

Steering Committee Meeting #7

MEETING DATE: Thursday, May 21, 2020

MEETING TIME: 1:00 p.m. – 3:00 p.m.

LOCATION: On-line. Participation details can be found at <https://www.bendoregon.gov/government/citizen-committees/citywide-transportation-advisory-committee>

Objective

- Discuss, refine and approve transportation policies for the TSP Update

Agenda

1. Welcome and Introductory Agenda Items (20 min)

- a. Welcome and convene meeting (Mayor Russell)
- b. Approval of previous minutes (Mayor Russell)
- c. Public comment – (Mayor Russell) *Note: only written comments are being accepted at this time. Comments may be submitted by email to kswirsky@bendoregon.gov by 10 a.m. on Thursday, May 21. All comments received by that deadline will be provided to the Steering Committee and summarized by the Chair at the meeting. Comments received after that time will be provided to the committee at the next meeting.*
- d. Where we are in the process and today's process (Joe Dills, facilitator)

2. Transportation Goals (action item – 30 min)

This agenda item is a continuation of the Steering Committee's discussion in January. At that meeting, one member proposed amendments to the Goals. Under the committee's adopted protocols, the previous approval of Goals (September, 2018) requires a majority vote to "reopen" them. The agenda is structured to address that action first, then discuss potential amendments if the Goals are reopened. Please see packet materials.

- a. Recommendation and comments by the CTAC Co-Chairs
- b. Staff briefing (Karen Swirsky, Project Manager, City of Bend)
- c. Steering Committee discussion, consideration of whether to reopen
- d. Steering Committee action

3. Transportation Policies and Action Items (action item – 60 min)

At the January meeting, two members proposed amendments to the CTAC-recommended TSP Policies and Action Items. No additional amendments have been proposed by

members since that initial meeting. A staff report has been prepared to provide comments and recommendations for each of the proposed amendments. This agenda item is structured to: (1) consider minor clarification amendments as a group; and, (2) review substantive amendments in the topical groups listed in Table 2 of the staff report. Please see attached materials.

- a. Recommendation and comments by the CTAC Co-Chairs
- b. Staff briefing (Karen Swirsky, Project Manager, City of Bend)
- c. Steering Committee discussion, policy direction and refinements as needed
- d. Steering Committee action

4. Close/next meeting

Accessible Meeting Information

This meeting/event location is accessible. Sign language interpreter service, assistive listening devices, materials in alternate format such as Braille, large print, electronic formats and audio cassette tape, or any other accommodations are available upon advance request. Please contact Jenny Umbarger at jeumbarger@bendoregon.gov or 541.323.8509. Providing at least 3 days notice prior to the event will help ensure availability.

Minutes

Steering Committee Meeting #6

Bend's Transportation Plan

January 22, 2020

City Hall, Council Chambers

710 NW Wall Street, Bend, Oregon



CITY OF BEND

Steering Committee Members

Sally Russell, **Chair**

Bruce Abernethy, **Vice-Chair**

Barb Campbell

Gena Goodman-Campbell

Justin Livingston

Bill Moseley

Chris Piper

Tony DeBone

Lindsey Hopper (*absent*)

Gary Farnsworth

City Councilor / Mayor

City Councilor / Mayor Pro Tem

City Councilor and MPO Policy Board

City Councilor

City Councilor

City Councilor

City Councilor

Deschutes County Commissioner

Planning Commission

ODOT Region 4 Manager

City Staff & Consultants

David Abbas, *Transportation Services Director*

Tyler Deke, *MPO Manager*

Joe Dills, *Angelo Planning Group*

BreAnne Gale, *Senior Planner*

Russ Grayson, *Community Development Director*

Lorelei Juntunen, *EcoNW*

Eric King, *City Manager*

Matt Kittelson, *Kittelson & Associates*

Ian Leitheiser, *Assistant City Attorney*

Chris Maciejewski, *DKS Associates*

Karin Morris, *Accessibility Manager*

Andrea Napoli, *MPO Senior Planner*

Elizabeth Oshel, *Associate City Attorney*

Brian Rankin, *Long-range Planning Manager*

Jon Skidmore, *Chief Operations Officer*

Karen Swirsky, *Senior Planner*

Jenny Umbarger, *Administrative Support Specialist*

Mary Winters, *City Attorney*

Sharon Wojda, *Chief Financial Officer*

CTAC Co-Chairs

Steve Hultberg

Mike Riley

Ruth Williamson

1. Welcome and introductory agenda items

Chair Russell called the meeting to order at 1:03pm.

Chair Russell called for approval of the June 20, 2019 minutes. Member Livingston moved to approve, Member Campbell seconded. Minutes were approved unanimously.

Public Comment:

Melanie Keebler spoke in support of the policy recommendations from the Citywide Transportation Advisory Committee (CTAC), requesting approval from the Steering Committee (SC).

Mr. Dills reviewed the Bend Transportation System Plan (TSP) Phase 3-4 Work Plan, as outlined in the presentation.

2. TSP Overview and Big Picture

Ms. Swirsky and the CTAC Co-Chairs provided an overview of the TSP, as outlined in the presentation.

3. Draft Chapter 2: Goals, Policies and Actions

Ms. Swirsky reviewed Draft Chapter 2: Goals, Policies and Actions, as outlined in the presentation. Members shared thoughts and general recommendations about Chapter 2. There was consensus that members individually share their recommended Chapter 2 revisions with staff by the end of May, and that staff develop a structure for the entire SC to reconvene to review the draft policies following the bond vote.

4. Draft Chapter 4: Transportation Projects and Programs

Mr. Kittelson and Mr. Maciejewski reviewed Draft Chapter 4: Transportation Projects and Programs, as outlined in the presentation. Member Farnsworth provided a review of the Parkway Study, as outlined in the presentation. Members shared thoughts and general recommendations about Chapter 4. There was consensus to provide clarity on operations and maintenance (O&M), and how it integrates with projects and programs.

Member Goodman-Campbell moved to approve the Draft Transportation Projects and Programs Chapter forward, for inclusion in the TSP, in substantially the form presented and including the revisions regarding O&M, identified by the SC. Member Piper seconded. Motion was approved unanimously.

5. Draft Chapter 5: Transportation Funding Strategy

Ms. Juntunen reviewed Chapter 5: Transportation Funding Strategy, as outlined in the presentation.

Members shared thoughts and general recommendations about Chapter 5. Staff to verify allocation assumptions regarding the Metropolitan Planning Organization (MPO) contribution to O&M. A straw vote to determine support for incorporating language into Chapter 5 regarding putting before voters a transportation utility fee (TUF) resulted in 4 – yes, 4 – no, 1 abstention. Chair Russell determined to forward the topic to a future policy discussion meeting.

Member Abernethy moved to approve forwarding the Draft Transportation Funding Strategy Chapter, for inclusion in the TSP, with potential prioritization of funding tools to be discussed as part of policy discussion. Member Piper seconded. The motion was approved unanimously.

6. Public Comment

No public comment.

7. Close and next meeting

Meeting adjourned at 3:53pm.

Respectfully submitted,

Jenny Umbarger
Growth Management Department

Accessible Meeting/Alternate Format Notification



This meeting/event location is accessible. Sign and other language interpreter service, assistive listening devices, materials in alternate format such as Braille, large print, electronic formats, language translations or any other accommodations are available upon advance request at no cost. Please contact Jenny Umbarger no later than 24 hours in advance of the meeting at jeumbarger@bendoregon.gov, 541-323-8509, or fax 541-385-6676. Providing at least 3 days' notice prior to the event will help ensure availability.

Project Team Report on Transportation Goals & Policies

PREPARED FOR: Bend's Transportation Steering Committee

PREPARED BY: Karen Swirsky, Senior Planner

DATE: 5/4/2020

Background

Goals

The Steering Committee first considered goals for the Bend Transportation System Plan (TSP) in May 2018, and provided direction on draft goals to the Citywide Transportation Advisory Committee (CTAC). CTAC discussed the goals at their meetings on April 10, May 30, July 19, and August 22, 2018, ultimately forwarding on a set of recommendations to the Steering Committee. The Steering Committee approved the goals for the TSP on September 11, 2018.

Policies

Development of the draft policies for the update to the TSP began with a compilation of the existing policies in the City's existing TSP (adopted in 2000) and the Comprehensive Plan's Transportation Chapter (adopted in 2016). The recommended policies from the City of Bend Parking Code and Policy Assessment (2017) were also reviewed.

A series of sub-committees were formed from CTAC to draft proposed policies for consideration by CTAC as a whole, stemming from and guided by the Steering Committee-approved goals. These included: Safety, Mobility, Technology/Transit, Bicycle/Pedestrian/Complete Streets, and Equity. Each of these sub-committees reviewed the existing policies as well as examples from peer cities such as Eugene, Springfield, and Corvallis in Oregon, as well as Boulder, Colorado, and Austin, Texas. Policy subcommittees met throughout February and March, 2019. In addition, the CTAC Funding Work Group created draft funding policy language for CTAC review.

Once the policy sub-committees created draft policies, they were internally vetted by the City Attorneys and other City departments, including Community Development, Growth Management, Performance Management, and Streets and Operations. The review was focused on legal compliance, consistency with the Transportation goals, City practices, and feasibility of implementation based on staff's practical experience. Comments from this internal review cycle were brought back to CTAC for review and refinement at meetings on April 24, May 22, and June 18, 2019.

Draft policies and actions (work-in-progress) were brought to the Steering Committee as an informational item on June 20, 2019.

CTAC held workshops on July 26, 2019 and November 20, 2019, to further refine policy and action language. The revised policies and actions were once again internally vetted with the City Attorneys and other Project Team members for any remaining concerns about legal compliance.

CTAC approved the Draft Goals, Policies, and Actions Chapter of the TSP to forward to the Steering Committee on December 12, 2019. This Chapter included the goals that were approved by the Steering Committee on September 11, 2018. The Steering Committee reviewed the draft chapter on January 22, 2020. At that meeting, there was consensus to reconvene to further discuss policy issues and make a final recommendation.

Following the January 22 meeting, the Project Team sought comments from all Steering Committee members. Meeting times were offered, as well as the opportunity to provide written comments. Written comments were received from two Steering Committee members. One Steering Committee member met with staff but had no comments. One member submitted written material and met in person; the other provided written materials. One committee member suggested changes to the previously adopted goal language; both suggested changes to draft policy and action language. Those suggested changes are the topic of the meeting scheduled for May 21, 2020.

Project Team Recommendations

Because only two Steering Committee members provided comments, the Project Team was faced with the challenging task of balancing these recommendations against the considerable amount of work done by the Steering Committee and CTAC, as well as the Steering Committee's adoption of the goals. After careful consideration, the Team's recommendations are summarized below and detailed in the third columns of the attached Table 1 (Goals) and Table 2 (Policies) for deliberation and action by the Steering Committee.

Goals

The Steering Committee approved the Goals at their September 11, 2018 meeting.

Steering Committee protocols, adopted by the Steering Committee (SC) at its first meeting on March 13, 2018, provide that: *"Prior decisions made by the SC by consensus or vote may be reconsidered when there is a consensus or a majority vote approving a reconsideration. The Project Director will inform the SC of potential impacts to the budget and schedule when substantive issues are proposed for reconsideration."*

Since the Goals were previously approved by the Steering Committee on September 11, 2018, a consensus or a majority vote of Steering Committee must support reopening of the goals, prior to any discussion of changing language.

The Steering Committee may make one of the following decisions:

- (1) **Leave the goals as they were adopted in September 11, 2018** (Project Team's recommendation); or
- (2) **Vote to reopen the discussion of one or more of the goals.** If there is consensus or a majority vote to reopen the goals, there are two directions the Committee may take, each with different potential impacts to budget and schedule.

- **Reopen the goals to adopt minor edits only** (see Table 1, items in **red font**). These changes do not alter the intent of the goal language and provide clarity without schedule or budget consequences.
- **Reopen discussion on one or goals.** Because the Project Team feels that much of the proposed language could alter the intent of the adopted Goal (see Table 1, items in **blue font**), this action could have budget and scheduling consequences. This is because the action could create the need to re-evaluate the policies that were written to implement the goals, and the and subsequent analysis, evaluation, and project development that were based on the goals. The current schedule does not have leeway for additional meetings of the Steering Committee or CTAC, especially if completion prior to the November 2020 election is desirable. The current budget is matched to the proposed completion date of late September without additional analysis.

Policies

The attached Table 2 includes language changes proposed by two Steering Committee members, as well as some suggestions that are the outcome of further agency coordination since the policies were first drafted. The Project Team's recommendations are found in the third column. In general, the Project Team's recommendations are summarized as follows:

- (1) Make minor edits to clarify and/or add completeness or consistency (shown in **red font**).
- (2) For edits that substantively change language of the CTAC-recommended policies (shown in **blue font**), generally retain the language from CTAC, except for edits needed for legal reasons, or to support existing City practices that are desired to continue under the new TSP. In a few circumstances, the Project Team is neutral on the proposed change (shown in black underline) or has suggested alternative language (shown in **bold italics**).
- (3) For edits to actions (shown in **purple font**), generally leave the language as. This is because actions are not regulatory (as are goals and policies); they are *suggested methods of implementation*, and are CTAC's recommendations for future Councils to consider as implementation decisions are made. The one exception to this recommendation is the action related to Policy 17, which reflects recent coordination discussions with ODOT, and which the Project Team believes should be added.

Next Steps

Following the May 21 Steering Committee, and a recommendation from the Steering Committee, Project Team will compile the Goals and Policies into a Final Draft chapter for inclusion in the Transportation System Plan.

CTAC will be reviewing the entire draft Transportation System Plan at its June 2 meeting, but will not further refine goals and policies after Steering Committee approval.

The Steering Committee will review the entire Final Draft Transportation System Plan at its meeting on June 18, for recommendation for approval by the Bend Planning Commission and adoption by City Council.

Following that meeting, the Transportation System Plan will enter into the hearings phase, beginning with a joint Planning Commission and City Council work session on July 8, a Planning

Commission Hearing on July 27 and a Council Hearing on August 19, with final adoption scheduled for early September.

TABLE 1: TRANSPORTATION PLANNING GOALS

<p>STEERING COMMITTEE APPROVED GOALS</p>	<p>CHANGES Key: Minor edits; Substantial edit</p>	<p>PROJECT TEAM RECOMMENDATION</p>
		<p>Overall Team Recommendation: retain the Goals as approved by the Steering Committee on September 11, 2018. If the Steering Committee votes to reopen the discussion on one or more goals, then the Project Team has the following recommendations.</p>
<p>1. Increase System Capacity, Quality, and Connectivity for All Users (e.g., drivers, walkers, bicyclists, transit riders, mobility device users, commercial vehicles, and other forms of transportation)</p> <ul style="list-style-type: none"> • Increase route choices and connections for all users <ul style="list-style-type: none"> ○ Roads: increase capacity and efficiency ○ Sidewalks: increase access and connectivity ○ Bicycle facilities: increase total miles of bike routes/facilities ○ Transit: increase transit participation • Use technology to enhance system performance, including accessible technology (i.e., audible signals) • Increase the number of people who walk, ride a bike, and/or take transit 	<p>1. Increase System Capacity, Quality, and Connectivity for All Users (e.g., drivers, walkers, bicyclists, transit riders, mobility device users, commercial vehicles, and other forms of transportation) <u>travelers, goods, service providers, all modes</u>)</p> <ul style="list-style-type: none"> • <u>Increase Balance actual supply and demand of</u> route choices and connections for all users • <u>Plan transportation systems based on democratic principles with consideration given to financial, engineering, planning and other perspectives</u> • <u>Focus policies that encourage mode shift by providing positive incentives such as user cost savings, efficiency and convenience. Policies should not be intended to coerce mode shift.</u> 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the changes in red to overall Goal 1 language because they add brevity and conciseness. • Do not change the first bullet. Currently, analysis shows that drivers have more options for travel than walkers, bicyclists, or transit users. It was important to CTAC to increase choices for those modes that are currently under-served. • Do not add the second bullet. The addition of “democratic principles” is unnecessary, because the implementation of the TSP occurs through the democratic process of an elected City Council adopting changes to the Bend Development Code. If the Steering Committee would like to add this bullet, Staff suggests the following language:

TABLE 1: TRANSPORTATION PLANNING GOALS

<p>STEERING COMMITTEE APPROVED GOALS</p>	<p>CHANGES Key: Minor edits; Substantial edit</p>	<p>PROJECT TEAM RECOMMENDATION</p>
<ul style="list-style-type: none"> • Provide reliable travel times for commuters, emergency vehicles, and commercial users • Minimize congestion • Reduce vehicle operating and maintenance costs due to poor pavement conditions • Emphasize asset management 		<p><i>Plan transportation systems based on consideration of financial, engineering, planning, equity, and other perspectives.</i></p> <ul style="list-style-type: none"> • Staff does not recommend the suggested addition of the third bullet. The policies as proposed by CTAC seek to balance the transportation system. If the Steering Committee would like to add this bullet, Staff recommends the addition of the first sentence but not the second: <i>Focus policies that encourage mode shift by providing positive incentives such as user cost savings, efficiency and convenience.</i>
<p>2. Ensure Safety for All Users</p> <ul style="list-style-type: none"> • Reduce serious injuries and fatalities • Maximize safe routes within and between neighborhoods and throughout the community for all users • Design and build facilities and routes that maximize safety for pedestrians and bicyclists • Ensure safe speeds 	<p>2. Ensure Safety for All Users</p> <ul style="list-style-type: none"> • Reduce <u>Zero</u> serious injuries and fatalities • <u>Increase Safe Routes to Schools</u> (<i>comment: moved here from Goal 4</i>) • Design and build facilities and routes that maximize safety for <u>drivers</u>, pedestrians and bicyclists <u>based on crash data</u> 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Change the first bullet to be consistent with the policy language, which was the result of extensive CTAC debate which concluded that the goal of the City should be “zero” fatalities, rather than just a reduction. • Add bullet 2, moved from Goal 4, since it is safety-related. • Make the change to add “drivers” and “based on crash data” is consistent with the CTAC desire to provide data-

TABLE 1: TRANSPORTATION PLANNING GOALS

<p>STEERING COMMITTEE APPROVED GOALS</p>	<p>CHANGES Key: Minor edits; Substantial edit</p>	<p>PROJECT TEAM RECOMMENDATION</p>
		<p>driven solutions to increase safety for all users.</p>
<p>3 Facilitate Housing Supply, Job Creation, and Economic Development to Meet Demand/Growth</p> <ul style="list-style-type: none"> • Build new roads and upgrade existing roads to serve areas targeted for growth (prioritizing opportunity and expansion areas) and job creation • Provide access and connectivity to expanded housing supply • Improve connectivity and route choices for commercial users 	<ul style="list-style-type: none"> • Build new roads and upgrade existing roads infrastructure to serve areas targeted for growth (prioritizing opportunity and expansion areas) and job creation 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the changes to Goal 3 for clarity.
<p>4 Protect Livability and Ensure Equity and Access</p> <ul style="list-style-type: none"> • Incorporate a complete streets approach for all new road projects and road reconstruction • Increase Safe Routes to Schools • Ensure that people of all income levels and abilities have access to the transportation options that best meet their needs • Encourage the use of roads for their stated classification • Keep through freight traffic on ODOT facilities 	<p>4. Protect <u>Support</u> Livability and Ensure Equity and Access</p> <ul style="list-style-type: none"> • <u>Reduce cut-through traffic on residential streets by maintaining sufficient collector and arterial capacity</u> • Increase Safe Routes to Schools <i>(comment: move to Safety)</i> • Encourage <u>Emphasize</u> the use of roads facilities for their stated classification • Keep Encourage through freight traffic on <u>to use</u> ODOT facilities 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Project Team is neutral on the suggested changes to Goal 4 language. The difference between “protect” and “support” is stylistic without changing intent. • Do not add the first bullet, since adding capacity is only one tool for reducing problematic “cut-through traffic” on residential streets. • Move the “safe routes to schools” bullet to Goal 2, as it is a safety concern. • Make changes to the third and fourth bullets for clarity.

TABLE 1: TRANSPORTATION PLANNING GOALS

STEERING COMMITTEE APPROVED GOALS	CHANGES Key: Minor edits ; Substantial edit	PROJECT TEAM RECOMMENDATION
	<ul style="list-style-type: none"> • Provide sufficient parking for all modes based on actual demand 	<ul style="list-style-type: none"> • Do not add the fifth bullet because this issue is addressed in policy language (see Policy 38).
<p>5. Steward the Environment</p> <ul style="list-style-type: none"> • Minimize the impacts of the transportation system on natural features • Minimize the impacts of the system on air and water quality and noise • Reduce carbon emissions from transportation 	<ul style="list-style-type: none"> • Reduce carbon emissions from <u>all</u> transportation modes by implementing technology and connectivity efficiencies 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Add this language for clarity.
<p>6. Have a Regional Outlook and Future Focus</p> <ul style="list-style-type: none"> • Coordinate and partner with other public and private capital improvement projects and local/regional planning initiatives • Create a system that is designed to implement innovative and emerging transportation technologies 		<p>No changes</p>

TABLE 1: TRANSPORTATION PLANNING GOALS

STEERING COMMITTEE APPROVED GOALS	CHANGES Key: Minor edits ; Substantial edit	PROJECT TEAM RECOMMENDATION
<p>7. Implement a Comprehensive Funding and Implementation Plan</p> <ul style="list-style-type: none"> • Identify stable, equitable, adequate, and achievable funding for transportation programs and projects • Ensure that the financial plan and investment priorities are transparent, understandable, and broadly supported by the community • Produce a funding plan that includes contributions from residents, visitors, and businesses and that delivers benefits to all users and geographies equitably and in a timely manner • Include performance measures/benchmarks and a formal process to periodically assess progress to date and adjust or update the plan as needed • Achieve financial stability 	<ul style="list-style-type: none"> • Achieve financial stability for transportation • <u>Foster innovation through competition for public resources for all modes</u> • <u>Produce a funding plan that charges each mode according to the cost for each mode mile traveled</u> 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the change for the first bullet for clarity. • Do not add the other two bullets. The suggested language would increase existing funding disparities between modes. CTAC’s intent was to balance spending to support all modes of travel.

TABLE 2: TRANSPORTATION POLICIES

CTAC RECOMMENDED POLICIES & ACTIONS	PROPOSED CHANGES Key: Minor edits ; Substantial edit to Policy ; Edits to Action	PROJECT TEAM RECOMMENDATION
<p>Introduction</p> <p>The public policies in the TSP form the long-term foundation for the City of Bend’s transportation system. They provide a consistent course of action to move the community toward the goals of the TSP. These policies are used to evaluate any proposed changes to the Bend Development Code and Bend Comprehensive Plan, of which the TSP is an element, and other regulatory documents. They are used to guide other work programs and long-range planning projects and to prepare the budget and capital improvement program. The policies are implemented through the City’s land use regulations such as the zoning ordinance, subdivision ordinance, and Standards and Specifications.</p> <p>Decisions about the City’s transportation system will be guided by the goals and policies, but ultimately will be made within the overall context of the City’s land use plans and the practical constraints of the City. This includes but is not limited to funding availability and compliance with all applicable federal and state laws, rules and regulations, and constitutional limitations.</p> <p>Policies may be followed by actions, which are guidelines for implementing the policies. Actions are suggested approaches designed to help the City implement the TSP through its land use regulations and other City actions. The actions listed here are advisory recommendations for achieving the stated policies and do not limit the City to a single approach.</p>	<p>Decisions about the City’s transportation system will be guided by the <u>made by elected leaders who shall receive guidance from these</u> goals and policies, but ultimately will be made within the overall context of the City’s land use plans and the practical constraints of the City. This includes but is not limited to funding availability and compliance with all applicable federal and state laws, rules and regulations, and constitutional limitations.</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Neutral on this suggested language change to the second paragraph of the Introduction. • Use “will” rather than “shall,” per City Attorney direction (all code language is being updated to remove “shall” and move to “will”).
<p>Safety</p> <p>The City of Bend aspires to an accessible, welcoming, and comfortable transportation system for all users, including the most vulnerable. This system should allow zero serious injuries or fatal crashes. The City recognizes that we must design and manage our transportation system with this end in mind.</p>	<p>The City of Bend aspires to provide a safe, efficient and effective transportation system for all modes an accessible, welcoming, and comfortable transportation system for all users, including the most vulnerable. This system should allow zero serious injuries or fatal crashes. The City recognizes that we must design and manage our transportation system with this end in mind.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not strike the language as suggested as this was crafted with extensive CTAC discussion and considerable public support.
<p>1. The City will balance safety, connectivity, and travel time reliability for all modes of transportation in design and construction of transportation projects, and in transportation program implementation.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Adopt and implement the 2019 Transportation Safety Action Plan, including mapping identified crash emphasis areas.</i> • <i>Amend the Bend Development Code to include safety mitigation as part of development review.</i> 	<ul style="list-style-type: none"> • <i>Adopt and implement the 2019 Bend MPO Transportation Safety Action Plan, including mapping identified crash emphasis areas.</i> • <i>Amend the Bend Development Code to include safety mitigation as part of development review.</i> 	<p>Recommendations:</p> <ul style="list-style-type: none"> • Do not change Action language.

TABLE 2: TRANSPORTATION POLICIES

<p>2. The City is committed to zero transportation-related fatalities or serious injuries through design, operation, maintenance, and enforcement activities.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> By 2021, the City will develop and adopt an action plan to move the City towards zero traffic deaths or serious injuries (e.g. Vision Zero). The plan will set a clear goal of eliminating traffic deaths and serious injuries among all road users within an explicit timeframe and actively engage key City departments. 	<p>The City is committed to zero transportation-related fatalities or serious injuries through design, operation, maintenance, <u>education</u>, and enforcement activities.</p> <p style="text-align: center;">OR</p> <p>The City <u>desires to minimize transportation-related fatalities and serious injuries</u> is committed to zero transportation-related fatalities or serious injuries through design, operation, maintenance, and enforcement activities.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> By 2021, the City will develop and adopt an action plan to move the City towards zero traffic deaths or serious injuries (e.g. Vision Zero). The plan will set a clear goal of eliminating traffic deaths and serious injuries among all road <u>transportation system</u> users within an explicit timeframe and actively engage key City departments. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> By 2021, the City will develop and adopt an action plan to <u>significantly reduce traffic deaths and serious injuries</u> move the City towards zero traffic deaths or serious injuries (e.g. Vision Zero). The plan will set a clear goal of eliminating traffic deaths and serious injuries among all road users within an explicit timeframe and actively engage key City departments. 	<p>Recommendations:</p> <ul style="list-style-type: none"> Add “education” to the policy for completeness. Do not replace the language as suggested as the word “zero” was very important to CTAC and the topic of considerable discussion and final agreement. Do not change Actions.
<p>3. The City will consider the needs and safety of all users in transportation projects, programs, and funding decisions, with special attention to the needs of vulnerable users (including but not limited to older people, children, people with disabilities, and other users of the transportation system).</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> Identify, prioritize, and/or allocate funding for projects and programs to improve safety for vulnerable users. 	<p>The City will consider the needs and safety of all users in transportation projects, programs, and funding decisions, with special attention to the needs of vulnerable users (including but not limited to older people, children, <u>and</u> people with disabilities, and other users of the transportation system).</p> <p style="text-align: center;">OR</p> <p>The City will consider the <u>needs mobility</u> and safety of all users in transportation projects, programs, and funding decisions, with special attention to the needs of vulnerable users (including but not limited to older people, children, people with disabilities, and other users of the transportation system).</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> Add strikeout as suggested for brevity. Do not replace “needs” with “mobility” as mobility is one of many transportation needs, including accessibility and affordability, as well as safety.
<p>4. The City will establish and enforce appropriate motorist speeds based on the posted speed limit.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> The City will plan for, design, construct, and/or reconstruct streets to achieve consistency between motorists’ speeds and target speed limits and prioritize speeding and reckless driving enforcement programs on problematic routes. 	<p>The City will establish and enforce appropriate <u>motorist travel</u> speeds based on the posted speed limit.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> The City will plan for, design, construct, and/or reconstruct streets to achieve consistency between <u>motorists’ travel</u> speeds and target speed limits and prioritize speeding and reckless driving enforcement programs on problematic routes. 	<p>Recommendations:</p> <ul style="list-style-type: none"> Replace “motorist” with “travel” in both the policy and the first action item. Do not change other Actions.

TABLE 2: TRANSPORTATION POLICIES

<ul style="list-style-type: none"> • Create a citywide speed management program to address safety issues related to speed. • Review street design in coordination with emergency services; amend Standards and Specifications accordingly. 	<ul style="list-style-type: none"> • <u>The City will create a plan which identifies and reduces safety issues caused by residential, cut-through traffic throughout the City by providing adequate capacity and choice on arterial and collector roads.</u> 	
<p>5. The City will provide transparent, easy to understand, and effective communication programs to encourage safe travel on the transportation system.</p> <p>Action:</p> <ul style="list-style-type: none"> • Develop a comprehensive education program that promotes safe behavior by all roadway users. Apply an interdisciplinary approach that aims to adjust community norms regarding identified crash causation factors including, but not limited to, speeding, DUII, crosswalk yielding, red-light running, and distracted driving. 	<p>No proposed edits</p>	<p>No changes.</p>
<p>6. Emergency response times are an important component of transportation planning. Emergency response time goals will be considered in maintenance activities and intersection design, including roundabout design, traffic calming devices, and installation of traffic signals that allow preemption for emergency vehicles.</p>	<p>Emergency response times are an important component of transportation planning. Emergency response time goals will be considered in all transportation planning, design and maintenance activities and intersection design, including the capacity and design of roads, roundabout design, traffic calming devices, and installation of traffic signals that allow preemption for emergency vehicles.</p>	<p>Recommendation: Make the suggested language change because it adds clarity, with the following clarification: <i>Emergency response time goals will be considered in all transportation planning, design and maintenance activities and intersection design, including the capacity and design of roads and intersections, including roundabouts design, traffic calming devices, and installation of traffic signals that allow preemption for emergency vehicles</i></p>
<p>Mobility</p> <p>The City will design, construct, maintain, and operate its transportation system to provide a comprehensive and integrated network that safely serves all modes and people of all ages and abilities. The transportation system will promote commerce and support the Comprehensive Plan’s vision for responsible, efficient growth and development.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>7. The City will plan for efficient access for employees, customers, emergency services, and freight carriers to and from employment, commercial, and industrial lands by all modes of travel.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>8. The City will improve connectivity and address deficiencies in the street network with the understanding that connectivity needs and conditions may vary based on an area’s existing and planned land uses and street network (e.g., large lot industrial areas may have different needs than residential areas).</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>9. The City will limit the location and number of driveways and vehicular access points on higher order streets (arterials and collectors) to maintain public safety and future traffic carrying</p>	<p>No proposed edits</p>	<p>No changes</p>

TABLE 2: TRANSPORTATION POLICIES

<p>capacity, while preserving appropriate access to existing and future development.</p>		
<p>10. The City’s preferred intersection treatment is a roundabout, for reasons of capacity, traffic flow, and safety. The City may select a different intersection treatment, considering land acquisition needs, operational considerations, topography, and other engineering factors.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> • <i>Update the Bend Roundabout Design Guide, incorporate in Standards and Specifications.</i> 	<p>The City’s preferred intersection treatment is a roundabout, for reasons of <u>safety</u>, capacity, <u>and</u> traffic flow, and safety. The City may select a different intersection treatment, considering land acquisition needs, operational considerations, topography, and other engineering factors.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the suggested language change for clarity.
<p>11. The City’s standard for collectors and arterials is a three-lane configuration, but it will also consider a two-lane configuration with medians where appropriate for pedestrian crossing safety and traffic flow.</p>	<p>The City’s standard for collectors and arterials is <u>to match road capacity to demand as necessary to alleviate residential, cut-through traffic to the extent feasible. Where appropriate, medians should be provided a three-lane configuration, but it will also consider a two-lane configuration with medians where appropriate</u> for pedestrian crossing safety and traffic flow.</p>	<p>Recommendation:</p> <p>Do not make the proposed language change, as adding capacity is only one tool for reducing “cut-through traffic” on residential streets and must be balanced with other factors such as safety, adjacent land use, and financial constraints. The policy as written matches City current practice.</p>
<p>12. The City will design roadways to reflect the land use context as well as the roadway classification.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>13. The City will strive to relieve congestion through management of the roadway network to achieve travel time reliability for all users.</p>	<p>The City will strive to relieve congestion through management of the <u>roadway transportation infrastructure</u> network to achieve travel time reliability for all users.</p>	<p>Recommendation:</p> <p>Make the suggested language change for clarity.</p>
<p>14. The City requires applicants with new land use proposals to assess the adequacy of the transportation system and ensure safe and efficient transportation for people using all modes. The City currently uses volume to capacity (v/c) targets and safety to evaluate intersection performance. The City may adjust the v/c target, temporarily or permanently, for a specific intersection based on locational constraints, safety concerns, road classification, and/or surrounding existing or planned land uses. The City may impose reasonable conditions and mitigation requirements on development in proportion to their impacts. The City may use a measurement other than v/c in the future.</p>	<p>The City requires applicants with new land use proposals to assess the adequacy of the transportation system and ensure safe and efficient transportation for people using all modes. The City currently uses volume to capacity (v/c) targets and safety to evaluate intersection performance. The City may adjust the v/c target, temporarily or permanently, for a specific intersection based on locational constraints, safety concerns, road classification, and/or surrounding existing or planned land uses. The City may impose reasonable conditions and mitigation requirements on development in proportion to their impacts. The City may use a measurement other than v/c in the future.</p> <p style="text-align: center;">OR</p> <p>The City requires applicants with new land use proposals to assess the adequacy of the transportation system and ensure safe and efficient transportation for people using all modes. <u>The City will assess the motor vehicular adequacy of the transportation system based on a peak hour analysis unless specified by the City Engineer.</u> The City currently uses volume to capacity (v/c) targets and safety to evaluate intersection performance <u>for motor vehicles</u>. The City may adjust the v/c target, temporarily or permanently, for a specific intersection based on locational constraints, safety concerns, road classification, and/or surrounding existing or planned</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Do not make the proposed strikeout as this policy reflects and supports the City’s current practice as implemented by Bend Development Code 4.7. If this policy is removed, the City will not have support in the TSP to require new developments to mitigate their impacts on the transportation system through off-site improvements. • Include the additional language in the second suggested revision. This language is the result of consultation with City engineering staff to allow an appropriate measure of congestion that can be realistically mitigated.

TABLE 2: TRANSPORTATION POLICIES

	land uses. The City may impose reasonable conditions and mitigation requirements on development in proportion to their impacts. The City may use a measurement other than v/c in the future.	
<p>15. The City may waive off-site improvements for certain development types based on Council goals and other identified City priorities. If the City implements such waivers, it will identify other funding sources for infrastructure development. The City will monitor the effect of any waiver and adjust as needed based on its funding needs.</p> <p><i>Action:</i></p> <p>a. Consider supplemental SDCs, LIDs, or other funding mechanisms to supplement or replace infrastructure that would otherwise be provided by new development.</p>	No proposed edits	No changes
<p>16. The City's policy is to manage congestion/corridor demand before adding motor vehicle lanes. Adding travel lanes for motor vehicles will be considered only after the City has:</p> <p>a. Evaluated the safety effects for all users and modes of travel;</p> <p>b. Evaluated the potential to add capacity through intersection improvements;</p> <p>c. Evaluated the potential to add capacity through increasing system connectivity with parallel routes;</p> <p>d. Provided appropriate transit, bicycle and pedestrian facilities, including safe crossings;</p> <p>e. Implemented transportation demand management or other tools; and</p> <p>f. Assessed the full cost of property acquisition in monetary and social terms.</p>	<p><u>d. Evaluated the potential to add capacity through technologies such as upgraded traffic control devices and other intelligent transportation system application.</u></p> <p style="text-align: center;">OR</p> <p>The City's policy is to manage congestion/corridor demand before adding motor vehicle lanes. Adding travel lanes for motor vehicles will be considered only after the City has:</p> <p>a. Evaluated the safety effects for all users and modes of travel;</p> <p>b. Evaluated the potential to add capacity through intersection improvements;</p> <p>c. Evaluated the potential to add capacity through increasing system connectivity with parallel routes;</p> <p>d. Provided appropriate transit, bicycle and pedestrian facilities, including safe crossings;</p> <p>e. Implemented transportation demand management or other tools; and</p> <p>f. Assessed the full cost of property acquisition in monetary and social terms.</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Add "d" since it reflects the City's current work on Intelligent Transportation System (ITS) implementation. • Do not make the proposed strike-outs as the careful consideration of steps to take prior to widening roadways was a key issue to the public and CTAC, and allows the City to make balanced and financially prudent decisions. The 2000 TSP included a specific and limited list of roads that will not be widened, which was reached as a compromise with the special interest groups; CTAC felt that this proposed policy provides a framework for analyzing road widening citywide, and issue that is very important to the public. Without this policy, there would be no guidance in the TSP for where/when the City should widen roads.
<p>17. The City's policy is to preserve the function of both local and State of Oregon transportation facilities through continued coordination with the Oregon Department of Transportation (ODOT).</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> • Continue to coordinate with ODOT to determine when to implement modifications to City streets and closures or modifications to approaches on City streets that will be impacted by improvements to US 20 or US 97. 	<p>The City's policy is to preserve the function of both local and State of Oregon transportation facilities, <u>with emphasis on stated functional classification hierarchy</u>, through continued coordination with the Oregon Department of Transportation (ODOT).</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> • Continue to coordinate with ODOT to determine when to implement modifications to City streets and closures or modifications to approaches on City streets that will be impacted by improvements to US 20 or US 97. 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the suggested language changes because they add clarity. • Add the second bullet item to the Actions following discussions with ODOT on future coordination.

TABLE 2: TRANSPORTATION POLICIES

	<ul style="list-style-type: none"> • <u>Coordinate with ODOT on the long-term management of state highway facilities within Bend, including implementation of the Bend Parkway Study and mobility targets consistent with identified City and ODOT investment strategies.</u> 	
<p>Equity</p> <p>The City of Bend believes that we thrive when all individuals, from all parts of our City, have affordable and equitable access to a full range of transportation choices to meet their daily needs, including, but not limited to employment, housing, healthcare, education, recreation, and shopping. The City recognizes that the transportation system has historically underserved some residents, and that their needs require particular attention as transportation investments, programs, and services are prioritized and funded. Those historically underserved populations include but are not limited to: people who cannot or choose not to drive (including children); persons with disabilities; people who cannot afford a motor vehicle; people living in areas where there are concentrations of impoverished and/or minority populations; and groups that have been subjected to racism and/or discrimination.</p> <p>The City defines transportation equity as being achieved when <i>everyone</i> has access to safe, comfortable, affordable, and reliable transportation choices to meet their daily transportation needs. Transportation equity helps ensure that disparities are reduced and access to daily needs and key destinations are fairly provided.</p>	<p>The City of Bend believes that we thrive when all individuals, from all parts of our City, have affordable and equitable access to a full range of transportation choices to meet their daily needs, including, but not limited to employment, housing, healthcare, education, recreation, and shopping. The City recognizes that the transportation system has historically underserved some residents community members, and that their needs require particular attention as transportation investments, programs, and services are prioritized and funded. Those historically underserved populations include but are not limited to: people who cannot or choose not to drive (including children); persons with disabilities; people who cannot afford a motor vehicle; people living in areas where there are concentrations of impoverished and/or minority populations; and groups that have been subjected to racism and/or discrimination.</p>	<p>Recommendations:</p> <ul style="list-style-type: none"> • Change “residents” to “community members”, since the term “resident(s)” has legal status implications. • Do not make the suggested strike-outs since that section reflects the City’s legal interpretation of the Fair Housing Act (FHA). One element of fair housing under the FHA is sufficient transportation system connecting housing to services and areas of opportunity within the City, accessed over the transportation network. Under the FHA, the City must affirmatively further fair housing, and analyze impediments to fair housing in the City, which may include lack of access to services due to an insufficient transportation system. Naming the populations the transportation system may not be adequately serving is an element of affirmatively furthering fair housing. Including these transportation-related elements of fair housing in our TSP supports the City as a Community Development Block Grant (CDBG) entitlement district.
<p>18. The City is committed to equitably distributing the benefits and costs of transportation system plans and improvements. The City will develop and support programs and projects, both capital and maintenance, that reduce transportation-related disparities faced by populations that have historically had significant unmet transportation needs or who have experienced disproportionately negative impacts from the existing transportation system.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Fund data collection to identify historically underserved populations in order to better identify and understand their transportation needs, and to target projects and programs to improve transportation-related conditions for these residents.</i> • <i>Analyze crash and fatality data to determine if rates are higher in neighborhoods that are more diverse than the City as a whole. Ensure that the annual CIP process includes projects that will improve safety outcomes and processes that build trust within these areas.</i> • <i>Create an equity lens for analyzing transportation project and program benefits and shortcomings.</i> • <i>Analyze the impacts of transportation projects and programs on areas with greater proportions of low-income, health-</i> 	<ul style="list-style-type: none"> • <i>Fund data collection to identify historically underserved populations in order to better identify and understand their transportation needs, and to target projects and programs to improve transportation-related conditions for these residents community members.</i> • <i>Analyze crash and fatality data to determine if where rates are higher in neighborhoods that are more diverse than the City as a whole in order to Eensure that the annual CIP process includes projects that will improve safety outcomes and processes for all community members of the City that build trust within these areas.</i> • Create an equity lens for analyzing transportation project and program benefits and shortcomings. 	<p>Recommendations:</p> <ul style="list-style-type: none"> • Do not make changes to Actions, except to change “residents” to “community members.”

TABLE 2: TRANSPORTATION POLICIES

<p><i>challenged, minority, youth and/or elderly citizens than the City as a whole. Use national best practices as a guide.</i></p>		
<p>19. The City will actively engage and support all populations with respect to age, race, disability, gender, income, or location in the City in transportation planning issues, outcomes and decisions. It will actively engage and support those who have been historically underserved, especially in identified areas with concentrations of poverty and/or minority populations.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Develop, fund, and implement a set of citywide outreach and engagement protocols that build trust and promote community empowerment in transportation issues and planning.</i> • <i>Ensure that transportation planning staff have the training resources they need to address equity and diversity issues in infrastructure planning.</i> 	<p>The City will actively engage and support all residents community members populations with respect to age, race, disability, gender, income, or location in the City in transportation planning issues, outcomes and decisions. It will actively engage and support those who have been historically underserved, for example those living in areas where the median income is less than the average especially in identified areas with concentrations of poverty and/or minority populations.</p> <ul style="list-style-type: none"> • <i>Ensure that transportation planning staff have the training resources they need to address the needs of residents community members who face transportation challenges due to their age, status as a working parent, housing proximity to employment, and physical abilities equity and diversity issues in infrastructure planning.</i> 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the suggested changes to support the City’s obligation affirmatively further fair housing as required under the Fair housing Act. • Do not make changes to Actions.
<p>20. The City will strive to avoid, minimize, and/or mitigate disproportionately high and adverse human health, economic, or environmental effects of transportation projects on those who have been historically underserved, especially in identified areas with concentrations of impoverished and/or minority populations.</p>	<p>The City will strive to avoid, minimize, and/or mitigate disproportionately high and adverse human health, economic, or environmental effects of transportation projects on those who have been historically underserved, especially in identified areas with concentrations of impoverished and/or minority populations.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not strike-out since that section reflects the City’s legal interpretation of the Fair Housing Act - see response at Equity introduction.
<p>Technology, Transit, & Transportation Demand Management Technology, transit, and transportation demand management tools (including parking management) are critical tools for maximizing the efficiency and effectiveness of the transportation system and the regional and local environmental, economic, and social benefits of the Bend transportation system.</p>	<p><i>Comment: Split this into three separate sections: (1) Technology, (2) Transit, and (3) Transportation Demand Management.</i></p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the suggested change for clarity.
<p>21. The City will partner with the public and private sectors to test new mobility technologies and consider implementing them. Pilot and/or demonstration projects will create efficient opportunities to test emerging mobility techniques and technologies and better understand their impacts, costs, and opportunities.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>22. The City will develop the capability for collecting, managing, integrating, and analyzing transportation data to inform City decision-making on transportation.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>The City will create guidelines to require mobility providers, connected vehicle infrastructure, and any private data communications devices installed in the City right-of-way to use open data standards to report anonymized, accurate, complete, and timely information on use, compliance, and other aspects of operations.</i> 	<p>No proposed edits</p>	<p>No changes</p>

TABLE 2: TRANSPORTATION POLICIES

<ul style="list-style-type: none"> • <i>The City will establish a centralized transportation data system and provide transportation-related data to the public to increase transparency and accountability in meeting identified transportation performance measures.</i> • <i>The City will explore regional and national initiatives for transportation data collection, management, analysis, and reporting, adopting regional and national data and interoperability standards wherever appropriate and established.</i> • <i>The City will provide public access to all anonymized transportation data to the degree legally permitted, including dashboard reporting on identified transportation performance measures and tools to enable data interrogation, extraction, and analysis by third parties.</i> 		
<p>23. The City recognizes that micromobility devices (e.g., small-wheeled vehicles such as bikes, e-bikes, e-scooters, etc.) that provide increased mobility options may be an important part of our transportation system, and that demand for such services will likely increase in the future.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> • <i>The City will evaluate and develop clear guidelines to maximize benefits, and address concerns, governing the location and management of shared active transportation (or “micromobility”) vehicles in the right-of-way, as approved by the City.</i> 	<ul style="list-style-type: none"> • <i>The City will evaluate and develop clear guidelines to maximize benefits, and address concerns, governing the location and management of shared active transportation (or “micromobility”) vehicles in the right-of-way, as approved by the City.</i> 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make changes to Actions, as this policy and action are aimed at active shared mobility devices, as opposed to “passive” shared mobility (like Uber, etc.). Shared and autonomous vehicle policies are addressed in Policies 25 and 26.

TABLE 2: TRANSPORTATION POLICIES

<p>24. The City will support the expansion of infrastructure to accommodate and encourage electric vehicles and other alternatives to the internal combustion engine. The City will act as a role model by replacing appropriate City fleet vehicles with alternatives to the internal combustion vehicle as replacement opportunities occur.</p> <p>Action:</p> <ul style="list-style-type: none"> • Create a Community Electric Vehicle Infrastructure Plan that identifies how the City will prepare for and implement actions that support increased use of electric vehicles in Bend. The plan will identify appropriate policies, ordinances, outreach programs, zoning, and permitting practices that encourage use of electric vehicles and provide infrastructure to support electric vehicle growth. Amend the Bend Development Code and Standards and Specifications to implement the plan. • Identify City fleet vehicles best suited for electrification and develop standards for replacing vehicles with electric when opportunities arise. Develop a plan to convert vehicles that are not suited for electrification to alternative fuels. 	<ul style="list-style-type: none"> • Create a Community Electric Vehicle Infrastructure Plan that identifies how the City will prepare for and implement actions that support increased use of electric vehicles in Bend. The plan will identify appropriate policies, ordinances, outreach programs, zoning, and permitting practices that encourage use of electric vehicles and provide infrastructure to support electric vehicle growth. Amend the Bend Development Code and Standards and Specifications to implement the plan. 	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make changes to Actions.
<p>25. The City recognizes that autonomous vehicles (which do not require the performance of a human operator for part or all of their functions) will be a part of the City’s transportation system in the near future.</p> <p>Action:</p> <ul style="list-style-type: none"> • The City will develop and implement autonomous vehicle strategies to ensure safety, equity, travel time reliability, and system efficiency, and to reduce vehicle miles traveled and carbon emissions. 		
<p>26. The City will manage the curb zone area of the right-of-way to ensure flexibility and adaptability as parking and mobility technologies change.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Create guidelines for curb management and amend the Standards and Specifications and Bend Development Code to implement. • The City will use adjacent land use characteristics, building type, and other physical attributes to determine the appropriate curb use (e.g., on-street parking, pick-up/drop-off of passengers or freight, shared active transportation facilities, bikeways, transit stops, and enhanced transit stops). 		
<p>27. The City will implement the Intelligent Transportation System Plan and work with ODOT and the Metropolitan Planning Organization (MPO) to regularly update the Plan.</p>		

TABLE 2: TRANSPORTATION POLICIES

<p>28. The City will develop a program to require institutions and larger businesses with larger institutions to implement and track a transportation demand management (TDM) plan that outlines targets, strategies, and evaluation measures to reduce vehicle miles traveled and single-occupancy vehicle trips, particularly at peak hours.</p>	<p>The City will develop a program to require <u>encourage</u> institutions and <u>larger</u> businesses or larger institutions to implement and track a transportation demand management (TDM) plan that outlines targets, strategies, and evaluation measures to reduce vehicle miles traveled and single-occupancy vehicle trips, particularly at peak hours.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> Do not change “require” to “encourage.” TDM programs are needed in order for the City to reach its VMT targets as well as to reduce congestion. A mandatory program for large institutions is the recommended strategy for making this change. Delete “or larger institutions” since it is repetitive.
<p>29. In coordination with the City’s public transportation provider, the City will work to improve the availability of all forms of transportation and transportation technologies by establishing mobility hubs.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> <i>Establish mobility hubs in all four city quadrants and in the core to improve the accessibility of all forms of transportation and transportation technologies. Mobility hubs are a concentration of transportation services that may include but are not limited to transit stops or transfer stations, secure bicycle parking, car- and bike-share services, shuttle services, and other assistance for the traveling public.</i> 	<p>In coordination with the City’s public transportation <u>providers</u>, the City will work to improve the availability of all forms of transportation and transportation technologies by establishing mobility hubs.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> Correct this error.
<p>30. The City will continue to develop, document and promote its own internal TDM plan to serve as a role model for others.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>31. In order to increase transportation options and support existing and planned land uses, the City will work with its public transportation provider to improve the efficiency and effectiveness of existing services in Bend; expand services to underserved areas; and support regional systems that encourage residents of nearby communities to travel to Bend by public transit.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>32. The City will plan, prioritize, and implement needed improvements on corridors identified for high-capacity transit, including complete street elements and signal prioritization.</p>	<p>The City will plan, prioritize, and implement needed improvements on corridors identified for high-capacity transit, including complete street elements and signal prioritization.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> Do not make the deletion as high capacity transit corridors are a key component to reducing congestion and VMT. As a part of the transit system, the City is required to discuss these facilities in the TSP, as well as provide direction on how to support them.
<p>33. The City will work with its public transportation provider to develop mobility on demand and mobility as a service trip planning and payment tools across multiple mobility platforms.</p>	<p>The City will work with its public transportation <u>providers</u> to develop mobility on demand and mobility as a service trip planning and payment tools across multiple mobility platforms.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> Correct this error.
<p>34. The City will support its public transportation provider in replacing the fleet of transit vehicles with energy-efficient and/or alternative-fuel vehicles that minimize the transit system’s impact on the environment as replacement opportunities occur.</p>	<p>The City will support its public transportation <u>providers</u> in replacing the fleet of transit vehicles with energy-efficient and/or alternative-fuel vehicles that minimize the transit system’s impact on the environment as replacement opportunities occur.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> Correct this error.
<p>35. The City will fully implement the Downtown Parking Plan (2017).</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>36. The City will adopt parking management and enforcement technologies to optimize use of existing public and private parking</p>	<p>The City will adopt parking management and enforcement technologies to optimize use of existing public and private parking supply, to reduce conflicts, and to <u>reduce the share of land occupied</u></p>	<p>Recommendation:</p> <ul style="list-style-type: none"> The Transportation Planning Rule requires the inclusion of language directed towards more efficient use of land, leading to a reduction of land

TABLE 2: TRANSPORTATION POLICIES

<p>supply, to reduce conflicts, and to reduce the share of land occupied by parking.</p>	<p>by parking- provide sufficient amounts of land for parking to meet demand.</p>	<p>dedicated to parking. If the Steering Committee would like to consider less proscriptive language, Staff suggests the following: <i>The City will adopt parking management and enforcement technologies to optimize use of existing public and private parking supply <u>and</u> to reduce conflicts and to reduce the share of land occupied by parking.</i></p>
<p>37. The City will enable the creation of parking districts in areas where residents or stakeholders have identified an issue that could be resolved by parking management, and/or in locations where data supports the development of a parking district. <i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Amend the Bend Code Title 6 to implement parking districts and identify and fund staff to manage them.</i> • <i>If needed, amend the Bend Development Code to adjust parking requirements.</i> 	<p>No proposed edits</p>	<p>No changes</p>
<p>38. The City will monitor and update parking requirements to allow for adjustments based on changes in behavior and parking demand over time.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>Bicycles, Pedestrians, & Complete Streets The City of Bend’s transportation system will be an interconnected network of complete streets that provides safe, optimized travel for all modes. The system is intended to increase connectivity, safety, and travel time reliability while encouraging walking, biking, and opportunities for using transit and other transportation options.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>39. The City’s policy is that all streets should be “complete streets.” A complete street is one that is designed to allow everyone to travel safely and comfortably along and across the street by all travel modes. Arterials, collectors, and most local streets will have buffered sidewalks. Arterials, collectors, and select local streets will have facilities in compliance with the Low Stress Network and the Pedestrian Master Plan. <i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Adopt the Low Stress Bikeway Map and Bikeway Design Guide.</i> • <i>Create and adopt a Pedestrian Master Plan.</i> • <i>Update the Standards and Specifications and/or Bend Development Code to identify how complete street elements will be incorporated during development and redevelopment, new construction, reconstruction, and maintenance activities.</i> 	<p>The City’s policy is that all streets should be “complete streets.” A complete street is one that is designed to allow everyone to travel safely and comfortably along and across the street by all travel modes. Arterials, collectors, and most local streets will have buffered sidewalks. Arterials, collectors, and select local streets will have facilities in compliance with the Low Stress Network and the Pedestrian Master Plan. Complete streets include either bike lanes or a multi-use trail, but not both.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make the addition as the type and location of bikeway and/or pedestrian facility will be determined by the City’s Standards and Specification, the Bikeway Facilities Guidelines, or special area planning,
<p>40. The City will create and implement a Pedestrian Master Plan to establish a pedestrian network that safely and comfortably serves</p>	<p>The City will create and implement a Pedestrian Master Plan to establish a pedestrian network that safely and comfortably serves the community year round. The Pedestrian Master Plan will identify key pedestrian routes, including crossings. The Master</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make the addition as Policy 40 is related to provision of pedestrian facilities, not motor vehicle capacity.

TABLE 2: TRANSPORTATION POLICIES

<p>the community year round. The Pedestrian Master Plan will identify key pedestrian routes, including crossings.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Create and adopt a Pedestrian Master Plan that identifies key routes including enhanced crossing locations. The Pedestrian Master Plan will include (1) an infill program to systematically fund the construction of missing sidewalks and crosswalks on key routes with identified mechanisms for funding, and (2) identify appropriate pedestrian facilities for local streets and how to implement those facilities in existing neighborhoods.</i> • <i>The Pedestrian Master Plan will include a Sidewalk Maintenance Plan to address issues including but not limited to: sidewalk maintenance, winter operations and snow removal, and ADA Compliance.</i> • <i>Amend the Bend Development Code and Standards and Specifications for sidewalk construction.</i> • <i>Develop and implement a wayfinding program for the pedestrian network.</i> 	<p>Plan will identify measures to provide vehicle capacity on arterials and collectors to minimize residential, cut-through traffic.</p>	
<p>41. The City will establish a network of low stress bikeway facilities (level of traffic stress 1 or 2; See Bikeway Design Guideline) as shown on the bicycle Low Stress Network Map, to provide connections to schools, parks, and other destinations, as well as cross-City travel. It will accommodate small-wheeled vehicles, including shared micromobility transportation solutions, within local regulation and legal requirements. Implementation will focus on the key routes shown on the bicycle Low Stress Network Map.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>42. The City may use traffic calming and traffic management tools as appropriate to manage motor vehicle speed, volume, and turning movements to meet the requirements of the bicycle Low Stress Network and Pedestrian Master Plan.</p>	<p>The City may consider balancing mobility, travel time reliability, emergency vehicle access, and safety when considering use traffic calming and traffic management tools as appropriate to manage motor vehicle speed, volume, and turning movements to meet the requirements of the bicycle Low Stress Network and Pedestrian Master Plan.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make the suggested language change because it was the intent of CTAC to allow the use of these tools to create the Pedestrian Network. If the Steering Committee would like to incorporate the principle of “balance” into the language, Staff suggests the following: <i><u>The City may consider will balance accessibility, mobility, travel time reliability, emergency vehicle access, and safety when considering use traffic calming and traffic management tools as appropriate to manage motor vehicle speed, volume, and turning movements to meet the requirements of the bicycle Low Stress Network and Pedestrian Master Plan.</u></i>
<p>43. The City is committed to providing safe and comfortable walking and biking routes to schools.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> • <i>In collaboration with the school district, the City will develop Safe Routes to School plans and implementation programs for existing schools. The school district, in collaboration with the</i> 	<p>No proposed edits</p>	<p>No changes</p>

TABLE 2: TRANSPORTATION POLICIES

<p><i>City, will develop Safe Routes to School plans and implementation programs for new schools.</i></p>		
<p>44. The City is committed to providing safe and comfortable walking and biking routes to parks. <i>Action:</i></p> <ul style="list-style-type: none"> <i>In collaboration with the Bend Park and Recreation District (BPRD), the City will develop low stress route plans and implementation programs for existing parks. BPRD, in collaboration with the City, will develop low stress route plans and implementation programs for new parks.</i> 	<p>No proposed edits</p>	<p>No changes</p>
<p>45. The City recognizes the BPRD Urban Trails map, as represented in BPRD’s Comprehensive Plan, as an element of the transportation system and will collaborate with the BPRD for bikeway and pedestrian facility planning and construction within the City.</p>	<p>The City recognizes the BPRD Urban Trails map, as represented in BPRD’s Comprehensive Plan (2019), as an element of the transportation system and will collaborate with the BPRD for bikeway and pedestrian facility planning and construction within the City. <u>BPRD shall be responsible for providing safe transportation and parking related to BPRD facilities for all modes including minimizing impacts on nearby residential neighborhoods.</u></p>	<p>Recommendation:</p> <ul style="list-style-type: none"> Do not make the language changes as this policy pertains to the trail system, not parks.
<p>46. The City requires enhanced crosswalks at key intervals to complete the walking and bicycling networks (established by the respective master plans), including school and trail crossings. All intersections are legal crosswalks; “enhanced” means that there are additional pedestrian safety treatments including, but not limited to, striping, safety islands, and enhanced lighting and flashing beacons where warranted. <i>Actions:</i></p> <ul style="list-style-type: none"> <i>Develop requirements and clear and objective criteria for the installation of enhanced crosswalks and amend the Bend Development Code and the City’s Standards and Specifications to incorporate these.</i> <i>Update the Standards and Specifications to provide adequate illumination at crosswalks and intersections.</i> 	<p>No proposed edits</p>	<p>No changes</p>
<p>47. The City is committed to maintaining bicycle and pedestrian facilities along key routes (as identified on the bikeway Low Stress Network map) for year-round use. <i>Actions:</i></p> <ul style="list-style-type: none"> <i>Update the City’s Maintenance and Operations plan to incorporate walking and biking facilities along key routes.</i> <i>Create an intergovernmental agreement with BPRD and other agencies to clarify ownership, construction, and maintenance responsibilities for trails and other walking and biking facilities.</i> 	<p>No proposed edits</p>	<p>No changes</p>
<p>48. The City will work with BPRD to acquire, develop, and maintain the trails designated on the <i>Bikeway Low Stress Network</i> and <i>Urban</i></p>	<p>No proposed edits</p>	<p>No changes</p>

TABLE 2: TRANSPORTATION POLICIES

<p><i>Trails</i> maps. Construction and dedication of these trails for public use will be required as part of new development and capital transportation projects whenever possible. The alignments depicted should be considered general in nature. Flexibility should be permitted during the development and design of private lands and transportation construction projects to locate these trails to fit the context of the natural terrain, to minimize trail grade, to consider street crossings and other safety issues, to account for the pattern and design of the development, and/or to consider right-of-way extents and any other topographic or geographic barriers or issues.</p> <p><i>Action:</i></p> <ul style="list-style-type: none"> • <i>Update Bend Development Code if necessary.</i> 		
<p>Funding</p> <p>The City's Transportation Plan defines capital projects and programs that add system capacity; improve safety; increase transit, pedestrian and bicycle mobility; support new growth; and meet ongoing operating and maintenance needs.</p>	<p>The City's Transportation Plan defines capital projects and programs that <u>meet ongoing operating and maintenance needs</u>, add system capacity; improve safety; increase transit, pedestrian and bicycle mobility; support new growth; and meet ongoing operating and maintenance needs.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Makes the addition, as it adds clarity and reflects both CTAC and Steering Committee direction.
<p>49. The City's transportation funding plan will use a variety of tools to achieve balance and resilience, intended to generate revenues that are stable and flexible over the planning period and through economic market cycles, and that provide sufficient funding for the full range of project types and programs.</p>	<p>The City's transportation funding plan will use a variety of tools to achieve balance and resilience, intended to generate revenues that are stable and flexible over the planning period and through economic market cycles, and that provide sufficient funding for the full range of project types and programs. The City will prioritize funding tools that require a City-wide vote.</p> <p><i>NOTE: The last sentence was added by Staff to in an effort capture comments made at the January 22nd Steering Committee meeting. Two Steering Committee members suggested this action and the Chair deferred discussion to the May 21st meeting.</i></p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make the addition because it will remove flexibility from the City's funding toolbox. A change to the City charter would be necessary to require a citywide vote on new funding tools; without a charter change, City Council retains the authority to enact new funding tools. (See attached Memorandum from Elizabeth Oshel, Associate City Attorney.)
<p>New proposed policy</p>	<p>When technically feasible, the city's transportation funding plan will emphasize costs be born [sic] to system users based on the total capital and maintenance costs for that mode divided by the miles traveled by users for that same mode.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not add this policy as it does not support the City's goal of a balanced transportation system.
<p>50. The City's transportation funding plan will ensure that all transportation system users, including but not limited to visitors, commuters, residents, new development, institutions, and businesses (including property tax exempt organizations and entities), and freight pay a fair and equitable share for transportation system development, operations, and maintenance.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>51. The City's transportation funding plan will generate sufficient capital and operations/maintenance revenue to cover the full life-cycle costs of priority projects, from initial construction to ongoing operations and maintenance, including depreciation. It will also cover programs and staffing required to successfully manage and</p>	<p>No proposed edits</p>	<p>No changes</p>

TABLE 2: TRANSPORTATION POLICIES

<p>accomplish projects with an explicit focus on near-term and priority projects.</p>		
<p>52. The City will implement a transportation funding plan that is broadly supported by the community.</p> <p><i>Actions:</i></p> <ul style="list-style-type: none"> • <i>Discern community priorities and build community support for new funding tools, especially those that require a public vote, through outreach, polling, education, and other efforts to gather and share information.</i> • <i>Where possible and appropriate, identify alternate tools (a “plan B”) for those funding sources that have a lesser degree of predictability or stability. These might include mechanisms subject to voter approval, subject to a sunset or limited duration, or vulnerable to variability due to the nature of larger economic cycles or other factors.</i> 	<p>No proposed edits</p>	<p>No changes</p>
<p>53. The City’s transportation funding plan will recognize that technologies will change in ways that affect costs and also change the City’s ability to monitor, use, and collect revenues. The transportation funding plan should consider funding for innovation and adaptation/inclusion of new technologies that may become available over time.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>54. The City will regularly evaluate existing funding sources and explore the use of new funding opportunities to increase resources for maintenance operations and capital improvements.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>55. The selection of transportation improvements to be funded within the City’s capital improvement program (CIP) will be based on the prioritized list of projects included in this TSP. The CIP is subject to public review and comment through a City Council public hearing process.</p>	<p>The selection of transportation improvements to <u>be informed by democratic principles as expressed through elected leaders who shall consider the funded within the City’s capital improvement program (CIP) will be based on</u> the prioritized list of projects included in this TSP. The CIP is subject to public review and comment through a City Council public hearing process.</p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Do not make the suggested language change, as the policy links the TSP to the CIP for purposes of planning and transparency. This policy does not alter the ability of the decision-makers to reprioritize projects in development of the CIP; however, it does require the CIP to consist of projects that have been identified through needs analysis and public vetting.
<p>56. Funding for transportation infrastructure in expansion areas, as identified in the 2016 urban growth boundary (UGB) expansion, will be determined either before or upon area plan and/or master plan approval (unless exempted). Funding must be established prior to, or concurrently with, annexation. Transportation and infrastructure funding agreements will be memorialized for each expansion area property or properties in a development agreement as part of master plan or area plan approval and/or annexation. City/private developer cost sharing may be based on the following:</p>	<p>a. <u>Adequate resources are provided for ongoing maintenance, operation and preservation of new infrastructure, including technologies.</u></p>	<p>Recommendation:</p> <ul style="list-style-type: none"> • Make the addition because it adds completeness.

TABLE 2: TRANSPORTATION POLICIES

<p>a. Construction and modernization of existing infrastructure is to City standards and specifications;</p> <p>b. The investment in transportation infrastructure helps solve existing transportation safety, capacity, and/or other apparent functional issue within the existing City limits;</p> <p>c. There is an opportunity for local, state and/or federal grants to leverage the private investments and provide partnerships;</p> <p>d. Other factors as determined by the City Manager.</p>		
<p>57. The City will continuously seek and leverage interagency and other outside funds whenever possible throughout the implementation of the 20-year TSP.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>Environmental</p> <p>The City recognizes the need to steward the environment when constructing and maintaining transportation infrastructure. The City has many policies embedded throughout this Chapter intended to reduce greenhouse gases and vehicle miles traveled (VMT) by encouraging bicycling, walking, transit, and electric or other alternately fueled vehicles, as well as using appropriate new technologies to efficiently manage the system. The following policies were identified as gaps in the City’s environmental policies.</p>	<p>No proposed edits</p>	<p>No changes</p>
<p>58. The City will consider the environmental impacts of the overall transportation system and act to mitigate negative effects and enhance positive features.</p> <p>Action:</p> <ul style="list-style-type: none"> As part of project design, evaluate and implement (where feasible) the use of environmentally friendly materials and design approaches. 	<p>No proposed edits</p>	<p>No changes</p>
<p>59. The City understands the importance of managing stormwater runoff from transportation infrastructure and will design and operate transportation infrastructure to keep stormwater properly collected, treated, and out of water supplies.</p>	<p>No proposed edits</p>	<p>No changes</p>

M E M O R A N D U M



CITY OF BEND

To: Bend Transportation Plan Steering Committee

From: Elizabeth Oshel, Associate City Attorney

Re: Policy on requiring a vote prior to any imposition of additional revenue streams

Date: May 8, 2020

QUESTION

Can a current City Council bind a future Council through a Comprehensive Plan policy requiring a citywide vote before imposing any new revenue source for transportation projects (like a transportation utility fee)?

ANSWER

No. A comprehensive plan policy would not bind future city councils to seek a citywide vote on any particular policy. Submitting an issue to the voters is a legislative action that arises from charter, state law, or the Oregon constitution. The comprehensive plan of a city is a land use document, used to guide land use decision making. The comprehensive plan is implemented through the Bend Development Code. Both the comprehensive plan and the development code can be amended by future City Councils, in accordance with state law and the comprehensive plan itself. Bend's comprehensive plan is "a guide for making wise land use decisions regarding future development within the Urban Growth Boundary." "The Plan's goals and policies provide a framework for decisions that are consistent with the physical characteristics, goals, and resources of the community." "The policies in the Comprehensive Plan are statements of public policy, and are used to evaluate any proposed changes to the Comprehensive Plan." Bend Comprehensive Plan, Preface.

However, the Comprehensive Plan cannot be used to abridge the taxation or revenue-raising powers of a succeeding legislature, nor is it the appropriate place to attempt to do so, as it is primarily a land use-planning document. It is also basic

municipal law that a municipality, acting in its business or proprietary capacity, can bind future councils through contracts. However, acting in its governmental or legislative function, a municipality cannot bind future or successor councils.¹ A future Council would not be required to follow a comprehensive plan policy recommending a citywide vote on a new revenue source that was not otherwise required to be put to a vote.

Cities in Oregon have “home rule” authority. City Council may enact any policy it wishes, or modify the policies of previous councils, unless such policies conflict with the City charter or state or federal law.² In other words, action by City Council must be authorized under the City charter, and not preempted by state or federal law.

To direct the action of a future council, the current Council may do so by entering into a contract or the voters may do so by amending the City charter and limiting Council’s powers. The City knows this, and in fact it has occurred in Bend. In 2002, voters amended the charter to require a citywide election on direct sales taxes. City Council now cannot enact a direct sales tax without submitting the measure to the voters. Without that charter amendment, Council was not required to seek a vote before enacting a sales tax under state law or the constitution.

Likewise, no state or federal law or provision of the city charter requires a vote before enacting a transportation utility fee. Enacting a comprehensive plan policy that attempted to bind future councils would create confusion, legal risk, and put the city attorney’s office in the position of advising a future council against following an adopted policy. The public and the voters would be confused and likely unhappy. To require a vote on a transportation utility fee or other funding mechanism that does not otherwise require a vote under state law, the legally correct process is to amend the City charter.³

¹ 10A McQuillin §29.103(3d ed.); Shady Cove Water District v. Jackson County, 218 Or.App. 292 (2008).

² League of Oregon Cities, “The Origins, Evolution and Future of Municipal Home Rule in Oregon,” June 2017. <https://www.orcities.org/application/files/5315/6036/1714/WhitePaper-OriginsEvolutionFutureHomeRule6-15-17.pdf>

³ Any City Council legislative action can be referred to the voters, either by the Council or by citizens, following the procedures for referendum set by state law.