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Legislating Mobility Options: A Survey of State Laws Promoting Public Transit, Walking, and Bicycling

by
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The AARP Public Policy Institute, formed in 1985, is part of the Policy and Strategy Group at AARP. One of the missions of the Institute is to foster research and analysis on public policy issues of importance to mid-life and older Americans. This publication represents part of that effort.

The views expressed herein are for information, debate, and discussion, and do not necessarily represent official policies of AARP.

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STPP's network of national and local transportation advocates, as well as professional associations (including the American Public Transportation Association and the Association of Bicycle and Pedestrian Professionals), helped the authors identify some of the most significant state laws promoting mobility options. An advisory committee composed of experts on state transportation law—Roy Kienitz, Tom Bulger, Sarah Campbell, Hank Dittmar, Elizabeth Humphrey, and Kristi Kimball—assisted the authors in selecting four case studies for in-depth analysis. James Corless (formerly director of STPP's California office), Kelly Nordini of the Transit Alliance, and many other individuals provided the authors with a unique local perspective on these four state case studies.

Foreword

The passage of the *Intermodal Surface Transportation Efficiency Act* (ISTEA) in 1991 represented a sea change in the federal approach to transportation planning. The Act strengthened federal support for alternative transportation modes (rail, transit, walking, and bicycling), while maintaining a principal commitment to highway and road construction and maintenance. At the state level, a similar shift in priorities that had already occurred was bolstered by ISTEA and subsequent federal policies and rule-making. This report, "Legislating Mobility Options: A Survey of State Laws Promoting Public Transit, Walking, and Bicycling," documents recent developments in state laws promoting these alternative transportation modes.

The AARP Public Policy Institute (PPI) chose STPP (Surface Transportation Policy Project) to assist in this research because of their professional involvement with analyzing federal and state multimodal transportation policies since the early 1990s. In reviewing the literature, STPP staff found 525 relevant state laws related to mobility options, which reflects the intense focus that alternative transportation modes have recently received. Such transportation policies matter to all Americans who use alternative facilities to get to: jobs; homes; schools; goods and services; and recreational, cultural, and religious destinations. "Getting there" is an essential element of engaging in the economic and social life of community. Inasmuch as the transportation policies analyzed in this report affect all Americans, regardless of age, the focus on mobility within and between communities is necessarily broad. However, there are important aspects of transportation policy that have implications for an aging population. Consequently, this report makes periodic reference to older Americans and the correlation between mobility options and social well-being. Nevertheless, it is clear that transportation policies associated with public transit, walking, and bicycling can support a fine-grained system that enhances mobility for all.

This report provides a comprehensive assessment of existing state laws regarding transportation policy across a number of dimensions. In addition, best practices from selected states are examined for their notable approaches to enhancing alternative transportation facilities and services. AARP hopes that *Legislating Mobility Options* contributes to the policy discussion regarding the need for mobility options in American society.

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EXECUTIVE SUMMARY

Background

Transportation policies direct the funding, construction, and management of the transportation infrastructure that Americans use as they travel to the destinations of their daily lives. Regardless of what mode of transportation is employed (e.g., roads, air, transit, bicycling, or walking) or the purpose of the trip (e.g., getting to work, going to the doctor, or shopping for groceries), travel within and between communities is essential to the economic and social life of all Americans. So it behooves cities, counties, and towns to have a fine-grained transportation network that provides choice for persons of all ages, incomes, and residential location.

Most Americans depend on driving themselves as their primary means of transportation. American automobile ownership statistics reveal more than one vehicle for every registered driver, and auto ownership and usage is frequently associated with independence and mobility. However, as individuals grow older, they are increasingly likely to face challenges to continued driving; currently, more than one in five adults age 65 and older do not drive.

Older adults seeking to maintain their community ties need alternatives to driving. Historically, the public sector has attempted to provide such alternatives by offering special programs, such as elderly and disabled transportation, reduced fares for older persons, and formal or informal paratransit services. These programs serve an essential function, particularly for those individuals in poor health or with functional impairments.

The best strategy for assuring community mobility is to improve transportation alternatives for everyone, with the assumption that the major beneficiaries will be older adults who are limiting or ceasing driving themselves. The focus in this report is on three alternatives to driving− public transit, walking, and bicycling.

Purpose

The purpose of this report is two-fold: to provide a summary of state laws that promote three modes of transportation−public transit, walking, and bicycling; and to develop criteria to assist policymakers in evaluating the likelihood of success of legislative proposals for enhancing and expanding mobility options. Inasmuch as the state transportation laws analyzed in this report affect all Americans, regardless of age, the focus on mobility within and between communities is necessarily broad. However, there are important aspects of transportation policy that have implications for an aging population. Consequently, this report makes periodic reference to older Americans and the correlation between mobility options and social well-being. Nevertheless, it is clear that transportation policies associated with public transit, walking, and bicycling can support a fine-grained system that enhances mobility for all.

Methodology

This study included three major tasks:

1. Reviewing and categorizing state laws that promote (or restrict) the mobility options of public transit, walking, and bicycling;
2. Selecting and analyzing case studies that demonstrate particularly significant laws; and,
3. Developing criteria for evaluating the potential effectiveness of the state laws.

With the assistance of an advisory panel made up of national and local transportation experts and a computer search of state laws, the Surface Transportation Policy Project (STPP) identified 525 laws related to mobility options. These laws were then grouped according to eight broad categories, seven representing distinct approaches to governmental support for mobility options and the eighth for laws presenting barriers to these options.

Next, STPP analyzed the identified laws by asking the following questions:

- Has the law resulted in actual on-the-ground improvements in mobility options?
- Has the law resulted in a significant commitment of funds to mobility options?
- Has a significant portion of the population benefited from the law?

Informed by this analysis and by their knowledge of current state activity on mobility options, the advisory panel then selected a notable law in four representative states, each of which has been successful in expanding mobility options. STPP then prepared case studies that summarized each state's law, any relevant implementation strategy, the policy environment that contributed to implementation, and the impact of the law.

Once this research was completed, STPP (with the help from the advisory committee) examined the commonalities among the four case studies. This final step allowed STPP to develop criteria for evaluating the potential effectiveness of legislative proposals to encourage mobility options.

Findings

This first ever comprehensive survey of state laws promoting mobility options resulted in the identification of 525 laws. STPP staff evaluated these laws and grouped them into eight broad categories. Seven of the categories center on a distinct governmental approach to supporting mobility options; the eighth category includes those laws judged to inhibit the promotion of mobility options. The eight categories are:

- Funding;
- Enabling;
- System design;
- Goal-setting;
- Safety enhancement;
- Coordination;

- Integrated planning; and,
- Legislative Barriers to improving mobility options.

Eight summary tables of state laws indicate which of the broad categories and the specific type of approach each state employs to promote or restrict mobility options. Appendix A provides a table showing the number of laws by state in each category.

The four states whose laws were selected for case studies are California, Colorado, Maine, and Oregon. These four case studies suggest criteria to use in evaluating whether proposed legislation is likely to succeed in expanding mobility options. These criteria form the basis of the conclusions and policy implications presented below. The full report summarizes these case studies briefly, and Appendix B provides further details about each state's law.

Conclusions and Public Policy Implications

Better public transit, walking, and bicycling systems for everyone would allow more older people to transition seamlessly from driving to other travel modes, or to supplement their driving by using these alternative modes, thereby reducing their loss in independence and enhancing their mobility. Individuals would remain integrated with the rest of the community as they shared buses, trains, bike lanes and sidewalks with the general population.

STPP's in-depth analysis of the success of the four state laws suggests criteria for developing policies that support expanded mobility options. Although not all of the four case studies demonstrated these benefits, the following four elements emerged as important:

- **Provision of a revenue stream or source of funding.**
  Providing a source of funding, more than any other element, determines the success or failure of a state transportation law. Without a revenue stream to fund mobility option projects there can be no marked increase in the supply of buses, trains, bicycling, or walking facilities, and as a result, no significant shift from cars to other modes occurs.
- **A focus on improving mobility option facilities or services.**
  The laws in the four states all focused on the common element of improving and increasing the supply of transportation facilities and services, not on changing public behavior. Although there are many examples of state laws that seek to educate residents about the benefits of alternative mobility options or to change the behavior of residents — including the marketing of services, which can sometimes be essential to their success— the case study laws STPP examined all work to improve an existing mobility options system, or to build a new system component.
- **Local or regional control of investment decisions, including strong public participation.**
  Traditional top-down control of funding and decision making by state transportation agencies has often resulted in a highway-oriented transportation system that works to move people *through* a community, rather than improving mobility *within* a community.

In addition, local or regional control allows for greater public participation, which in turn helps assure that projects are responsive to the unique needs of various community residents.

- **Clear implementation guidance from the state.**
  Although local or regional control over transportation planning is critical, it is equally important to have state-level agencies set clear goals and objectives for regional and local transportation systems. This is especially important for smaller and rural regions that may not have expertise in recent transportation planning innovations.

Finally, beyond these four elements, the case studies demonstrate the importance of strong political leadership and a diverse coalition of supporters in both passing and implementing the laws.

INTRODUCTION

Background

Transportation policies direct the funding, construction, and management of the transportation infrastructure that Americans use as they travel to the destinations of their daily lives. Regardless of what mode of transportation is employed (e.g., roads, air, transit, bicycling, or walking) or the purpose of the trip (e.g., getting to work, going to the doctor, or shopping for groceries), travel within and between communities is essential to the economic and social life of all Americans. So it behooves cities, counties, and towns to have a fine-grained transportation network that provides choice for persons of all ages, incomes, and residential location.

Most Americans depend on driving themselves as their primary means of transportation. American automobile ownership statistics reveal more than one vehicle for every registered driver, and auto ownership and usage is frequently associated with independence and mobility. However, as individuals grow older, they are increasingly likely to face challenges to continued driving; currently, more than one in five adults age 65 and older do not drive.

Aging and Isolation

Basic mobility is fundamental to a good quality of life for older Americans. Maintaining social contacts and independence depends, in large part, upon an older person's ability to move about, both within the home and the community.

In the United States, much of the effort related to maintaining mobility for seniors has focused on alleviating the problems faced by older drivers. Yet driving is not an option for many people as they grow older. A 2002 National Institute on Aging study estimates that, on average, people who are driving at age 70 will stop driving and spend 6 to 10 years "dependent on others to meet their transportation needs."[1] Currently, more than 1 in 5 adults age 65 and older do not drive. Of those older adults who do not drive, 54 percent stay home on any given day (compared to 17 percent of older adults who drive, and to 9 percent of individuals of all ages who drive). This reduced mobility translates into 15 percent fewer trips to the doctor for non-driving older people compared to their driving counterparts, and to 65 percent fewer trips for social, family, and religious purposes.[2]

Improving Mobility through Greater Transportation Choice

Older adults seeking to maintain their community ties need alternatives to driving. Historically, the public sector has attempted to provide such alternatives by offering special programs, such as elderly and disabled transportation, reduced fares for older persons, and formal or informal

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[1] Foley, DJ; Heimovitz, HK; Guralnik, JM; and Brock, DB, "Driving Life Expectancy of Persons Aged 70 Years and Older in the United States," *American Journal of Public Health*, vol. 92, no. 8, 2002: pp. 1284-1289.

[2] Bailey, L, *Aging Americans: Stranded without Options*, Surface Transportation Policy Project, April 2004.

paratransit service. These programs have served an essential function, particularly for those individuals in poor health or with functional impairments.

Another strategy for assuring community mobility is to improve certain transportation alternatives for everyone, with the assumption that major beneficiaries would be older Americans who are limiting or ceasing driving themselves. The focus in this report is on three alternatives—public transit, walking, and bicycling.

The most basic improvements for public transit include increasing the frequency of buses and trains, and adding service to the places where people need and want to go. New service can eliminate transfers and long walks. Providing bus shelters, benches, and transit information can make taking buses or trains more appealing for all age groups.

Walking is a critical alternative transportation mode for older individuals, especially since walking is almost always required to reach a transit stop. The installation of sidewalks is an important first step in improving the walking environment; safe crossings and "traffic calming" devices (which slow down automobile traffic) are also critical improvements.

Bicycle touring is a popular and healthy recreational activity for many older people. Making bicycles useful for transportation, however, requires safe in-town bicycle facilities such as bike lanes and multi-use paths. Both "walkability" and "bikeability" are greatly enhanced when there are destinations close enough to reach on foot or by bicycle. Planning that takes into account both land use and transportation addresses this issue.

Purpose

The purpose of this report is to provide a review of state-level laws that promote the alternative transportation modes of public transit, walking, and bicycling facilities. The analysis also offers guidance to policymakers in evaluating the likelihood of success of legislative proposals pertaining to mobility options. Inasmuch as the state transportation laws analyzed in this report affect all Americans, regardless of age, the focus on mobility within and between communities is necessarily broad. However, there are important aspects of transportation policy that have implications for an aging population. Consequently, this report makes periodic reference to older Americans and the correlation between mobility options and social well-being. Nevertheless, it is clear that transportation policies associated with public transit, walking, and bicycling can support a fine-grained system that enhances mobility for all.

Methodology

This study included three major tasks:

- A review of state legislation that promotes (or restricts) mobility options;

- Selection and analysis of case studies that demonstrate particularly significant laws; and
- Development of criteria for evaluating the potential effectiveness of state laws.

The initial survey of state laws was conducted by the Surface Transportation Policy Project (STPP) with the assistance of national and local transportation advocates, as well as through professional networks such as the American Public Transportation Association and the Association of Bicycle and Pedestrian Professionals who helped identify especially important state laws. This information established a starting point for a review of state codes and statutes pertaining to transportation. Most laws were identified by searching state codes or statutes for keywords such as "public transportation," "bicycle," or "pedestrian," and were current as of August 2004. All together, 525 laws were identified, evaluated, and grouped according to eight broad categories. Seven of the categories center on a distinct governmental approach to supporting mobility options; the eighth category includes those laws judged to inhibit the promotion of mobility options. The eight categories are:

- Funding;
- Enabling;
- System design;
- Goal-setting;
- Enhancement;
- Coordination;
- Integrated planning; and,
- Legislative Barriers for improving mobility options.

In order to help identify cases where state laws resulted in expansion or improvement of mobility options, STPP analyzed all of the codes and statutes by asking the following questions:

- Has the law resulted in actual on-the-ground improvements in transportation alternatives?
- Has the law resulted in a significant commitment of funds to mobility options?
- Has a significant portion of the population benefited from the law?

STPP then convened an advisory committee consisting of national and state transportation law experts Roy Kienitz, Tom Bulger, Sarah Campbell, Hank Dittmar, Elizabeth Humphrey, and Kristi Kimball. Based on their collective experience in transportation policy, committee members were asked to identify the four primary categories of law most likely to be effective in improving mobility options and to suggest four states that had adopted noteworthy legislation in each of these categories. Committee members selected funding, enabling, coordination, and integrated planning as key categories for public sector involvement, and California, Colorado, Maine, and Oregon as the states that employed innovative legislation to advance multimodal transportation practices.

The case study research explored the detail of each law, the implementation strategy that had been employed, the policy environment that contributed to implementation, and the impact of the law on each state, respectively. Specifically, STPP attempted to answer the following questions:

- What type of policy or law is it?
- What are the goals of the policy or legislation?
- How is it implemented, and by whom?
- What was the initial context that required a focused initiative?
- What were the challenges to implementation, and how were those challenges overcome?
- What major players supported or challenged the policy or legislation?
- What was the policy environment that allowed this policy or legislation to succeed?
- How much money has been shifted to mobility options as a result of this legislation?
- How have facilities been improved or expanded?
- How many people have benefited from the law?
- What has the legislation accomplished?

Once this research was completed, STPP, with help from the advisory committee, examined the commonalities among the four case studies. This led STPP to develop criteria for evaluating the potential effectiveness of legislative proposals to encourage mobility options.

Findings

Survey of State Laws

Although local governments make many decisions about improving transportation alternatives, state laws can make a significant difference in whether communities undertake these improvements. For this report, STPP conducted the first ever comprehensive survey of state laws promoting mobility options. As was mentioned above, 525 laws were identified and were grouped into eight broad categories, each of which represents a distinct governmental approach to mobility options: funding, enabling, system design, goal-setting, safety enhancement, coordination, integrated planning, and legislative barriers to improving mobility options. Although the laws that were reviewed might have had components that encompassed several of the specified categories, the primary emphases of the laws made it possible to assign them to one of the eight categories. The tables below summarize STPP's survey of state laws, indicating which of the broad categories and the specific type of approach each state employs to promote or restrict mobility options. An additional table, showing the number of laws by state and each of the broad approaches, can be found in Appendix A.

Funding: These laws designate or direct existing revenue for use in construction or operation of mobility options, most often for public transit.

	Public transportation special funding account	State motor fuel tax for mobility options	State property, sales, or other tax for mobility options	Mobility for older Americans/disabled special funding account	Bicycle or pedestrian special funding account	Recreational trails special funding account	Other funding mechanism
Alabama							
Alaska						×	
Arizona			×				
Arkansas	×		×				
California	×		×		×		×
Colorado	×						
Connecticut				×			×
Delaware	×						
Florida	×	×			×		
Georgia							
Hawaii	×						
Idaho							
Illinois	×				×		×
Indiana	×						
Iowa	×						
Kansas							
Kentucky	×						×
Louisiana	×						
Maine							
Maryland				×			
Massachusetts	×	×			×		×
Michigan	×			×	×		
Minnesota	×		×			×	×
Mississippi	×						
Missouri	×						
Montana	×			×			
Nebraska	×						
Nevada							
New Hampshire							
New Jersey	×						
New Mexico							
New York	×						
North Carolina	×						
North Dakota	×						
Ohio							
Oklahoma	×			×			×
Oregon	×		×			×	
Pennsylvania	×		×	×			×
Rhode Island							
South Carolina		×					
South Dakota	×						
Tennessee		×					
Texas	×						×
Utah							
Vermont	×					×	×
Virginia	×					×	×
Washington	×						
West Virginia							
Wisconsin	×			×			
Wyoming	×						

Enabling: These laws enable local jurisdictions to undertake planning, funding, and/or implementation of mobility options systems.

	Creation of public transportation districts or authorities	Authorization for localities to levy tax or issue bonds for alt. transportation	State administration of public transportation programs	Establishment of governing body or advisory committee	Authorization of state or locality to make grants for mobility options	Other enabling laws
Alabama	×		×			
Alaska						×
Arizona	×				×	
Arkansas	×					
California	×	×				×
Colorado	×	×				×
Connecticut	×				×	×
Delaware		×		×		×
Florida	×	×	×	×	×	×
Georgia	×	×				×
Hawaii		×				×
Idaho	×	×				
Illinois	×	×	×		×	×
Indiana	×	×				×
Iowa		×				
Kansas	×	×	×			
Kentucky	×	×	×			
Louisiana	×	×				
Maine	×	×				
Maryland		×				
Massachusetts	×			×		×
Michigan		×				
Minnesota	×		×			×
Mississippi		×				
Missouri	×					
Montana	×	×				
Nebraska					×	
Nevada		×				
New Hampshire	×		×			
New Jersey	×					×
New Mexico		×			×	
New York	×	×			×	
North Carolina						
North Dakota						
Ohio	×	×			×	
Oklahoma						
Oregon	×					
Pennsylvania	×			×	×	
Rhode Island						
South Carolina	×			×		
South Dakota						
Tennessee	×				×	×
Texas	×					×
Utah	×	×		×		
Vermont	×					
Virginia	×					×
Washington	×	×				×
West Virginia		×			×	
Wisconsin						
Wyoming						

System Design: These laws require that the design of the public right-of-way accommodates cyclists and pedestrians, and integrates transit with businesses, shops, and residences.

	Bicycle and/or pedestrian facilities	Context sensitive highway design/traffic calming	Smart growth/transit-oriented development	Other system design
Alabama				
Alaska				
Arizona				
Arkansas				
California	×		×	
Colorado				
Connecticut	×			
Delaware				
Florida	×		×	
Georgia				
Hawaii			×	
Idaho				
Illinois	×		×	
Indiana	×			
Iowa	×			
Kansas				
Kentucky	×			×
Louisiana	×			
Maine	×	×	×	
Maryland	×		×	×
Massachusetts	×		×	
Michigan			×	
Minnesota	×		×	
Mississippi				
Missouri	×		×	
Montana	×			
Nebraska				
Nevada				
New Hampshire				
New Jersey		×		
New Mexico	×		×	
New York	×			
North Carolina	×			
North Dakota				
Ohio			×	
Oklahoma				
Oregon	×		×	
Pennsylvania			×	
Rhode Island	×		×	
South Carolina	×		×	
South Dakota				
Tennessee	×			
Texas	×		×	
Utah				
Vermont	×			
Virginia				
Washington	×			
West Virginia				
Wisconsin	×			
Wyoming				

Goal-Setting: These laws set targets for particular outcomes, such as a reduction in the number of single-occupancy vehicle trips, or the expansion of public transit service.

	Encourages the provision of mobility options facilities or services	Incentives for employers to encourage mobility options use	Other goal-setting
Alabama			
Alaska			
Arizona	×		
Arkansas	×		
California	×	×	×
Colorado		×	
Connecticut	×	×	
Delaware	×	×	
Florida	×		×
Georgia			
Hawaii	×		
Idaho	×		
Illinois	×	×	
Indiana			
Iowa	×		
Kansas			
Kentucky	×		
Louisiana			
Maine	×		
Maryland	×	×	
Massachusetts			
Michigan			
Minnesota	×	×	×
Mississippi			
Missouri			×
Montana			
Nebraska			
Nevada			
New Hampshire	×		
New Jersey	×	×	
New Mexico			
New York			
North Carolina			
North Dakota			
Ohio	×		
Oklahoma			
Oregon			
Pennsylvania		×	
Rhode Island			
South Carolina	×		
South Dakota			
Tennessee	×		
Texas	×		
Utah	×		
Vermont	×		
Virginia	×		
Washington	×		
West Virginia			
Wisconsin	×		
Wyoming			

Safety Enhancement: These laws make it safer or easier for pedestrians to use the right-of-way; educate motorists, bicyclists, and pedestrians about safety issues; or provide for the construction of safer bicycle and pedestrian infrastructures.

	Infrastructure	Safety education	Other safety enhancements
Alabama			
Alaska			
Arizona			
Arkansas			
California	×	×	
Colorado			
Connecticut			
Delaware	×		
Florida	×		
Georgia			
Hawaii			
Idaho			
Illinois			
Indiana			
Iowa			
Kansas			
Kentucky			
Louisiana			
Maine			
Maryland	×	×	
Massachusetts			
Michigan			
Minnesota	×	×	
Mississippi			
Missouri			
Montana			
Nebraska			
Nevada			
New Hampshire			
New Jersey			
New Mexico	×		
New York		×	×
North Carolina			
North Dakota			
Ohio			
Oklahoma			
Oregon			
Pennsylvania			
Rhode Island		×	
South Carolina			
South Dakota			
Tennessee			
Texas		×	×
Utah	×		
Vermont			
Virginia			
Washington			
West Virginia		×	
Wisconsin			
Wyoming			

Coordination: These laws ensure complementary rather than duplicative service by requiring state agencies and/or transit agencies to coordinate activities.

	Coordinate planning and development of public transportation systems	Coordinate transportation for the transportation disadvantaged	Other coordination
Alabama			
Alaska			
Arizona	×		
Arkansas		×	
California	×		
Colorado			
Connecticut			
Delaware			
Florida	×	×	
Georgia			
Hawaii			
Idaho	×		
Illinois		×	
Indiana			
Iowa		×	
Kansas	×	×	
Kentucky			
Louisiana			
Maine		×	
Maryland	×		
Massachusetts			
Michigan	×		
Minnesota	×		
Mississippi			
Missouri			
Montana			
Nebraska			
Nevada	×		
New Hampshire			
New Jersey		×	
New Mexico	×		
New York	×	×	
North Carolina	×		
North Dakota			
Ohio			
Oklahoma	×		
Oregon	×		
Pennsylvania	×		
Rhode Island	×		
South Carolina			
South Dakota			
Tennessee	×		
Texas	×	×	
Utah			
Vermont	×		
Virginia			
Washington		×	×
West Virginia	×		
Wisconsin	×		
Wyoming			

Integrated Planning: These laws are comprehensive and create a framework in which mobility options are an integrated part of the total transportation system.

	Integrated planning
Alabama	
Alaska	
Arizona	
Arkansas	
California	×
Colorado	
Connecticut	
Delaware	
Florida	
Georgia	
Hawaii	
Idaho	
Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	
Maine	×
Maryland	×
Massachusetts	
Michigan	
Minnesota	
Mississippi	
Missouri	×
Montana	
Nebraska	
Nevada	
New Hampshire	
New Jersey	×
New Mexico	
New York	
North Carolina	
North Dakota	
Ohio	
Oklahoma	
Oregon	
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	
Texas	
Utah	
Vermont	
Virginia	
Washington	
West Virginia	
Wisconsin	
Wyoming	

Legislative Barriers: These laws may inhibit the promotion of mobility options.

	Constitutional restriction on state gas tax	Statutory restriction on state gas tax	Restrictions on use of state funds for mobility options	Other barriers
Alabama	×		×	
Alaska		×		
Arizona	×			
Arkansas		×		
California				
Colorado	×			×
Connecticut				
Delaware				
Florida				×
Georgia	×			
Hawaii				
Idaho	×			
Illinois				
Indiana		×		
Iowa	×			×
Kansas	×			×
Kentucky	×			
Louisiana			×	×
Maine	×		×	
Maryland				×
Massachusetts				
Michigan				
Minnesota	×		×	
Mississippi		×		
Missouri	×			
Montana		×		
Nebraska		×		
Nevada	×			
New Hampshire	×			
New Jersey				
New Mexico		×		
New York			×	
North Carolina				
North Dakota	×			
Ohio	×		×	
Oklahoma				
Oregon	×			
Pennsylvania	×			
Rhode Island				
South Carolina				
South Dakota	×			
Tennessee		×		
Texas				×
Utah	×			
Vermont				
Virginia				
Washington	×		×	
West Virginia	×			
Wisconsin			×	
Wyoming	×			

Case Study Summaries

To examine how state laws can help create an environment conducive to providing public transit and creating walkable and bikeable communities, STPP's advisory committee selected four states for in-depth case studies. Committee members chose these states because of their demonstrated success in expanding and enhancing mobility options through legislation. STPP's analysis is summarized below. The full case study analysis is found in Appendix B.

California's State Transportation Improvement Program Reform Act

In California, the 1997 State Transportation Improvement Program Reform Act gave regions control of 75 percent of the state's transportation funds, with the state in control of the remaining 25 percent. The law is based on the idea that regions (governed by Regional Transportation Planning Agencies, California's equivalent to Metropolitan Planning Organizations[3]) should make decisions on how best to provide transportation within their own region, while the state concentrates on providing for trips between regions. Since this law passed in 1997, many areas have directed a larger share of transportation funding to public transportation and other alternatives. In part because of this commitment to alternatives, California has seen transit ridership grow by 22 percent from 1996 to 2002.[4]

Colorado's Regional Transportation District Act

In Colorado, several state laws set the stage for establishing Denver's light rail system. The state allowed for the creation of the Regional Transportation District (RTD), and gave the RTD the authority to levy taxes. This authority gave Denver the opportunity to construct a light rail line through downtown and later to leverage federal "New Starts" funds for construction of the Southwest Corridor extension. The line opened in July 2000 and was an immediate success, allowing thousands of Denver residents to experience a high-quality transit line. This success made it easier for the RTD to levy funds for the additional extensions. Light rail use in Denver has more than doubled (162 percent) since the opening of the system, an increase much greater than the 20 percent increase in public transit ridership nationally during the same period.[5] Denver's success has prompted other regions to look for transit solutions, and a recently passed state law allows counties outside of the RTD to levy taxes in support of public transportation systems.

Maine's Sensible Transportation Policy Act

In Maine, the 1991 Sensible Transportation Policy Act has led to a change in priority within the state Department of Transportation, so that public participation and consideration of transportation alternatives are routine parts of the transportation planning process. The law has led to a new emphasis on passenger rail, transit service, and bicycle and pedestrian facilities

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[3] The California Regional Transportation Planning Agencies were established by federal highway legislation to ensure a "continuing, comprehensive and coordinated" transportation planning process. Source: Solof, M. "History of Metropolitan Planning Organizations," *NJTPA Quarterly*: 1996-1997.

[4] STPP analysis of statistics from the Federal Transit Administration's National Transit Database, 1996 and 2002. Ridership totals refer to unlinked passenger trips, not the number of persons served.

[5] STPP analysis of the American Public Transportation Association's fourth quarter ridership data, by transit agency, 1995 and 2003.

within the state. Like California, Maine has seen an impressive 22 percent growth in statewide transit ridership since 1996, the earliest year for which state-by-state transit data are available.[6]

Oregon's Transportation Planning Rule

In 1991, the Transportation Planning Rule (TPR) was established in Oregon to ensure that transit is integrated with community plans, and therefore "highly convenient." The administrative rule gives direction in creating what are called "Transit-Oriented Developments" (TODs), in which shops, offices, and residences are developed within walking distance of transit hubs. This allows residents to easily conduct daily business without driving and has helped spark a surge in transit use in the city of Portland, where transit ridership grew almost five times faster than driving between 1996 and 2002.[7]

Conclusion

Convenient transportation alternatives help all segments of society get to where they need to go. In particular, these alternative modes can help older adults maintain their independence even if they lose the ability to drive. Research shows that older Americans want to "age in place," to continue to live in their communities for as long as possible without segregation into seniors-only environments.[8] The desire not to be age segregated could also apply to transportation: although a specialized, parallel system is necessary for some people (particularly individuals with disabilities or who are very frail), the needs of many older adults may be better served simply through better transit, walking, and bicycling systems for everyone. This would allow for older people to transition seamlessly from driving to other travel modes, or to supplement their driving with these modes, with little loss of independence or mobility. They would remain integrated with the rest of the community, as they shared buses, trains, sidewalk, and bike facilities with the general population.

Policy Implications

A set of criteria for assessing the potential effectiveness of state proposals could guide policymakers in addressing the need for transportation alternatives. STPP's in-depth analysis of the four successful case studies, as well as the initial survey of 525 laws, reveals implications for policy that supports mobility options. Although all of the four case studies examined may not have demonstrated these benefits, the following four elements emerged as important:

- **Provision of a revenue stream or source of funding.**
  Providing a source of funding, more than any other element, determines the success or failure of a state transportation law. Without a revenue stream to fund mobility option projects, there can be no marked increase in the supply of buses, trains, bicycling, or walking facilities, and as a result, no significant modal shift from cars to other mobility options.

[6] STPP analysis of statistics from the Federal Transit Administration's National Transit Database, 1996 and 2002.
[7] STPP analysis of statistics from the Federal Transit Administration's National Transit Database, 1996 and 2002, and the Federal Highway Administration's Highway Statistics series, Table HM-72, 1996 and 2002.
[8] Howe, D., "Aging and Smart Growth: Building Aging-Sensitive Communities," *Funders' Network for Smart Growth and Livable Communities*, December 2001.

- **A focus on improving mobility options facilities or services.**

  At the most basic level, most of the laws and policies examined share the common goal of focusing on improving and increasing the supply of alternative transportation facilities and services, not on changing public behavior. Although there are many examples of state laws that seek to educate residents about the benefits of using alternative mobility options or change the behavior of residents (including the marketing of services that can sometimes be essential to their success), the laws STPP examined in-depth all work to improve an existing mobility options system, or to build a new system component.

- **Local or regional control of investment decisions, including strong public participation.**

  Traditional top-down control of funding and decision-making by state transportation agencies has often resulted in a highway-oriented transportation system that works to move people *through* a community, rather than improving mobility *within* a community. In addition, local or regional control allows for greater public participation, which supports project planning that is responsive to residents' unique needs.

- **Clear implementation guidance from the state.**

  Although local or regional control over transportation planning is critical, it is equally important to have state-level agencies set clear goals and objectives for regional and local transportation systems. This is especially important for smaller and rural regions that may not have expertise in recent transportation planning innovations.

Beyond these four elements, state laws also require strong political leadership and a diverse coalition of supporters in order to be truly successful.

APPENDIX A—SUMMARY TABLE OF STATE LAW PROVISIONS[9]

	Funding	Enabling	System Design	Goal-Setting	Safety Enhancement	Coordination	Integrated Planning	Legislative Barriers
Alabama		3						2
Alaska	1	1						1
Arizona	1	2		1		1		1
Arkansas	3	1		1		1		1
California	8	6	11	9	4	1	1	
Colorado	2	4		2				2
Connecticut	2	4	3	5				
Delaware	1	5		2	1			
Florida	5	8	8	6	1	2		1
Georgia		6						1
Hawaii	1	4	1	2				
Idaho		3		2		2		1
Illinois	8	11	2	3		1		
Indiana	1	8	1					1
Iowa	1	1	1	3		1		2
Kansas		4				2		2
Kentucky	2	4	3	1				1
Louisiana	3	4	3					2
Maine		2	3	1		1	1	2
Maryland	1	2	7	4	4	3	2	2
Massachusetts	4	4	3					
Michigan	3	1	3			1		
Minnesota	11	5	4	4	2	1		2
Mississippi	1	1						1
Missouri	4	2	3	1			1	1
Montana	2	2	1					1
Nebraska		1						1
Nevada		1				1		1
New Hampshire		2		1				1
New Jersey	2	3	1	4		1	2	
New Mexico		4	3		1	1		1
New York	3	9	2		2	3		1
North Carolina	1		1			2		
North Dakota	1							1
Ohio		4	1	2				2
Oklahoma	4					1		
Oregon	5	3	3			2		1

[9] Numbers refer to the number of state law provisions adopted in any given category. August 2004.

Pennsylvania	4	3	2	1		1		1
Rhode Island			2		1	1		
South Carolina	2	2	2	1				
South Dakota	2							1

	Funding	Enabling	System Design	Goal-Setting	Safety Enhancement	Coordination	Integrated Planning	Barriers
Tennessee	1	3	1	2		1		1
Texas	2	8	2	1	2	2		1
Utah		4		1	3			1
Vermont	3	2	2	2		1		
Virginia	3	3		1				
Washington	1	8	1	4		2		2
West Virginia		2			1	1		1
Wisconsin	3		1	1		1		1
Wyoming	1							1
Total Number of State Law Provisions	**103**	**160**	**81**	**68**	**22**	**38**	**7**	**46**

APPENDIX B—FULL CASE STUDIES

California

Implementation of the State Transportation Improvement Program Reform Act (SB 45) has resulted in regional control of investment decisions.

Introduction

By putting control of transportation funding into the hands of regional agencies, the State Transportation Improvement Program (STIP)[10] Reform Act in California has resulted in increased transit spending and use.

Prior to the 1997 passage of the STIP Reform Bill, known as SB 45, the largest portion of transportation funding in California was controlled by the state Department of Transportation (CalTrans). This funding, roughly $2 to $2.7 billion annually, was distributed across nine distinct programs (for example, Transportation System Management, Transit Capital Improvement, and Flexible Congestion Relief). Many legislators and policymakers felt as if this top-down decision-making process for transportation investments inhibited effective regional input on how investments could meet regional needs and priorities.

What Does the Law Do?

SB 45 merges the nine distinct programs into two: the Interregional Improvement Program (receiving 25 percent of the total funding), and the Regional Improvement Program, (receiving 75 percent of the total funding).

The law allocates control of the Regional Improvement Program to regional transportation agencies and districts. Funds for the Regional Improvement Program are geographically divided by what is known as the north-south split. Specifically, 60 percent of funds are allocated to 13 southern counties (where there is the greatest population), while the remainder is allocated to the 45 northern counties. These funds are further divided into county shares using a statutory formula that allocates 75 percent of the funds based on population, and 25 percent based on highway lane miles. Regional Transportation Planning Agencies (RTPAs) made up of locally elected officials can allocate these funds for any improvements they deem appropriate, including new freeways, local roads, public transit, new buses, ridesharing, or any other measure that is suited to the region. The Regional Improvement Program becomes part of the STIP and cannot be altered by the state.

Through the Interregional Improvement Program, CalTrans controls the remaining 25 percent of STIP funds. These funds are available for projects that improve interregional movement of goods and people. At least 60 percent of this amount (15 percent of the total) must be

[10] The STIP is a multi-year capital improvement program of transportation projects both for the CalTrans-controlled State Highway System and for locally or federally controlled transportation systems, funded with revenues from the State Highway Account and other sources.

programmed either for highways in non-urbanized areas or intercity rail. This requirement was deemed necessary to direct funds to rural areas of the state that did not have strong political and/or financial power.

SB 45 is administered by CalTrans, but the key to this measure is that the bulk of funding decisions are now made at the regional and/or local level, rather than at the state level. As a result, RTPAs, which are the California state equivalent of Metropolitan Planning Organizations and have regional focuses, have primary responsibility for assuring the success of the law. To access STIP dollars, the RTPAs must put together long-range plans describing how they will spend their STIP funding.

How Did It Happen?

SB 45 arose from the concept that the state DOT should manage transportation projects that move people *to and through* metropolitan areas, but that travel *within* a region should be that region's responsibility. Such an idea has significant ramifications in California where about 80 percent of trips start and end within the same metropolitan area.

Over a three-year period, the proposal gained support from the governor, as well as from top-level officials within CalTrans. This support helped SB 45 succeed despite opposition from other CalTrans officials. In 1997, SB 45 was introduced in the California State Senate by supporters favoring devolution of central government authority. A broad coalition of regional and local stakeholders, including the California Council of Governments, worked with supporters in the Senate to get the bill passed.

What Did It Accomplish?

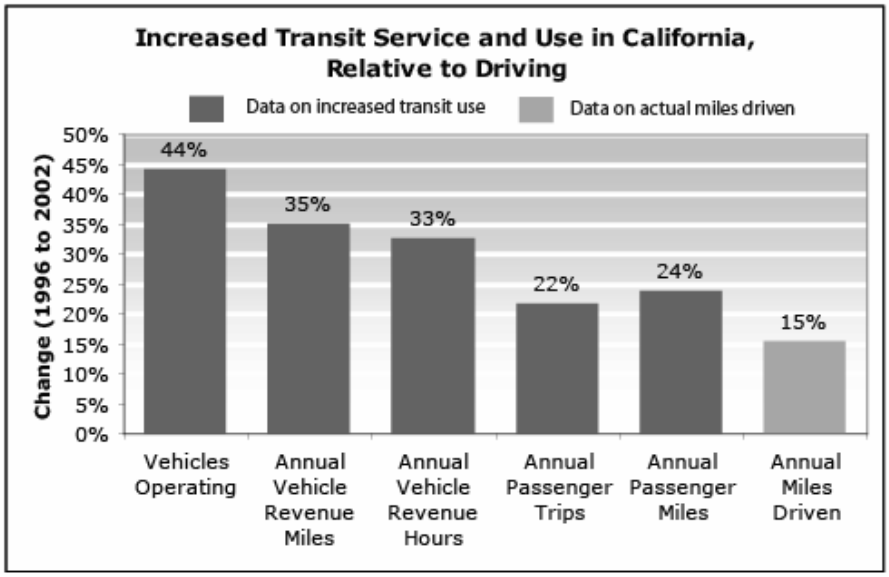
By giving regional authorities responsibility over most funding decisions, the STIP Reform Act attempts to ensure that transportation investments will be sensitive to the regional context. Decisions about transportation funding are made at the regional level instead of at the state level. This devolution can lead to increased investment in transit and other mobility options if regions decide that their transportation needs can be better met through public transit, pedestrian, and bicycling facilities, rather than through the traditional state-level one-size-fits-all policy of increasing roadway capacity. It should be noted, however, that devolution must be coupled with significant, frequent, and continuous opportunities for public involvement in the decision-making process. In this way, residents are assured that investments in transportation reflect their priorities for the region.

Although data on the extent of pedestrian and bicycling facilities are not readily available, analysis of the Federal Highway Administration's Fiscal Management Information System database tracking federal transportation spending does show a marked increase in the portion of federal funds being spent on bicycle and pedestrian programs and facilities in California. From 1992 to 1996, bicycle and pedestrian projects comprised just over 0.1 percent of federal funds spent. That amount grew by almost 400 percent, to just below 0.7 percent of federal funds spent

during the period 1997 to 2003. Spending on transit also grew significantly, from about 28 percent of federal transportation funds from 1992 through 1996, to 38 percent of federal funds during the period 1997 to 2003.

Further, analysis of Federal Transit Administration data on transit infrastructure, supply, and use also supports the theory that the STIP Reform Act has resulted in increased investment in alternative mobility options. The trends in transit service supplied and used, for all types of trips, from 1996 (the year before SB 45 was passed) to 2002 (the most recent year for which data are available) show that even in that short time period, there has been a dramatic increase in transit service and use. The number of transit vehicles operating in the state increased by 44 percent from 1996 to 2002. The number of miles and hours that transit vehicles operated increased 35 percent and 33 percent, respectively. These operational service characteristics resulted in a significant increase in transit use. The number of trips made by transit grew 22 percent from 1996 to 2002, an increase of more than 675,000 trips by transit each day. And the number of miles Californians traveled by transit grew 24 percent.[11] (Unfortunately, state-wide statistics on the age of transit riders are not available.)

Although it is impossible to say whether SB 45 is responsible for the growth in transit ridership, a study from STPP and the Brookings Institution shows that the California government is shifting more federal funds to transit than any other state. More than half of all the federal funds transferred to transit from the highway program during the first five years (1998 to 2002) of TEA-21 (the Transportation Efficiency Act for the 21st Century) came from California.[12]



[11] STPP analysis of statistics from the Federal Transit Administration's National Transit Database, 1996 and 2002.

[12] Puentes, R., and Bailey, L, *Improving Metropolitan Decision Making in Transportation: Greater Funding and Devolution for Greater Accountability*. The Brookings Institution Metropolitan Policy Program, October 2003.

Colorado

The Regional Transportation District Act created a reliable source of funding and allowed for regional investment decisions.

Introduction

In Colorado, a law establishing both a governance structure and funding mechanism has assisted in the development of a highly successful transit system in the Denver metropolitan area.

What Does the Law Do?

In 1969, the state of Colorado passed legislation authorizing the creation of a Regional Transportation District (RTD) in the Denver metropolitan area. Among other powers, the RTD was granted the authority to "establish, maintain, and operate a mass transportation system" and to levy a 0.6 cent sales tax to help fund such a system, which at the time consisted of an extensive network of buses. The establishment of the RTD was critical because it put a single, regionally focused agency in charge of developing an efficient public transportation system for the metropolitan area. Even more importantly, authorizing that agency to levy taxes in support of transit provided it with the promise of a dedicated revenue stream.

It was not until 1987, prompted by worsening traffic congestion and air quality, that the RTD was persuaded by the Colorado General Assembly to construct a light rail line serving the Denver area. The first 5.3 mile Central Corridor light rail line opened in 1994. Funded entirely with existing revenues, this "demonstration" line opened on time and on budget.

The success of this first line led to the development of an 8.7 mile extension along the Southwest Corridor, which opened in July 2000, also on time and on budget. This line was funded primarily through federal funds, $120 million in New Starts funds, plus an additional $18 million in Urbanized Area Formula and Flexible funds. What made the project possible, however, was the $40 million provided by the RTD, raised through the 0.6 cent sales tax established with the creation of the RTD.

Once again, the success of this transit extension prompted a campaign for an additional extension of the light rail system. The Southeast Corridor line (also known as the Transportation Expansion Project, or T-REX) (a 19-mile, nearly $900 million extension) was approved by area voters in 1999 by a 2 to 1 margin. Sixty percent of the nearly $900 million project will be provided through federal New Starts funding. The remaining $354 million will be provided by the RTD and was raised by a regional bond measure passed by 66 percent of area voters. Construction on the Southeast Corridor is well underway and service is expected to begin in late September 2006.[13]

[13] T-REX Project Public Information Team, *T-REX Fact Book 2003*. Available at www.trexproject.com

How Did It Happen?

Denver's RTD is just one of many examples around the country of how state authorization of a regional transit authority, with taxation powers, provides the basis for local transit improvements. In addition, several factors contributed to the success of each light-rail initiative within the Denver metro region. Each project or expansion benefited from a broad coalition of supporters; a clear message; and a well-organized, relatively well-funded campaign. Subsequent campaigns for light rail were able to feed off of the success and popularity of their predecessors.

What Did It Accomplish?

Ridership on both the Central Corridor and Southwest Corridor has been well above projections. The Central Corridor attracted 14 percent more riders than projected, and removed 430 bus trips per day from downtown city streets. Likewise, ridership on the Southwest Corridor exceeded projections by more than 50 percent, with more than 13,000 riders a day using the line. Since 1995, shortly after Denver's first light rail line opened, light rail ridership has more than doubled, growing by 162 percent as of December 2003 (compared to 20 percent for transit ridership nationwide during that 1995 to 2003 period).[14]

However, the success of the lines is perhaps better illustrated by a ridership survey that revealed that many of the users were new to transit. Forty-six percent of riders reported that they had never or rarely used Denver transit prior to the opening of the Southwest line. And 34 percent of users surveyed reported that they were new regular transit riders, and that they used the light rail line more than once a week. (As in the California case study above, it is not possible to determine what portion of those new riders were older adults.)

Much of the success of Denver's light rail system is due to its connectivity with important destinations such as the 16th Street Pedestrian Mall. At the 16th Street Pedestrian Mall, transit riders can exit the light rail and board the free shuttle service that runs the length of the mall, making it easier for transit users to patronize the many businesses along that strip. And because the free shuttle service uses low-floor buses, it is especially accommodating of older persons with functional impairments.

The success and overwhelming popularity of the initial Denver light rail line led to almost immediate requests for expansion from the public. It also prompted counties outside of the Denver RTD to seek authorization to levy taxes in support of mass transportation. In 2001, the Colorado legislature approved this request, granting counties outside of the RTD the authority to levy a county sales tax in the amount of up to one percent for the purpose of "financing, constructing, operating, or maintaining a mass transportation system within the county."

[14] STPP analysis of statistics from the Federal Transit Administration's National Transit Database, 1996 and 2002.

Maine

Consequences from the Sensible Transportation Policy Act have been a focus on improving mobility options, regional control, and strong public participation.

Introduction

Maine's Sensible Transportation Policy Act changed the emphasis of the Maine Department of Transportation to give preference to transportation alternatives other than building new roads.

In 1991, in response to a controversial $100 million proposal to widen the Maine Turnpike, voters passed a referendum to increase public participation in transportation planning and minimize the public health and environmental impacts of transportation decisions.

What Does the Law Do?

The Sensible Transportation Policy Act has three major sections. First, the initiative establishes a statewide transportation policy that requires evaluation of the full range of alternatives to highway construction or reconstruction, and gives preference to alternatives such as traffic management and public transit systems over road building. This first section also requires that Maine's transportation policy minimize public health and environmental impacts, and establishes a public participation process in transportation planning and decisions. In addition, the transportation policy must promote the use of energy-efficient forms of transportation, integrate land use planning decisions with transportation planning decisions, and ensure that the state's transportation network meets the diverse needs of rural and urban populations, as well as the mobility requirements of older adults and individuals with disabilities.

The second section revokes the authorization of the widening of the Maine Turnpike and requires that any future widening proposals must reflect the transportation policy. Finally, the law requires the transfer of surplus money collected by the Maine Turnpike Authority to the Department of Transportation. These funds are then available for road and bridge projects consistent with the Sensible Transportation Policy Act.

The Act also establishes eight Regional Advisory Committees that report to the Maine Department of Transportation. The 20-member committees review and comment on any project of "major public interest." Composed of residents, local officials, and business leaders, these committees can formulate comments on their own, hold public hearings, or conduct workshops.

How Did It Happen?

Maine's Sensible Transportation Policy Act was an outgrowth of the public reaction to a controversial $100 million proposal to widen the Maine Turnpike. At the time of the proposal, much of the nation, including Maine, was starting to feel the effects of the recession of the early 1990s. Meanwhile the state had just emerged from a difficult state budget debate. As a result, there was much public sensitivity to the expenditure of tax monies, especially for proposals that

seemed unnecessary and offered little opportunity for citizen input. In addition, residents had concerns about the environmental impacts of the proposed project.

A coalition led by the Natural Resources Council of Maine and a broad range of other interests put together a piece of legislation in response to the turnpike-widening proposal. The legislation was first sent to the state legislature for approval. However, it was rejected and sent to the voters as a referendum instead.

What Did It Accomplish?

Although the Sensible Transportation Policy Act has not been consistently implemented by the Department of Transportation, it has generally shifted transportation planning to include alternatives to road building. By requiring transportation planners to give preference to alternatives to capacity-expanding road projects, opportunities have opened up for passenger rail, ferry service, public transit, and bicycle and pedestrian facilities. The law also focused much more attention on the impacts of particular transportation projects on land use, and encouraged the scrutiny of new developments for their impacts on the transportation system. The results of this shift are apparent in transit operating statistics available from the Federal Transit Administration. Those statistics show that the number of transit vehicles operating in Maine grew by more than 50 percent from 1996 to 2002 (the earliest and most recent data available). Transit service expanded as well, with the number of miles and hours served by public transit vehicles growing by 56 percent and 54 percent, respectively. As a result, transit ridership jumped an impressive 22 percent during that period. [15]

Evidence of this shift is further apparent in the 1996 creation of the Passenger Transportation Advisory Committee. Formed by the Maine Department of Transportation, the committee's primary objective is to support the Sensible Transportation Policy Act. As such the committee prepared the Strategic Passenger Transportation Plan, which focuses on the creation of an integrated, multimodal passenger transportation system that supports and promotes tourism. By implementing this plan, Maine hopes to strengthen the mobility options system.

Mobility options and better land use planning have also been aided by the increased influence of the Regional Advisory Committees. For example, several committees raised concerns about how a hidden road-building subsidy was encouraging sprawl. The state government was requiring cities, but not local governments in rural areas, to pay for 20 percent of the costs of building roads within their boundaries. In 1999 the legislature extended the 20 percent requirement to rural communities, thus ending an incentive for new roads in the countryside.

[15] STPP analysis of statistics from the Federal Transit Administration's National Transit Database, 1996 and 2002.

Oregon

The Transportation Planning Rule has resulted in clear implementation guidance.

Introduction

The Transportation Planning Rule (TPR) ensures the integration of transportation and land use decisions, and helps encourage "transit-oriented development" so that transit is as convenient as possible.

In the late 1980s, planners evaluating Portland's long-standing "urban growth boundary" (which delineates the area in which there can be high density development) determined that development within the boundary was no more transit- or pedestrian-oriented than development outside, despite the best intentions of those who had established the urban growth boundary. It became clear that additional guidelines were needed to ensure that development reflected the state goal of reducing the amount of driving. In order to avert a looming traffic congestion and air quality crisis, the Department of Land Conservation and Development (DLCD) crafted the TPR.

What Does the Rule Do?

Implemented in 1991, Oregon's Transportation Planning Rule was the first state-wide regulation to explicitly promote coordinated land use and transportation planning for the purpose of reducing reliance on automobiles. This administrative rule requires metropolitan planning organizations (MPOs), cities, and counties to prepare and amend regional Transportation Systems Plans (TSPs). TSPs must have a Road Plan, a Public Transportation Plan, and a Bicycle and Pedestrian Plan. The TPR anticipated that "metropolitan areas will accomplish reduced reliance [on driving] by changing land use patterns and transportation systems so that walking, cycling, and use of transit are highly convenient."

The TPR is effective in part because of the close attention it gives to designing developments so they work well with transit. In urban areas greater than 25,000 in population, the TPR directs local governments to adopt regulations to require new buildings to provide preferential access to those arriving via transit. For example, new retail, office, and institutional facilities at or near major transit stops are required to provide for convenient pedestrian access through walkways, pedestrian connections, and the siting of buildings in close proximity to transit stops. The TPR also requires local governments in MPO areas to adopt land use and subdivision regulations that allow for the building of transit-oriented developments (TODs).

How Did It Happen?

Like Maine's Sensible Transportation Policy Act, Oregon's Transportation Planning Rule was born out of a fight over a freeway. But many other factors also worked in favor of the TPR. As one long-time employee at the DLCD said, there was a "harmonic convergence" of events in 1988 that provided support for the TPR.

In addition to the obvious lightning rod in the form of a large freeway proposal, projections showed that the state would soon face severe air quality and traffic congestion problems. For example, without the TPR, experts projected that traffic congestion in the Portland metro area would increase by approximately 125 percent by 2000. And the Oregon Department of Environmental Quality had estimated that without the TPR, increased driving in Oregon would push some of the state's urban areas (particularly Portland) out of compliance with federal clean air standards by 2000.

This led officials to embrace driving less as the primary objective of land use and transportation planning. The TPR also benefited from political leadership, particularly from the governor's office. Finally, the TPR had the backing of a broad coalition of interests, including environmental groups and development and industry interests. Although environmental groups had a clear incentive for backing the TPR, the inclusion of development and industry groups in that coalition bears some explanation. The building industry, frustrated by a lack of clear rules governing new development, was hopeful that the TPR would provide clarity. Perhaps even more interesting, heavy industry joined the coalition in order to head-off expected air quality problems that would have forced them to install costly smoke stack reduction technologies and purchase expensive pollution offset credits.

What Did It Accomplish?

The TPR's primary accomplishment has been the widespread adoption of transit-oriented development as a model for new building. This has resulted in improved connectivity between homes, businesses, offices, institutions, and transit, and has led to increased use of mobility options. Between 1996 and 2002, transit ridership in the Portland metropolitan area grew 40.5 percent, while transit service provided grew by 30 percent, population grew 19 percent, and driving grew by only 8.6 percent.

In 1998 Portland opened a second light rail line, Westside MAX, serving the western suburbs (Portland's first light rail line opened in 1986). As a result of the TPR, $2.4 billion in new development within walking distance of the light rail line had been built as of September 2000. Projections indicate that as many as one-third of the people living in these new suburban communities will commute by walking, riding bicycles, or taking public transit.

By encouraging transit-oriented development, the TPR makes it possible for more people to live close to transit, and for that transit service to be more conveniently located in proximity to stores, offices, and institutions. This thoughtful transportation and land use planning helps provide increased mobility for people who cannot or choose not to drive. Portland developers are already seeing the advantages of transit-oriented development for older adults. For example, the Legends Condominiums offer independent living for older adults, with convenient access to Westside MAX and the amenities of transit-oriented development. And the Center Commons (a mixed-income, transit-oriented development), located within walking distance of a MAX light rail line, offers 172 units of affordable housing for older adults.