

DRAFT—PROPOSED NEW RULES

April 1, 2011

Developed by the Target Rulemaking Advisory Committee
for consideration by the Land Conservation and Development Commission
at a public hearing on April 21, 2011

DIVISION 44

METROPOLITAN GREENHOUSE GAS REDUCTION TARGETS

1 **660-044-0000**

2 **Purpose**

- 3 (1) This division implements provisions of Oregon Laws 2010, chapter 85, section 5(1) and
4 Oregon Laws 2009, chapter 865, section 37(6) that direct the Land Conservation and
5 Development Commission (Commission) to adopt rules setting targets for reducing
6 greenhouse gas emissions from light vehicle travel for each of the state's metropolitan areas
7 for the year 2035 to aid in meeting the state goal in ORS 468A.205 to reduce the state's
8 greenhouse gas emissions in 2050 to 75 percent below 1990 levels.
- 9 (2) The targets in this division provide guidance to local governments in metropolitan areas on
10 the level of reduction in greenhouse gas emissions to achieve as they conduct land use and
11 transportation scenario planning. Land use and transportation scenario planning to meet the
12 targets in this division is required of the Portland metropolitan area and is encouraged, but
13 not required, in other metropolitan areas.
- 14 (3) Land use and transportation scenario planning is intended to be a means for local
15 governments in metropolitan areas to explore ways that urban development patterns and
16 transportation systems would need to be changed to achieve significant reductions in
17 greenhouse gas emissions from light vehicle travel. Scenario planning is a means to address
18 benefits and costs of different actions to accomplish reductions in ways that allow
19 communities to assess how to meet other important needs, including accommodating
20 economic development and housing needs, expanding transportation options and reducing
21 transportation costs.
- 22 (4) The expected result of land use and transportation scenario planning is information on the
23 extent of changes to land use patterns and transportation systems in metropolitan areas
24 needed to significantly reduce greenhouse gas emission reductions from light vehicle travel
25 in metropolitan areas, including information about the benefits and costs of achieving those
26 reductions. The results of land use and transportation scenario planning are expected to
27 inform local governments as they update their comprehensive plans and to inform the
28 legislature, state agencies and the public as the state develops and implements an overall
29 strategy to meet state goals to reduce greenhouse gas emissions.

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- 1 (5) The greenhouse gas emission reduction targets in this division are intended to guide an
2 initial round of land use and transportation scenario planning over the next two to four
3 years. The targets are based on available information and current estimates about key
4 factors, including improvements in vehicle technologies and fuels. The Commission will
5 review the targets by 2015, based on updated information about expected changes in vehicle
6 technologies and fuels, state policies and other factors and to consider results of scenario
7 planning.
- 8 (6) Success in meeting the targets will require a combination of local regional, and state
9 actions. State actions include not only improvements in vehicle technology and fuels, but
10 also other statewide efforts to reduce greenhouse gas emissions from light vehicle travel.
11 These efforts – which are programs and actions to be implemented at the state level - are
12 currently under review by the Oregon Department of Transportation as part of its Statewide
13 Transportation Strategy to reduce greenhouse gas emissions. As metropolitan areas develop
14 scenario plans to reduce greenhouse gas emissions and compare them to the targets in this
15 division, it is incumbent that the metropolitan area and the state work as partners, with a
16 shared responsibility of determining how local and statewide actions and programs can
17 reach the targets.
- 18 (7) Nothing in this division is intended to amend statewide planning goals or administrative
19 rules adopted to implement statewide planning goals.

20 **660-044-0005**

21 **Definitions**

22 For the purposes of this division, the definitions in ORS 197.015 and the statewide planning
23 goals apply. In addition, the following definitions shall apply:

24 “1990 baseline emissions” means the estimate of greenhouse gas emissions from light vehicle
25 travel in each metropolitan area for the year 1990, as presented by the Department of
26 Environmental Quality and the Oregon Department of Energy included in the *Agencies’*
27 *Technical Report*.

28 “2005 emissions levels” means an estimate of greenhouse gas emissions from light vehicle travel
29 in a metropolitan area for the year 2005.

30 “2035 greenhouse gas emission reduction goal” means the percentage reduction in greenhouse
31 gas emissions from light vehicle travel in a metropolitan area needed by the year 2035 in order to
32 meet the state goal of a 75 percent reduction in greenhouse gas emissions from 1990 levels by
33 the year 2050 as recommended by the Department of Environmental Quality and the Oregon
34 Department of Energy in the *Agencies’ Technical Report*.

35 “Agencies’ Technical Report” means the report prepared by the Oregon Department of
36 Transportation, the Department of Environmental Quality and the Oregon Department of Energy
37 and submitted to the Commission on March 1, 2011, that provides information and estimates

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1 about vehicle technologies and vehicle fleet to support adoption of greenhouse gas reduction
2 targets as required by Oregon Laws 2010, chapter 85, section 5(2) and Oregon Laws 2009,
3 chapter 865, section 37(7).

4 “Greenhouse gas” means any gas that contributes to anthropogenic global warming including,
5 but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons
6 and sulfur hexafluoride. (ORS 468A.210(2)) Greenhouse gases are generally measured in terms
7 of CO₂ equivalents – CO₂e – which means the quantity of a given greenhouse gas multiplied by
8 a global warming potential factor provided in a state-approved emissions reporting protocol.

9 “Greenhouse gas emissions reduction target” or “target” means the percent reduction in
10 greenhouse gas emissions from light vehicle travel within a metropolitan area from 2005
11 emission levels that is to be achieved by the year 2035. Greenhouse gas emissions reduction
12 targets are expressed as a percentage reduction in emissions per capita from 2005 emissions
13 levels but not including reductions in vehicle emissions that are likely to result by 2035 from the
14 use of improved vehicle technologies and fuels as set forth in Tables 1 and 2 of
15 OAR 660-044-0010.

16 “Greenhouse gas emissions reduction toolkit” means the toolkit prepared by the Oregon
17 Department of Transportation and the Department to assist local governments in developing and
18 executing actions and programs to reduce greenhouse gas emissions from light vehicle travel in
19 metropolitan areas as provided in Oregon Laws 2010, chapter 85, section 4.

20 “Land use and transportation scenario planning” means the preparation and evaluation by local
21 governments of two or more land use and transportation scenarios and the cooperative selection
22 of a preferred scenario that accommodate planned population and employment growth while
23 achieving a reduction in greenhouse gas emissions from light vehicle travel in the metropolitan
24 area. Land use and transportation scenario planning may include preparation and evaluation of
25 alternative scenarios that do not meet targets specified in this division.

26 “Light vehicles” means motor vehicles with a gross vehicle weight rating of 10,000 pounds or
27 less.

28 “Light vehicle travel within a metropolitan area” means trips made by light vehicles that begin
29 and end within a metropolitan planning area and that portion of other trips made by light vehicles
30 that occurs within a metropolitan planning area, including a portion of through trips (i.e. trips
31 that pass through a metropolitan planning area but do not begin or end there) and that a portion
32 of other light vehicle trips that begin or end within a metropolitan planning area. Trips and
33 portions of trips that are within a metropolitan planning area are illustrated by solid lines as
34 shown in Figure 1.

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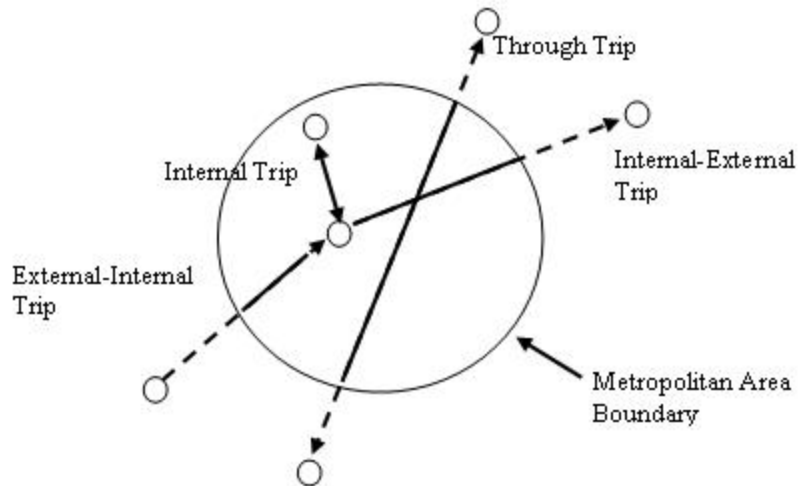


Figure 1. Light vehicle travel within a metropolitan area. Circles indicate trip origins and destinations. Arrows indicate the direction of travel. Solid lines indicate the portion of each type of trip that is considered travel within a metropolitan area for purposes of this definition.

- 1
- 2 “Metropolitan planning area” or “metropolitan area” means lands within the boundary of a
- 3 metropolitan planning organization as of the effective date of this division.
- 4 “Metropolitan planning organization” means an organization located wholly within the State of
- 5 Oregon and designated by the Governor to coordinate transportation planning in an urbanized
- 6 area of the state pursuant to 49 U.S.C. 5303(c). ORS 197.629(7). Included are metropolitan
- 7 planning organizations for the following areas: the Portland metropolitan area, the Bend
- 8 metropolitan area, the Corvallis metropolitan area, the Eugene-Springfield metropolitan area, the
- 9 Salem-Keizer metropolitan area and the Rogue Valley metropolitan area.
- 10 “Scenario planning guidelines” means the guidelines established by the Oregon Department of
- 11 Transportation and the Department to assist local governments in conducting land use and
- 12 transportation scenario planning to reduce greenhouse gas emissions from light vehicle travel in
- 13 metropolitan areas as provided in Oregon Laws 2010, chapter 85, section 3.
- 14 “Statewide Transportation Strategy” means the statewide strategy adopted by the Oregon
- 15 Transportation Commission as part of the state transportation policy to aid in achieving the
- 16 greenhouse gas emissions reduction goals set forth in ORS 468A.205 as provided in Oregon
- 17 Laws 2010, chapter 85, section 2.

1 **660-044-0010**

2 **Target Setting Process and Considerations**

3 (1) This rule describes information and factors that provide the basis for greenhouse gas
4 emission reduction targets included in this division. The purpose of this rule is to inform
5 local governments and the public about information that was relied upon to set greenhouse
6 gas emission reduction targets, to inform local governments as they conduct land use and
7 transportation scenario planning and to inform the Department of Land Conservation and
8 Development (Department) and Commission in the review and evaluation of greenhouse gas
9 emission reduction targets as required in OAR 660-044-0035.

10 (2) Oregon Laws 2010, chapter 85, section 5(1) and Oregon Laws 2009, chapter 865, section
11 37(6) direct the Commission to adopt rules identifying greenhouse gas emission reduction
12 targets for emissions caused by light vehicles for each of the state’s metropolitan areas.
13 These statutes direct that the rules must reflect greenhouse gas emissions reduction goals set
14 forth in ORS 468A.205 and must take into consideration the reductions in vehicle emissions
15 that are likely to result by 2035 from the use of improved vehicle technologies and fuels. The
16 statutes also direct that the rules must take into consideration methods of equitably allocating
17 reductions among the metropolitan areas given differences in population growth rates. The
18 Commission has addressed these statutory considerations as follows:

19 (a) Reduction in greenhouse gas emissions from light vehicle travel needed in 2035 to
20 achieve the state goal of a 75 percent greenhouse gas reduction by 2050.

21 Based on recommendations from the Department of Environmental Quality and the
22 Oregon Department of Energy in the *Agencies’ Technical Report*, the Commission
23 concludes that a reduction of 52 percent in greenhouse gas emissions from light vehicle
24 travel in metropolitan areas from 1990 levels is needed by the year 2035 to support
25 achieving greenhouse gas emissions reduction goals for 2050 set forth in ORS 468A.205.
26 This percentage reduction assumes steady year by year progress through 2050 in reducing
27 emissions and that the reduction in light vehicle emissions will be proportionate to the
28 overall state goal for reducing greenhouse gas emissions. In reaching this conclusion, the
29 Commission notes that absent a statewide transportation strategy and plan for achieving
30 greenhouse gas emission reductions there is no policy or other basis at this time for
31 assuming that light vehicle travel in metropolitan areas should be responsible for a larger
32 or smaller share of expected statewide greenhouse gas emission reductions.

33 (b) Consideration of reductions in vehicle emissions likely to result by 2035 from use of
34 improved vehicle technologies and fuels.

35 (i) The Commission has considered recommendations from the Oregon Department
36 of Transportation, the Department of Environmental Quality and the Oregon
37 Department of Energy about expected changes to the light vehicle fleet, vehicle
38 technologies and vehicle fuels through the year 2035 as set forth in the *Agencies’*
39 *Technical Report*. The Commission notes that the *Agencies’ Technical Report*
40 indicates considerable uncertainty and a broad range of possible outcomes for

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1 each of the relevant factors. The Commission concludes that a midpoint in the
 2 range of plausible fleet, technologies and fuel outcomes provides a reasonable
 3 basis for greenhouse gas emission reduction targets to guide an initial round of
 4 land use and transportation scenario planning. The baseline assumptions for 2035
 5 light vehicle fleet, light vehicle technologies and vehicle fuels are for each
 6 metropolitan area are set forth in Tables 1 and 2.

7 **Table 1. Baseline Assumptions for Vehicle Technologies for use in Land Use and**
 8 **Transportation Scenario Planning**

Vehicle Technologies		
Characteristic	2005 Model Year¹	2035 Model Year²
Auto fuel economy—internal combustion engine	28 mpg	68 mpg
Light truck fuel economy—internal combustion engine	20 mpg	48 mpg
Auto fuel economy—plug-in hybrids in charge sustaining mode	—	81 mpg
Light truck fuel economy—plug-in hybrids in charge sustaining mode	—	56 mpg
% of autos that are plug-in hybrids or electric vehicles	—	8%
% of light trucks that are plug-in hybrids or electric vehicles	—	2%
Plug-in hybrids battery range	—	35 miles
Electric vehicles battery range	—	175 miles
Vehicle Fuels³		
Characteristic	2005	2035
% reduction in fuel carbon intensity from current levels	—	20%
Electric power sources compared to current Renewable Portfolio Standard	—	Meet
Vehicle Fleet⁴		
Characteristic	2005	2035
Average vehicle replacement rate	10 years	8 years

¹ Email from Brian Gregor, Oregon Department of Transportation, Transportation Planning Analysis Unit, “RE: 1990 and 2005 technology values,” 3/15/11.

² *Agencies’ Technical Report*, Table 1: Vehicle Technology Alternatives by 2035 and Table A-4: Key Technology Characteristics Assumed for 2035 Model Year. Technology Level 3.

³ *Agencies’ Technical Report*, Table 1: Vehicle Technology Alternatives by 2035. Technology Level 3.

⁴ *Agencies’ Technical Report*, Table 4: Rate of Vehicle Replacement and Table A.2: Key Vehicle Fleet Characteristics. 2005 and Fleet Level 3.

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1 **Table 2. Additional Metropolitan Area Assumptions for use in Land Use and**
 2 **Transportation Scenario Planning**

Metropolitan Area	% of Fleet that are Light Trucks ⁵		Light Vehicle Emission Rates (grams CO ₂ e per mile) ⁶	
	2005	2035	2005	2035
Bend	55%	36%	513	180
Corvallis	45%	30%	494	174
Eugene-Springfield	47%	31%	503	173
Portland Metro	43%	29%	514	184
Rogue Valley	50%	34%	507	181
Salem-Keizer	47%	31%	510	177
Weighted Average	—	—	511	182

3 (ii) The greenhouse gas emission reduction targets in this division are for greenhouse
 4 gas emission reductions to be met through land use and transportation scenario
 5 planning and are in addition to reductions estimated to result from changes to the
 6 light vehicle fleet, light vehicle technologies and light vehicle fuels in Tables 1
 7 and 2.

8 (iii) In evaluating whether a proposed land use and transportation scenario combined
 9 with actions and programs included in the Statewide Transportation Strategy
 10 meets greenhouse gas emission reduction targets in this division, a local
 11 government or metropolitan planning organization may include:

12 a. Policies or actions included in the Statewide Transportation Strategy that the
 13 Oregon Department of Transportation estimates are likely to result in changes
 14 to vehicle fleet, technologies or fuels above and beyond the values listed in
 15 Tables 1 and 2;

16 b. Local or regional programs or actions identified in a land use and
 17 transportation scenario plan that are likely to result in changes to vehicle fleet,
 18 technologies or fuels above and beyond the values listed in Tables 1 and 2.
 19 One example of such an action would be a local or regional program that is
 20 estimated to result in adoption of hybrid or electric vehicles in a metropolitan
 21 area at greater than the eight percent statewide assumption for the 2035 model
 22 year provided in Table 1; and,

⁵ *Agencies' Technical Report*, Table 2: Light Trucks as a Percentage of Overall Fleet Mix and Table A.2: Key Vehicle Fleet Characteristics. 2005 and Fleet Level 3.

⁶ *Agencies' Technical Report*, Table 6: 2035 Emission Rates by Region with Implementation of Vehicle Technology and Fleet Mix Alternatives and Table A.5: Estimated Light Vehicle GHG Emission Rates; revised and expanded in “*Summary Calculations for Agencies Technical Report*,” Brian Gregor, 3/18/11, Input 3-2035EmissionRates, Table 3: GreenSTEP Model Estimates of Average Vehicle Emission. 2005 and Technology Level 3, Fleet Level 3.

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1 c. Policies or actions included in the Statewide Transportation Strategy, other
2 than those attributable to changes in vehicle fleet, technologies or fuels.
3 Examples of such an action would be increased inter-city transit or pay-as-
4 you-drive insurance. The Oregon Department of Transportation would
5 coordinate with local governments and metropolitan planning organizations in
6 each metropolitan area on estimating the amount of greenhouse gas emissions
7 reductions expected to result within the metropolitan area from these
8 programs and actions.

9 (c) Equitable allocation of responsibility for greenhouse gas emission reductions among
10 metropolitan areas considering differences in population growth rates.

11 The greenhouse gas emission reduction targets in this division are in the form of
12 percentage reductions in emissions per capita. The greenhouse gas emission reduction
13 targets for individual metropolitan areas range from 18 percent to 25 percent per capita.
14 The Commission concludes that setting the targets in the form of per capita reductions
15 and adoption of comparable per capita reductions for each of the state's six metropolitan
16 areas assures that those metropolitan areas that are expected to experience higher than
17 average rates of population growth between 1990 and 2035 do not bear a greater
18 responsibility for emission reductions than metropolitan areas that are expected to grow
19 more slowly.

20 (d) Use of 2005 as a reference year for greenhouse gas emission reduction targets.

21 The greenhouse gas emission reduction targets in this division are set forth as reductions
22 to be achieved from 2005 emission levels. 2005 is specified as a reference year for
23 greenhouse gas reduction targets because more detailed data on emissions and light
24 vehicle travel in metropolitan areas is available for this date than for 1990, and because it
25 corresponds better with adopted land use and transportation plans and will thus enable
26 local governments to better estimate what changes to land use and transportation plans
27 might be needed to achieve greenhouse gas emissions reduction targets. While the targets
28 are specified as reductions from 2005 emission levels, the targets have been set at a level
29 that corresponds to the required reduction from 1990 levels to be achieved by 2035.

30 **660-044-0020**

31 **Greenhouse gas emissions reduction target for the Portland metropolitan area**

32 (1) Purpose and effect of targets

33 (a) Metro shall use the greenhouse gas emission reduction targets set forth in subsection (3)
34 of this rule as it develops two or more alternative land use and transportation scenarios
35 that accommodate planned population and employment growth while achieving a
36 reduction in greenhouse gas emissions from light vehicle travel in the metropolitan area
37 as required by Oregon Laws 2009, chapter 865, section 37(6).

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1 (b) This rule does not require that Metro or local governments in the Portland metropolitan
2 area select a preferred scenario or amend the Metro regional framework plan (as defined
3 in ORS 197.015(16)), functional plans, comprehensive plans or land use regulations to
4 meet targets set in this rule. Requirements for cooperative selection of a preferred land
5 use and transportation scenario and for implementation of that scenario through
6 amendments to comprehensive plans and land use regulations as required by Oregon
7 Laws 2009, chapter 865, section 37(8) will be addressed through a separate rulemaking
8 that the Commission is required to complete by January 1, 2013.

9 (2) This rule applies to the Portland metropolitan area.

10 (3) The greenhouse gas emission reduction target for the Portland metropolitan area is a 21
11 percent reduction in greenhouse gas emissions in the year 2035 below year 2005 emissions
12 levels.

13 (4) The greenhouse gas emission reduction target in subsection (3) of this rule identifies the level
14 of greenhouse gas emission reduction to be met through land use and transportation scenario
15 planning consistent with baseline assumptions and guidance in OAR 660-044-0010(2)(b)(i)-
16 (iii), including reductions expected to result from actions and programs identified in the
17 Statewide Transportation Strategy.

18 **660-044-0025**

19 **Greenhouse gas emissions reduction targets for other metropolitan areas**

20 (1) Purpose and effect of targets

21 (a) Local governments in metropolitan planning areas listed in subsection (2) of this rule
22 may use the relevant targets set forth in subsection (3) of this rule as they conduct land
23 use and transportation scenario planning to reduce expected greenhouse gas emissions
24 from light vehicle travel in the metropolitan planning area.

25 (b) This rule does not require that local governments or metropolitan planning organizations
26 conduct land use and transportation scenario planning. This rule does not require that
27 local governments or metropolitan planning organizations that choose to conduct land use
28 or transportation scenario planning develop or adopt a preferred land use and
29 transportation scenario plan to meet targets in subsection (3) of this rule.

30 (2) This rule applies to the following metropolitan planning areas:

31 (a) Bend,

32 (b) Corvallis,

33 (c) Eugene-Springfield,

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1 (d) Rogue Valley, and

2 (e) Salem-Keizer.

3 (3) Targets

4 (a) The greenhouse gas emissions reduction target for the Bend metropolitan planning area is
5 a 25 percent reduction in greenhouse gas emissions in the year 2035 below year 2005
6 emissions levels.

7 (b) The greenhouse gas emissions reduction target for the Corvallis metropolitan planning
8 area is a 23 percent reduction in greenhouse gas emissions in the year 2035 below year
9 2005 emission levels.

10 (c) The greenhouse gas emissions reduction target for the Eugene-Springfield metropolitan
11 planning area is a 21 percent reduction in greenhouse gas emissions in the year 2035
12 below year 2005 emission levels.

13 (d) The greenhouse gas emissions reduction target for the Rogue Valley metropolitan
14 planning area is a 24 percent reduction in greenhouse gas emissions in the year 2035
15 below year 2005 emission levels.

16 (e) The greenhouse gas emissions reduction target for the Salem-Keizer metropolitan
17 planning area is an 18 percent reduction in greenhouse emissions in the year 2035 below
18 year 2005 emission levels.

19 (4) The greenhouse gas emission reduction targets in subsection (3) of this rule identify the level
20 of greenhouse gas emission reduction to be met through land use and transportation scenario
21 planning consistent with baseline assumptions and guidance in OAR 660-044-0010(2)(b)(i)-
22 (iii), including reductions expected to result from actions and programs identified in the
23 Statewide Transportation Strategy.

24 **660-044-0030**

25 **Methods for estimating greenhouse gas emissions and emission reductions**

26 (1) Local governments conducting land use and transportation scenario planning to meet
27 greenhouse gas emission reductions targets established in this division may use information
28 and methods for estimating greenhouse gas emissions levels from light vehicle travel
29 recommended by the Oregon Department of Transportation and the Department as set forth
30 in the greenhouse gas emissions reduction toolkit or as otherwise approved by the director of
31 the Department and the director of the Oregon Department of Transportation.

32 (2) Local governments conducting land use and transportation scenario planning to meet the
33 greenhouse gas emission reduction targets established in this division may use methods
34 recommended by the Oregon Department of Transportation, Oregon Department of

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1 Environmental Quality and the Oregon Department of Energy to account for additional
2 greenhouse gas emissions resulting from increased traffic congestion or reductions in
3 emissions resulting from measures that reduce traffic congestion in estimating greenhouse
4 gas emissions from light vehicles.

5 **660-044-0035**

6 **Review and evaluation of greenhouse gas reduction targets**

- 7 (1) The Commission shall by June 1, 2015, and at four year intervals thereafter, conduct a review
8 of the greenhouse gas emission reduction targets in OAR 660-044-0020 and
9 OAR 660-044-0025.
- 10 (2) The review by the Commission shall evaluate whether revisions to the targets established in
11 this division are warranted considering the following factors:
- 12 (a) Results of land use and transportation scenario planning conducted within metropolitan
13 planning areas to reduce greenhouse gas emissions from light vehicles;
 - 14 (b) New or revised federal and state laws or programs established to reduce greenhouse gas
15 emissions from light vehicles;
 - 16 (c) State plans or policies establishing or allocating greenhouse gas emission reduction
17 goals to specific sectors or subsectors;
 - 18 (d) Policies and recommendations in the Statewide Transportation Strategy adopted by the
19 Oregon Transportation Commission;
 - 20 (e) Additional studies or analysis conducted by the Oregon Department of Transportation,
21 the Department of Environmental Quality, the Oregon Department of Energy or other
22 agencies regarding greenhouse gas emissions from light vehicle travel in metropolitan
23 areas, including but not limited to changes to vehicle technologies, fuels, and the vehicle
24 fleet;
 - 25 (f) Changes in population growth rates, metropolitan planning area boundaries, land use or
26 development patterns in metropolitan planning areas that affect light vehicle travel in
27 metropolitan areas;
 - 28 (g) Efforts by local governments in metropolitan areas to reduce greenhouse gas emissions
29 from all sources;
 - 30 (h) Input from affected local governments and metropolitan planning organizations; and
 - 31 (i) Land use feasibility and economic studies regarding land use densities.
- 32 (3) The Department shall, in consultation and collaboration with affected local governments,
33 metropolitan planning organizations, and other state agencies, prepare a report addressing

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- 1 factors listed in subsection (2) of this rule to aid the Commission in determining whether
- 2 revisions to targets established in this division are warranted.