TECHNICAL MEMORANDUM #1 – Regulatory and Policy Summary

Date: March 28, 2018 Project #: 21283
To: Technical Advisory Committee & Public Advisory Committee
From: Nick Gross, Nick Foster, AICP, Marc Butorac, PE, PTOE
Subject: Regulatory and Policy Summary

This memorandum presents a review of existing plans, regulations, and policies as they relate to the Chiloquin Community Pedestrian and Bicycle Plan project. The review explains the relationship between the documents and planning in Chiloquin and identifies key issues that will guide the development of the Chiloquin Community Pedestrian and Bicycle Plan.

The intent of this memorandum is to establish familiarity with existing documents that the plan will build from and reference. It is orientated as a literature review of national, state, and local documents. A summary of the documents reviewed is provided in Table 1 on the following page.

NATIONAL DOCUMENTS

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) ensures pedestrians with disabilities have the opportunity to use the transportation system in an accessible and safe manner. The Federal Highway Administration (FHWA) ensures that recipients of Federal aid and State and local entities that are responsible for roadways and pedestrian facilities do not discriminate on the basis of disability in any highway transportation program, activity, service, or benefit they provide to the general public. In addition, FHWA ensures that people with disabilities have equitable opportunities to use the public rights-of-way system.

The ADA is relevant to the Chiloquin Community Pedestrian and Bicycle Plan as it provides guidance for planning and designing pedestrian facilities for people with disabilities. For example, it includes criteria on pedestrian curb ramps and crossings.

Table 1: Documents Reviewed

Document		Key Application for This Pedestrian and Bicycle Plan
National	Americans with Disabilities Act	Guidance related to designing and planning for pedestrians with disabilities.
	United States Access Board Draft Guidelines: Public Right-of-Way Accessibility Guidelines (2014)	Proposed accessibility guidelines for sidewalks and shared-use paths that are generally considered best practices currently
	Federal Highway Administration <i>Manual on Uniform Traffic Control Devices</i> (2014)	Guidance on how to properly sign and designate bicycle and pedestrian facilities.
	Federal Highway Administration <i>Small Town and Rural Multimodal Networks</i> (2016)	Design and planning guidance for rural pedestrian and bicycle facilities
	Federal Highway Administration <i>Separated Bike Lane Planning and Design Guide</i> (2015)	Planning and design guidance for separated bike lanes
	Federal Highway Administration <i>Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations Study</i> (2005)	Provides guidance on appropriate pedestrian crossing at unmarked crosswalks
	American Association of State Highway Transportation Officials <i>Guide for Planning, Design, and Operation of Pedestrian Facilities</i> (2004)	Provides guidance on the planning, design, and implementation of pedestrian facilities within the public right-of-way
	American Association of State Highway Transportation Officials <i>Guide for the Development of Bicycle Facilities, 4th Edition</i>	Design guidance for bicycle facilities, including shared-use paths.
	National Association of City Transportation Officials <i>Urban Bikeway Design Guide</i> (2014)	Guidance on planning and designing for bicycle facilities including a menu of toolbox solutions and facilities
	National Cooperative Highway Research Program <i>Report 562 – Improving Pedestrian Safety at Unsignalized Crossings</i> (2007)	Guidance on how to determine if a pedestrian crossing is warranted at an unsignalized crossing and, if so, what the appropriate treatment might be.
	Institute of Transportation Engineers <i>Traffic Control Handbook, 2nd Edition</i> (2013)	Guidance material to assist in determining the appropriate device(s) for specific condition based on judgement and/or study
	Institute of Transportation Engineers <i>Traffic /Congress for New Urbanism Designing Walkable Urban Thoroughfares</i> (2010)	Recommendations for the design of walkable urban thoroughfares to support pedestrian facilities within the Chiloquin community.
State	Statewide Transportation Improvement Program (2015-2018)	Identifies funding for, and scheduling of, transportation improvement projects and programs.
	Oregon Transportation Plan (2006)	Provides high-level guidance on system plans, particularly related to goals and evaluation metrics.
	Oregon Bicycle and Pedestrian Plan (2016)	Provides guidance to cities and counties, as well as other organizations and private citizens, in establishing facilities on local transportation systems.
	Oregon Bicycle and Pedestrian Design Guide (2011)	Designates design standards and recommendations for bicycle and pedestrian facilities on state highways.
	Oregon Transportation House Bill (2017)	Aims to funding available for transportation improvements including bicycle, pedestrian, and transit improvements.
	Statewide Planning Goal #12 (Transportation)	Provides high-level guidance for local comprehensive planning as required by state law.
	Transportation Planning Rule	Implements Statewide Planning Goal #12 and provides rulemaking regarding the required Transportation System Plans.

Document		Key Application for This Pedestrian and Bicycle Plan
Local	Klamath Tribes <i>Long Range Transportation Plan (ongoing)</i>	Will provide information pertaining to the Indian Reservation Roads/Tribal Transportation Program (IRR/TTP) inventory and planning process. Will include detailed inventory of existing roadway conditions and GIS mapping.
	Klamath Tribes <i>Native Nutrition and Fitness Project (2012)</i>	Provides actions that will contribute to improvements in nutrition, reductions in the prevalence of overweight and obesity, and increased pedestrian and bicycle safety in the Chiloquin community.
	Klamath County Comprehensive Plan (2010)	Provides the long-term vision for the County and develops policies to help implement that vision.
	Klamath County Transportation System Plan (2010)	Identifies key issues and makes recommendations relating to transportation within the County.
	SERA Architects <i>Pedestrian and Bicycle Safety for the Klamath Tribes and the City of Chiloquin; Findings and Recommendations (2016)</i>	Identified overall bicycle and pedestrian mobility and infrastructure challenges as well as proposed low-cost, quick-implementable solutions through collaborative State, Tribal, County and City agency process.
	Urban Growth Boundary	Identifies areas where future growth may occur. Housing tracks and other types of urban development are not allowed to occur outside of the UGB.
	City of Chiloquin Comprehensive Plan (1980)	Provides long-term vision for the City and develops policies to help implement the City's vision.
	City/County zoning and related ordinances	Identifies appropriate and desired land use areas within the City and the urbanized portion of the County.

United States Access Board Draft Guidelines: Public Right-of-Way Accessibility Guidelines (2014)

The United States Access Board has issued a notice of proposed rulemaking for its guidelines for pedestrian facilities, including pedestrian access routes, curb ramps, and blended transitions, in the public right-of-way that are subject to the ADA (PROWAG). While the guidelines are awaiting adoption by the US Department of Justice before they become law, they are considered best practices and the Federal Highway Administration (FHWA) encourages their use. The United States Access Board continues to maintain design guidelines for accessible buildings and facilities known as the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The ADAAG covers a wide variety of facilities and establishes minimum requirements for new construction and alternations.

Any design standard recommended by the Chiloquin Community Pedestrian and Bicycle Plan should reference the proposed guidelines.

Federal Highway Administration Manual on Uniform Traffic Control Devices (2012)

The Federal Highway Administration (FHWA) Manual on Uniform Traffic Control Devices (MUTCD) is recognized as the national standard for all traffic control devices installed on any street, highway, bikeway, or private road open to public travel to ensure uniformity of traffic control devices. Part 9 of

the MUTCD covers signs, pavement markings, and highway traffic signals specifically related to bicycle operations on both roadways and shared-use paths.

The MUTCD is relevant to the Chiloquin Community Pedestrian and Bicycle Plan as it provides guidance on how to properly sign and designate pedestrian and bicycle facilities.

Federal Highway Administration Small Town and Rural Multimodal Networks (2016)

The Federal Highway Administration (FHWA) Small Town and Rural Multimodal Networks guidebook is intended to be a resource for transportation practitioners in small towns and rural communities. It applies existing national design guidelines in a rural setting and highlights small town and rural case studies. The guidance addresses challenges specific to rural areas, recognizing how rural roadways are operating today, and focuses on opportunities to make incremental improvements despite the geographic, fiscal, and other challenges that many rural communities face.

The FHWA Small Town and Rural Multimodal Networks is relevant to the Chiloquin Community Pedestrian and Bicycle Plan as a resource to apply context sensitive, rural orientated design guidelines for pedestrian and bicycle facilities.

Federal Highway Administration Separated Bike Lane Planning and Design Guide (2015)

The Federal Highway Administration (FHWA) Separated Bike Planning and Design Guide outlines planning considerations for separated bike lanes (also sometimes called “cycle tracks” or “protected bike lanes”) and provides a menu of design options covering typical one and two-way scenarios. It highlights different options for providing separation, while also documenting midblock design considerations, for driveways, transit stops, accessible parking, and loading zones.

If recommendations orientated toward separated bicycle facilities are made as the result of the Chiloquin Community Pedestrian and Bicycle Plan, the FHWA Separated Bike Lane Planning and Design Guide will serve as useful guidance for planning and designing those facilities.

Federal Highway Administration Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations Study (2005)

The purpose of the Federal Highway Administration (FHWA) Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations Study was to determine whether marked crosswalks at uncontrolled locations are safer than unmarked crosswalks under various traffic and roadway conditions. The study also provides recommendations on how to provide safer crossings for pedestrians.

The FHWA Safety Effects of Marked Versus Unmarked Crosswalks at Uncontrolled Locations Study will serve as a useful reference in determine the locations of appropriate pedestrian crossings within Chiloquin as they relate to pedestrian safety.

American Association of State Highway Transportation Officials Guide for Planning, Design, and Operation of Pedestrian Facilities (2004)

The purpose of the American Association of State Highway Transportation Officials (AASHTO) Guide for Planning, Design, and Operations of Pedestrian Facilities is to provide guidance on pedestrian facilities along streets and highways, specifically focused on identifying effective measures for accommodating pedestrians within the public right-of-way. The guide also recognizes the relationship of land use planning and site design as it relates to pedestrian mobility and accessibility.

The AASHTO Guide for Planning, Design, and Operations of Pedestrian Facilities is relevant to the Chiloquin Community Pedestrian and Bicycle Plan as it relates to pedestrian facilities and accommodations within the public right-of-way.

American Association of State Highway Transportation Officials Guide for the Development of Bicycle Facilities, 4th Edition

Published by the American Association of State Highway Transportation Officials (AASHTO), this guide provides recommended design practices for bicycle facilities, including but not limited to bike lanes, marked shared lanes, off-street shared use paths, signed bike routes, and wide sidewalks.

While this guide is not an official standard, it provides useful design recommendations that should be considered in the Chiloquin Community Pedestrian and Bicycle Plan.

National Association of City Transportation Officials Urban Bikeway Design Guide (2014)

Published by the National Association of City Transportation Officials (NACTO), this guide provides recommended design practices for bicycle facilities located within an urban context to encourage and help create “complete streets” that are safe and enjoyable for bicyclists.

This guide provides useful planning and design guidance for bicycle facilities including a menu of potential treatments specific to site context.

National Cooperative Highway Research Program Report 562 – Improving Pedestrian Safety at Unsignalized Crossings (2007)

The National Cooperative Highway Research Program (NCHRP) produced Report 562 with two main objectives: (1) to recommend selected engineering treatments to improve safety for pedestrians crossing high-volume, high-speed roadways at unsignalized intersections, in particular those served by public transportation; and (2) to recommend modifications to the *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)* pedestrian traffic signal warrant.

This guide serves as a useful resource in determine solutions and treatments to address pedestrian safety at unsignalized crossings and is specifically relevant in Chiloquin as there are no traffic signals.

Institute of Transportation Engineers Traffic Control Handbook, 2nd Edition (2013)

The Institute of Transportation Engineers (ITE) Handbook provides guidance and information to implement the provisions of the MUTCD. The objective of the Handbook is to bridge the gap between the MUTCD requirements and field applications. It is meant as guidance material to assist in determining the appropriate device(s) for specific condition based on judgement and/or study.

Institute of Transportation Engineers/Congress for New Urbanism Designing Walkable Urban Thoroughfares (2010)

The Institute of Transportation Engineers (ITE)/Congress for New Urbanism (CNU) Designing Walkable Urban Thoroughfares provides context sensitive guidance for improving both mobility choices and community character through a commitment to creating and enhancing walkable communities. More specifically, it provides guidance for the design of walkable urban thoroughfares in places that currently support the mode of walking and in places where the community desires to provide a more walkable thoroughfare.

This guide will provide specific recommendations for the design of walkable urban thoroughfares to support pedestrian facilities within the Chiloquin community.

STATE DOCUMENTS

Statewide Transportation Improvement Program (2018 – 2021)

The Statewide Transportation Improvement Program (STIP) is the Oregon Department of Transportation's (ODOT's) capital improvement program for state and federally-funded projects. The Oregon Transportation Commission (OTC) and ODOT developed the STIP in coordination with a wide range of stakeholders and general public. The STIP is divided into two broad categories: Fix-It and Enhance. The Enhance category will fund activities that enhance, expand, or improve the transportation system. The Fix-It category will fund activities that fix or preserve the transportation system. The Final 2018-2021 STIP was released in December 2017.

The STIP identifies funding for, and scheduling of, transportation improvement projects and programs. Bicycle and pedestrian improvements receiving federal funds must be identified in the STIP.

Oregon Transportation Plan (2006)

The Oregon Transportation Plan (OTP) is the state's long-range multimodal transportation plan that addresses the future transportation needs of the State of Oregon through the year 2030. The primary function of the OTP is to establish goals, policies, strategies and initiatives that are translated into a series of modal plans, such as the Oregon Highway Plan and Oregon Bike and Pedestrian Plan. As

required by Oregon and Federal legislation, the OTP provides overall policy direction and a framework for prioritizing transportation improvements and developing funding for them. The OTP considers all modes of Oregon's transportation system, including Oregon's pedestrian and bicycle facilities, highways and roadways, public transportation, and railroad. The OTP provides the framework for prioritizing transportation improvements based on varied future revenue conditions, but it does not identify specific projects for development.

- *Policy 1.2, Equity, Efficiency and Travel Choices, states, "It is the policy of the State of Oregon to promote a transportation system with multiple travel choices that are easy to use, reliable, cost-effective and accessible to all potential users, including the transportation disadvantaged."*
- *A component of Strategy 1.2.2 is to "Design new roadways and retrofit existing roadways to support multimodal functions (e.g. construct Americans with Disabilities Act (ADA) ramps, sidewalks, crossings, bus pullouts and bicycle facilities) within existing urban and rural communities, new developments, and especially locations where public transportation exists or will likely exist. Design roads to support operations that give priority to transit vehicles as appropriate."*
- *Policy 3.2, Moving People to Support Economic Vitality, recognizes the importance of an integrated system an integrated system of transportation facilities to support travelers accessing places for recreational and business purposes. It states, "It is the policy of the State of Oregon to develop an integrated system of transportation facilities, services and information so that intrastate, interstate and international travelers can travel easily for business and recreation."*

The OTP provides high-level guidance on system plans, particularly related to goals and evaluation metrics. The Chiloquin Community Pedestrian and Bicycle Plan should be consistent with these goals and policies.

Oregon Bicycle and Pedestrian Plan (2016)

The Oregon Bicycle and Pedestrian Plan (OBPP) is a modal plan that provides policies and implementation strategies intended to move the state forward in achieving comfortable, safe, well connected walking and biking routes. The plan highlights the numerous benefits of walking and biking and presents evidence that walking and biking supports economic growth, health, environmental quality, and mobility.

Oregon Transportation House Bill (2017)

Oregon's House Bill (HB) 2017 Keep Oregon Moving is expected to produce approximately \$5.3 billion in total revenue over 10 fiscal years. HB2017 increases the amount set aside for grants to small cities with populations under 5,000 to \$5 million, allowing them to receive regular grants to address their transportation needs. Keep Oregon Moving includes a new Safe Routes to School program to provide

better ways for children to bike and walk safely to school; this program funded at \$10 million per year initially and grows to \$15 million per year. Funding for multimodal improvements will be provided through a portion of the vehicle dealer privilege tax on new vehicles, the bicycle excise tax, and lottery funding.

Oregon Department of Transportation Bicycle and Pedestrian Design Guide (2011)

The Oregon Department of Transportation (ODOT) Bicycle and Pedestrian design Guide is a technical element of the OBPP that guides the design and management of bicycles and pedestrian facilities on state-owned facilities. It has been designated as a companion piece to the Highway Design Manual (HDM) and includes updated and innovative pedestrian and bicycle treatments.

Statewide Planning Goal #12 (Transportation)

This goal is to provide and encourage a safe, convenient and economic transportation system. It requires that a transportation plan, amongst other things, consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian.

Transportation Planning Rule

Oregon Administrative Rule (OAR) 660-012-0045 (Implementation of the TPR)

This rule requires local governments to adopt land use or subdivision ordinance regulations that provide for safe and convenient bicycle, pedestrian and vehicular circulation. Local governments are to ensure that new development provides on-site streets and access ways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

OAR 660-012-0060

This rule states that if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place certain measures, unless the amendment is allowed under certain provisions of this rule.

LOCAL DOCUMENTS

Klamath Tribes Long Range Transportation Plan (Current)

Red Plains Professional is currently developing a Long Range Transportation Plan (LRTP) as part of the Tribal Transportation Program for the Klamath Tribes. The LRTP will present information pertaining to the Indian Reservation Roads/Tribal Transportation Program (IRR/TTP) inventory and planning process. The project team for the Chiloquin Community Pedestrian and Bicycle Plan will work closely with the Klamath Tribes and Red Plains Professional to coordinate the two ongoing projects. Specifically, the existing conditions inventory and project recommendations from the Chiloquin Community Pedestrian and Bicycle Plan will be incorporated into the LRTP and the LRTP team may be able to identify potential funding sources for these projects.

Klamath Tribes Native Nutrition and Fitness Project (2012)

The Native Nutrition and Fitness Project engaged Native highschool students in the Chiloquin community to lead student-driven nutrition and physical fitness policy changes. Six main themes emerged through this process including the most relevant theme to the Chiloquin Community Pedestrian and Bicycle Plan: *Pedestrian & Bicycle Safety*.

Several key issues were identified under the Pedestrian & Bicycle Safety theme, including a lack of sidewalks, which forces people to walk in the road or drive for short distance trips. Student suggestions included more sidewalks and bike lanes around the community, lowering the speed limit around town, and raising community awareness of pedestrian and bicycle safety. The findings of this project will inform the Chiloquin Community Pedestrian and Bicycle Plan project goals, objectives, and evaluation criteria.

Klamath County Comprehensive Plan (2010)

An objective in the Recreation section of the Klamath County Comprehensive Plan states that the bicycle and hiking trails should be encouraged within the County. A policy related to that goal states the County will communicate and cooperate with government agencies to protect existing recreational trails and promote additional trails.

An objective in the Transportation section of the Klamath County Comprehensive Plan states that development should occur in such a manner as to encourage and facilitate alternative modes of transportation, such as public transit and bicycling. Specific policies state that in evaluating the transportation system, the County will support proposals that protect the quality of neighborhoods and the community. An additional objective states that transportation plans should consider the separation of pedestrian ways and vehicle traffic ways to ensure maximum protection and convenience. A policy related to that goal states that the County shall encourage local governments to improve the convenience and safety of pedestrian and bicycle transportation.

The comprehensive plan provides a long-term vision for the County and develops policies to help implement that vision. Bicycle and trail facility improvements should be consistent with this plan.

Klamath County Transportation System Plan (2010)

In the Balanced Transportation System section, the Klamath County Transportation System Plan (TSP) recognizes the need for safe, attractive, and efficient pedestrian and bicycle facilities. These facilities should be in appropriate locations and be designed for safety, security, maintainability and affordability. The Balanced Transportation System section also states that the design of new roads should consider the potential for the multi-purpose of the right-of-way for utility, pedestrian, bicycle, transit, truck, and auto use, and recognizes roads as important to the community identity.

SERA Architects Pedestrian and Bicycle Safety for the Klamath Tribes and the City of Chiloquin; Findings and Recommendations (2016)

SERA Architects worked with the Klamath Tribes and City of Chiloquin to identify overall bicycle and pedestrian mobility and infrastructure challenges as well as low-cost, quick-implementable solutions with input from State, Tribal, County and City agencies. The preliminary work was conducted in January 2016 and used as part of the successful ODOT Transportation Growth Management application for the Chiloquin Community Pedestrian and Bicycle Plan.

Urban Growth Boundary (UGB)

Housing tracts and other types of urban development are not allowed to occur beyond the UGB. The Trail plan should focus on improvements within the UGB or within expected amendments.

City of Chiloquin Comprehensive Plan (1980)

An objective in the Transportation Findings section states that “bicycle and pedestrian transportation could be improved.”

County and City zoning and related ordinances

When developing the Chiloquin Community Pedestrian and Bicycle Plan, transportation system improvements should not be in conflict with adjacent land uses or zoning ordinances.

DESIGN STANDARDS

The cross-sectional design standards from local, State, and Federal guiding documents, as well as the recommended design standards from AASHTO were reviewed to establish baseline information. Standards are generally consistent across jurisdictions, as shown in Table 2. According to Tribes and City staff, both the City and Tribes typically refer to Federal design standards for their roadways.

Table 2: Design Standards Comparison

Design Feature	Klamath County Land Development Code	Oregon Bicycle and Pedestrian Design Guide	PROWAG	AASHTO
Sidewalk Width	5'	5'	4-5' ²	4'-8' ³
Bicycle Lane Width	6'	6'	N/A	4'-7' ⁴
Shared-use Path Width	N/A	10'-12'	4-5'	8'-14' ⁴

¹Varies depending on functional classification of adjacent roadway and surrounding land-use context

²4 feet of clear width is required on all pedestrian access routes, but 5' is preferred. If 5' is not provided, then passing zones of at least 5'x5' must be provided

³From *A Policy on Geometric Design of Highways and Streets*, 6th Edition (2011).

⁴From *Guide for the Development of Bicycle Facilities*, 4th Edition (2012).

In addition to these cross-section widths, there are standards related to grade, curb ramps, and other features. These standards ensure accessibility for all users and are laid out by current Federal guidance on ADA requirements. It is generally recommended that all new facilities be designed to meet the guidelines laid out in PROWAG.

NEXT STEPS

The consultant team will review Technical Memorandum #1 – Regulatory and Policy Summary with the Project Management Team (PMT) and incorporate feedback on the draft document. Technical Memorandum #1 – Regulatory and Policy Summary will be used as a reference document moving forward in the development of the Plan.