

Communities Are Embracing Development near Transit:

A Snapshot of Transit-Oriented Development Support across the United States

Appendix A **TOD Snapshot Methodology in Detail**

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Appendix A: TOD Snapshot Methodology in Detail

This 2015–16 TOD Snapshot builds on earlier research conducted by Reconnecting America titled “2010 Inventory of TOD Programs: A National Review of State, Regional and Local Programs that Fund Transit-Oriented Development Plans and Projects.” For this earlier study, Reconnecting America identified state, regional, and local programs that support TOD through direct funding or financial incentives. This Snapshot expands upon that list through a three-step process:

1. Identify locations that received 1 of 3 federal transit capital grants between 2011 and 2015 or a TOD planning grant in 2015. Identify any other metropolitan areas served by 1 of the 25 largest transit providers in the United States.
2. Assess TOD supports.
 - a. We identified programs that explicitly support TOD *in these locations*. We expanded the definition of TOD programs beyond those that provide direct funding or financial incentives to also include explicit TOD policies, plans, and/or zoning regulation. We also looked for any programs that provided TOD technical assistance to support local planning and implementation.
 - b. We identified other state-level TOD support.
3. Categorize the type of TOD action.

Programs identified by Reconnecting America in 2010 were included in this Snapshot provided that we could find evidence of their existence today. We also included any new policies and programs that we found for these 2010 locations and any that had been in existence in 2010 but were not in the Reconnecting America inventory.

Research was primarily conducted online intermittently between November 2015 and August 2016. State policy identification was supplemented by analysis undertaken by the National Conference of State Legislators for the AARP Public Policy Institute (PPI) in 2014, with additional Lexis Nexis search confirmation by PPI in 2016. We also relied on other policy summaries, such as best practices identified by the Center for Transit-Oriented Development. With rare exception, we did not contact planning offices directly for information, relying almost exclusively on what we could find through Google and Lexis Nexis search terms.¹

STEP 1: IDENTIFYING POTENTIAL TOD COMMUNITIES

The “2010 Inventory of TOD Programs” by Reconnecting America² informed the initial Livability Index, but much has changed since then as more communities have embraced TOD. To identify potential new communities, we analyzed projects that received funding in any year from 2011 through 2015 from one or more of three US Department of Transportation programs that are used by communities to build new transit:

- Federal Transit Administration (FTA) New Starts and Small Starts³ Capital Investment grants
- USDOT’s Transportation Investment Generating Economic Recovery⁴ grants
- The Transportation Infrastructure Finance and Innovation Act⁵ loan program

These are the major sources of federal capital funding for transit. Focusing on the locations funded in these three ways is the most accurate and comprehensive way to identify new fixed-guideway rail and bus systems or extensions that have been built since 2010, given the limited budget for this research project.

1 Lexis Nexis offers a complete database of all state statutes; however, its database includes only 3,205 municipal codes, a mere fraction of all municipal codes. There are 3,031 counties, and another 35,879 municipalities and towns, in the United States. While not all of these municipalities or towns adopt their own zoning ordinances (many would rely on county zoning), it is clear Lexis Nexis’s Municode database captures only a fraction of all zoning regulation in the United States. While other private vendors exist, they all have a different, yet limited, universe of municipal codes. Consequently, the tables of regional and local TOD policies and programs should be considered broadly representative of existing TOD support but not comprehensive lists.

2 Reconnecting America, *2010 Inventory of TOD Programs: A National Review of State, Regional and Local Programs That Fund Transit-Oriented Development Plans and Projects* (Washington, DC: Reconnecting America, January 2011).

3 “Grant Programs,” Federal Transit Administration, Accessed December 2015, http://www.fta.dot.gov/grants/13094_5221.html.

4 “TIGER Discretionary Grants,” Transportation.gov, Accessed December 2015, <https://www.transportation.gov/tiger>.

5 USDOT TIFIA Credit Assistance, Accessed December 2015, <https://www.transportation.gov/buildamerica/programs-services/tifia>.

In addition, we identified recipients of FTA's 2015 Pilot Program for Transit-Oriented Development Planning grants and added any metropolitan areas and cities not on these lists but which are served by 1 of the 25 largest transit providers in the country.

Through Step 1, we identified 57 total regions in 38 states with a high *likelihood* to have TOD supports in place.⁶

Step 1 also identified 70 localities with a high potential for TOD supports. Many, but not all of them were in regions that also had received funding.

STEP 2: ASSESSING TOD SUPPORTS

Step 2 involved searching for TOD supports for each of the locations identified in Step 1. The results of this research are captured in Appendix B:

- Table 1: State TOD Support,
- Table 2: Regional TOD Support; and,
- Table 3: Local TOD Support.

The Snapshot was not intended to be comprehensive inventory of every TOD policy or program in the country. Lexis Nexis enabled us to do a comprehensive inventory of state policies; however, the lack of a national database of regional and local policies means that readers must interpret our lists as broadly representative of the types of TOD supports at these two levels of government. Our research team also did not have access to the federal grant application. As such, we relied primarily on public agency websites to identify potential TOD-supportive actions.

For each region identified in Step 1, we first did a Google search for TOD on both the regional planning organization and transit agency websites. These results are summarized in Appendix B, Table 2. We then looked for evidence of local support by doing a similar keyword search within the comprehensive plan and zoning ordinance or the city/county or agency website (Appendix B, Table 3).

STEP 3: CATEGORIZING TYPE OF TOD ACTION

TOD supports were grouped into four overarching categories of TOD-supportive activities. With the exception of regulatory activity (zoning), all are applicable to all three levels of governance (local, regional, and state). They include:

- policy and planning,

- zoning,
- funding and financial incentives, and
- programs.

Policy examples include state legislation or adopted regional and local policies that prioritize walkable, mixed-use development, and/or public investment near transit. They often take the form of stand-alone TOD policies adopted by a regional planning agency or transit authority, or by a local governmental body, and often highlight the desire to leverage investments in public transportation through effective land use planning and urban design. Design guidelines may be drawn up or joint development policies passed. To receive policy credit from a local comprehensive plan, TOD must be an explicit element of that plan—rather than simply verbiage that is generally supportive of concepts such as mixed-land use, pedestrian-friendly streets, and transit. For instance, complete street design guidelines or mixed-use and multifamily zoning support the goals of compact, walkable communities; however, alone, they do not fully define TOD. State-level policy often defines TOD for the purposes of awarding funding and financial incentives to particular locations. It also includes examples of where state agencies are involved in TOD planning efforts, such as is the case in Florida and Hawaii.

Planning activities included in the Snapshot take several forms. Area plans, neighborhood plans, corridor plans, district plans, master plans, and strategic plans that address TOD are counted in this Snapshot. Often these plans are adopted by the local governing body as subsets of the comprehensive plan to provide detailed guidance to the planning and development community for a particular station area. In cases where a regional entity has developed the plan, it may not carry as much weight in development review; rather, it serves as a catalyst to get public support for a regional vision. Regional agencies often use their own staff resources to lead TOD planning efforts with the collaboration of local planners. These regional plans may help to generate public support and understanding for the concept as well as prompt local government actors to adopt more binding policy and zoning.

⁶ For the purposes of this study, we count the District of Columbia as a state.

Form-Based Codes⁷

Unlike traditional zoning that separates land uses, form-based codes use physical form as an organizing principle to establish the relationship between buildings and the street, pedestrians and vehicles, public and private spaces, and the sizes and types of roads and blocks. Instead of dictating or limiting activities, the code focuses on such elements as parking locations and limits, building frontages and entrances, window dimensions, streetscaping, and building elevations.

TOD is inherently long-range: it can take years to build community consensus around a vision, secure funding from numerous sources, and allow time for the local real estate market to respond. While policies and plans in and of themselves do not guarantee that TOD will be built, they are an important first step in establishing a community's vision for future economic and land development—and often mark a turning point in a community's move toward more compact, pedestrian- and transit-friendly design and away from auto-oriented development patterns.

Regulatory activities take the form locally as *zoning*. Specifically, we searched for evidence of explicit TOD zoning districts or overlay zoning in localities' zoning ordinances. Occasionally, we came across TOD smart codes or other form-based codes. Zoning is an activity of local government, thus we did not identify regulatory activities at the state level. At the regional level, we gave credit to Citizens for Modern Transit, a regional transit and TOD advocacy organization, for their non-binding TOD overlay zoning district template that several jurisdictions in the St. Louis region have used to adopt TOD zoning. Similar to policy and planning, the presence of TOD-supportive zoning itself does not guarantee that TOD is happening, but it is an important precursor.

There are a host of *funding and financial incentives* at all levels of government that are

used to build TOD projects and associated infrastructure in a TOD district, or that are used for property acquisition, land banking, and site cleanup to support redevelopment near transit. Funding examples include grant programs for TOD construction or planning, low-interest or deferred-interest loans made available as gap financing, tax increment financing districts, tax credits, fee exemptions, bond sales, and land transfers. Incentives include density bonuses, reduced parking requirements, expedited permitting, public investment in improvements, and other similar actions. The majority of state level support takes the form of *funding and financial incentives*.

Programs include TOD and joint development programs that facilitate real estate development near transit.⁸ Joint development programs are typically housed within transit agencies, while other TOD programs may be found within regional and local planning offices. Regional programs managed by metropolitan planning organizations (MPOs) often take the form of technical assistance programs where the goal is to enhance the capacity of local government to plan for and implement TOD.

The above categorization of TOD supports is not entirely cut-and-dried. Planning efforts may result in official adoption of the plan into policy by the governing body. A transit agency may adopt joint development policy *and* create a joint development program. Design guidelines developed by a regional planning organization may end up coded in the local zoning ordinance. Regional planning organizations may set aside funds for collaborative plan development with local jurisdictions.

Table 1 provides examples of each type of TOD support for each level of government (state, regional, and local). The full set of supports identified at the state, regional, and local levels can be found in Appendix B (Tables 1 through 3).

7 AARP, "Form-Based Code," *Fact Sheet*, AARP, Washington, DC, 2014, <http://www.aarp.org/livable-communities/info-2014/livability-factsheet-form-based-code.html>.

8 As defined by the FTA, the term "joint development" refers to partnerships between transit agencies and the public or private sector in the development of land either owned by a transit agency or related to a transit system improvement; integrated development of transit and nontransit projects, or transit improvements physically related to, and often co-located with, commercial, residential, or mixed-use development; and mutual benefit and shared cost among all of the partners involved. For example, a joint development project would be where a transit agency enters into a partnership with a private developer to build commercial space or residential units on property owned by a transit agency next to a transit station, thereby raising revenue for transit in the process.