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**23-9B-1040 Proportionality of Required Infrastructure**

- (A) If the City requires an applicant to dedicate right-of-way, construct or fund system transportation improvements, or dedicate right-of-way beyond the boundaries of a development, the applicant's costs may not exceed the amount required for infrastructure improvements that is roughly proportionate to the proposed development as determined by a professional engineer licensed under Chapter 1001, Occupations Code, and retained by the City.
- (B) The applicable director shall issue a written determination of an applicant's roughly proportionate share of infrastructure costs attributable to a proposed development prior to approval of an application for which dedication or reservation of right-of-way or the construction or funding of system transportation improvements is required. A determination issued under this section:
  - (1) Need not be made to a mathematical certainty, but is intended to be used as a tool to fairly assess the roughly proportionate impacts of a development based on the level of transportation demand created by a proposed development relative to the capacity of existing public infrastructure;
  - (2) Shall be completed in accordance with generally recognized and approved measurements, assumptions, procedures, formulas, and development principles; and Lake Austin below an elevation of 504.9 feet above mean sea level;
  - (3) Shall state the roughly proportionate share to the property owner for the dedication and construction of transportation-related improvements necessary to ensure an effective and safe transportation system that is sufficient to accommodate the traffic generated by a proposed development.
- (C) If a proposed development is subject to a proportionality determination under this section, the applicable director shall identify in writing all infrastructure improvements required in conjunction with approval of the development application. The infrastructure improvements may include right-of-way dedication or reservation, the construction or funding of system improvements, or any combination thereof, in an amount not to exceed the total roughly proportionate share as established by the proportionality determination.
- (D) To aid in making a proportionality determination and identifying required infrastructure improvements, the applicable director may:
  - (1) Adopt administrative guidelines establishing requirements for:
    - (a) Conducting a Transportation Impact Analysis, a Neighborhood Traffic Analysis, and an Active Mode Analysis under Article 23-9C (Transportation Impact Analysis and Mitigation); and
    - (b) Funding or constructing system transportation improvements required under Section 23-9C-1010 (Mitigation of Transportation Impact); and
  - (2) Require an applicant to provide:
    - (a) A transportation impact analysis or study, regardless of whether one is required under Section 23-9C-2020 (Transportation Impact Analysis Required);
    - (b) A neighborhood transportation analysis, regardless of whether one is required under Section 23-9C-2040 (Neighborhood Transportation Analysis Required);

- (c) An active mode analysis, regardless of whether one is required under Section 23-9C-2060 (Active Mode Analysis Required); or
- (d) Other relevant information related to the traffic and safety aspects of a proposed development.

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**23-9B-1050    Dedication and Reservation of Right-of-Way**

- (A) The City may, as a condition to approval of a site plan or subdivision, require the dedication or reservation of right-of-way that is reasonably likely to be acquired for public use consistent with this article. To be subject to dedication or reservation, land must be located along a roadway designated in:
  - (1) The Transportation Plan;
  - (2) An approved collector plan; or
  - (3) An established capital improvement project located in the planning jurisdiction of the City.
- (B) Any right-of-way dedications or reservations, other than dedications or reservations internal to the development shall not exceed the roughly proportionate share of the proposed development.
- (C) If the applicable director determines that dedication of right-of-way is needed to accommodate the transportation system improvement, the applicant may be required to dedicate the amount of land determined to be roughly proportionate to the development under Section 23-9B-1040 (Proportionality of Required Infrastructure) or a lesser amount, as determined by the applicable director based on the adequacy of the transportation system.
- (D) The applicable director may defer the dedication of right-of-way required at one stage of the development process to a later stage. A person must comply with all dedication requirements before the release of the subsequent application.

# Article 23-9C: Transportation Impact Analyses & Mitigation

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# Division 23-9C-1: System Transportation Improvements

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## 23-9C-1010 Mitigation of Transportation Impacts

- (A) In addition to requiring dedication of right-of-way under Section 23-9B-1050 (Reservation and Dedication of Right-of-Way), the applicable director may require an applicant to construct or fund all or a portion of system improvements required to mitigate the transportation impact of a proposed development.
- (B) If a proposed development does not require transportation analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or Section 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable director may condition approval of the application on construction or funding system improvements as described in this section.
  - (1) System improvements will be limited to:
    - (a) Sidewalks and curb ramps;
    - (b) Traffic signs, markings, and upgrades to signal infrastructure;
    - (c) Traffic calming devices;
    - (d) Bicycle lanes or upgrades to bicycle facilities;
    - (e) Rectangular rapid flashing beacons;
    - (f) Pedestrian refuge islands;
    - (g) Pedestrian hybrid beacons;
    - (h) Urban trail improvements;
    - (i) Right-of-way dedications;
    - (j) Transit facility improvements;
    - (k) Transportation demand management strategies, as provided under the Transportation Criteria Manual;
  - (2) Required system improvements may not be farther from the proposed development than:
    - (a) One-quarter mile; or
    - (b) Three-fourths of a mile, for an improvement required to provide access between the proposed development and a school, bus stop, public space, or major roadway as designated under the transportation plan.

- (C) If a proposed development requires a transportation impact analysis under Section 23-9C-2020 (Transportation Impact Analysis Required) or a neighborhood transportation analysis under 23-9C-2040 (Neighborhood Transportation Analysis Required), the applicable director may require an applicant to construct or fund system improvements identified by the analysis.
- (1) If a system improvement is identified in the Transportation Impact Analysis or Neighborhood Transportation Analysis on the bordering street of the proposed development site, or within one-quarter mile of the proposed development site, or within three-fourths of a mile to provide access between the proposed development and a school, transit stop, public space, or major roadway as determined in the transportation plan, the applicable director shall require an applicant to construct the system improvement.
  - (2) If a system improvement is identified in the Transportation Impact Analysis or Neighborhood Transportation Impact Analysis is outside the area defined under 23-9C-1010 Subsection (C) (1), the applicable director may require an applicant to fund the system improvement.
- (D) The total cost of system improvements required under this section may not exceed the applicant's roughly proportionate share of infrastructure costs as established by the proportionality determination required under Section 23-9B-1040 (Proportionality of Required Infrastructure), less the cost of any right-of-way dedication or reservation required under Section 23-9B-1050 (Dedication and Reservation of Right-of-Way).
- (E) The applicable director may require an applicant to implement Transportation Demand Management for a development project within or adjacent to a saturated transportation/roadway network, as a mitigation strategy as per Article 20-9H-1030 (Transportation Demand Management Requirement). Implementation of Transportation Demand Management plans will be enforced as stated under Section 23-9H-1040 (Transportation Demand Management Monitoring, Reporting, and Compliance).

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## 23-9C-1020 Fee In-Lieu of System Mitigation

- (A) The applicable director may allow an applicant to pay a fee in-lieu of constructing one or more system transportation improvements required under Section 23-9C-1010 (Mitigation of Transportation Impacts). In determining whether to allow payment of a fee in-lieu or to require construction of system improvements, the applicable director shall consider:
- (1) The applicant's roughly proportionate share of infrastructure costs, as determined under Section 23-9B-1040 (Proportionality of Required Infrastructure), relative to the cost of constructing one or more identified system improvements;
  - (2) Future transportation improvements anticipated for the area through capital improvement projects or as a condition to the approval of other proposed developments; and
  - (3) The feasibility of constructing one or more identified system improvements by supplementing the amount collected through payment of a fee in-lieu with city funds
- (B) A fee in-lieu collected under Subsection (A) of this section shall be placed in a dedicated fund and used for the purpose of constructing one or more system improvements identified in a transportation impact analysis under Section 23-9C-2020 (Transportation

Impact Analysis Required) or in a neighborhood transportation analysis under Section 23-9C-2040 (Neighborhood Transportation Analysis Required) or in City's Transportation Plan(s).

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### **23-9C-1030 Transportation Mitigation for Affordable Housing Projects**

- (A) This section reduces traffic mitigation required for certain projects participating in the City's Affordable Housing Incentive Program established under Code Division 23-3E-1 (Affordable Housing Incentive Program). Affordable Housing Incentive Program was previously known as S.M.A.R.T. Housing Program.
- (B) If a development under Affordable Housing Incentive Program does not require an analysis under Section 23-9C-2020 (Traffic Impact Analysis Required) or Section 23-9C-2040 (Neighborhood Traffic Impact Analysis Required) or Section 23-9C-2060 (Active Mode Analysis Required), the maximum cost of system improvements that may be required under 23-9C-1010 (Mitigation of Transportation Impacts) is reduced according to the following requirements:
  - (1) If at least ten percent, but less than twenty percent, of the dwelling units are reasonably-priced, the maximum cost is reduced by the percentage of affordable units;
  - (2) If at least twenty percent, but less than fifty percent, of the dwelling units are reasonably-priced, the maximum cost is reduced by fifty percent; and
  - (3) If at least fifty percent of the dwelling units are reasonably-priced, no mitigation may be required.
- (C) If a development under Affordable Housing Incentive Program requires an analysis under Code Division 23-9C-2 (Transportation Impact Analyses), the maximum cost of system improvements that may be required under 23-9C-1010 (Mitigation of Transportation Impacts) may be reduced according to Article 23-3E-1060 (Additional Developer Incentives).work for which a building or demolition permit is not required.

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### 23-9C-2010 Transportation Impact Analysis Described

A transportation impact analysis is a study that:

- (1) Provides information on the projected multimodal traffic generated by a proposed development;
- (2) Assesses the effect of the proposed development on the transportation network near the development;
- (3) Identifies the potential operational, geometric, or safety impacts or consequences and recommends action(s) to mitigate the concerns;
- (4) Consists of, but is not limited to capacity and operational analysis, safety analysis, geometric analysis, active mode analysis and transit connectivity analysis, conceptual design to support recommended action(s); and

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### 23-9C-2020 Transportation Impact Analysis Required

- (A) Except as otherwise provided in Section 23-9C-2070 (Waiver Authorized), a person submitting a site plan application, a subdivision application, or a zoning or rezoning application must prepare and submit a transportation impact analysis (as per the Transportation Criteria Manual following City of Austin’s Guidelines for Transportation Impact Analysis) if the expected number of trips generated by a project exceeds 1,000 vehicle trips per day or 100 peak hour trips.
- (B) If the applicable director determines that the transportation impact analysis does not comply with the requirements of this article or the Transportation Criteria Manual, the applicable director may require the applicant to supplement the transportation impact analysis to address a deficiency.
- (C) Is considered to be valid to represent site development or modifications up to five years from the date of the original submittal, or as determined by the applicable director.

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**23-9C-2030 Neighborhood Transportation Analysis Described**

- (A) A neighborhood transportation analysis is a simplified transportation impact analysis that assesses the effect of a proposed development on streets accessing residential-use blocks. The scope of a neighborhood transportation analysis is limited to an evaluation of the existing and projected operating multimodal level of service of identified streets and an identification of mitigation measures to minimize any adverse traffic effect(s).
- (B) A neighborhood transportation analysis shall follow the Transportation Criteria Manual in the evaluation of the existing and projected operating level of service and in identification of mitigation measures to minimize any adverse transportation effect(s).

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**23-9C-2040 Neighborhood Transportation Analysis Required**

- (A) Except as otherwise provided in Section 23-9C-2070 (Waiver Authorized), a person submitting a site plan application, a subdivision application, or a zoning or rezoning application must prepare a neighborhood transportation analysis if
  - (1) The project has access to residential streets as described in 23-9C-2040 Subsection (C); and
  - (2) The projected number of vehicle trips generated by the project exceeds the vehicle trips generated by existing uses by at least 300 vehicle trips per day.
- (B) If a current traffic count for an affected street is not available, the applicant will conduct a traffic count in accordance with procedures established by the applicable director.
- (C) In this section, a residential street is defined as street:
  - (1) That is not an arterial street; and
  - (2) Along which at least 50 percent of the frontage located:
    - (a) 1,500 feet or less from the proposed project's property line has an urban family residential district or more restrictive zoning designation; or
    - (b) Between the property line and the nearest arterial street that is less than 1500 feet from the property line has an urban family residential district or more restrictive zoning designation.
- (D) Under this article, residential property in a planned unit development (PUD) zoning district is treated as property in an urban family residential district if the PUD land use plan establishes the density for the residential area at 12.44 units per acre or less.
- (E) Under this article, each segment of a street that meets the criteria in Subsection (C)(2)(a) or (b) is considered separately.

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**23-9C-2050 Active Mode Analysis Described**

An active mode analysis is completed for new residential developments, community activity centers (e.g. school sites, recreation centers), and/or any new developments within a half-mile of a school or a transit stop. An active mode analysis includes:

- (1) An inventory and investigation of the existing active modes infrastructure (sidewalk, urban trail, bicycle facility) in the area surrounding the proposed development.

- (2) A figure illustrating the desire-line for pedestrian connections and bicycle connections between the proposed development and major pedestrian traffic generators within the 0.5 mile radius from the centroid of the project (for small-scale projects) or from the edge of the project boundaries (for large-scale projects).
- (3) In this article, under Subsection 2, a small-scale project is a project that is expected to generate less than 2,000 vehicle trips per day, and less than 200 peak hour trips. Conversely, a large-scale project is a project that is expected to generate more than 2,000 vehicle trips per day, or more than 200 peak hour trips.
- (4) An active mode analysis shall identify and document barriers to active mode connections to/from the proposed development and recommend necessary improvements.

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### **23-9C-2060 Active Mode Analysis Required**

Except as otherwise provided in Section 23-9C-2080 (Waiver Authorized), a person submitting a site plan application, a subdivision application, or a zoning or rezoning application shall prepare and submit an active mode analysis (as per the Transportation Criteria Manual following City of Austin's Guidelines for Transportation Impact Analysis) with required transportation impact analysis if

- (1) The expected number of trips generated by a project exceeds 1,000 vehicle trips per day, or more than 100 peak hour trips; and
- (2) The proposed project is a residential development, or a community activity center e.g. school site, recreation center; or a development within a half-mile of a school and a transit stop.

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### **23-9C-2070 Standards for All Analyses**

- (A) The applicant shall propose the geographic area and scope to be included in the Transportation Impact Analysis for the applicable director's review and approval prior to proceeding to the Transportation Impact Analysis.
- (B) The applicant shall complete distribution of trips generated by a proposed development during the Transportation Impact Analysis Scoping process. The peak hour trips shall be distributed to subsequent intersections until 25 peak hours trips is reached at an intersection. Based on the distribution, the applicant shall propose the geographic area to be included in the Transportation Impact Analysis Scope for the applicable director's review and approval. Once the Transportation Impact Analysis Scope is approved by the applicable director, the applicant shall proceed to the Transportation Impact Analysis.
- (C) An analysis must be performed under the supervision of a professional engineer registered in the state of Texas.
- (D) An analysis shall meet the requirements of this article as interpreted by the applicable director.
- (E) An analysis report shall be prepared as per the Transportation Criteria Manual following City of Austin's Guidelines for Traffic Impact Analysis.

- (F) An analysis report must be signed and stamped by a professional engineer registered in the state of Texas, responsible for the supervision of the study and preparation of the transportation impact analysis.

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**23-9C-2080 Waiver Authorized**

- (A) The applicable director may waive the requirement to submit an analysis.
- (B) If the requirement to submit an analysis is waived, the applicable director shall include the reason for the waiver in the applicable director's decision or recommendation on the application.
- (C) A person who obtains a waiver under this section shall mitigate adverse effects of the traffic generated from a proposed development.
- (D) Except as provided in Subsection (E) in this article the traffic generated from a proposed development for which the requirement to submit an analysis is waived may not:
  - (1) Create unsafe operating conditions; or
  - (2) Endanger public safety in any shape or form.
- (E) The applicable director may waive an analysis that would otherwise be not waived under Subsection (D) of this article if the applicable director determines that:
  - (1) The applicant has satisfactorily mitigated any unsafe operating conditions created by the proposed development; and
  - (2) The applicant has satisfactorily mitigated any public safety concern(s) created by the proposed development.
  - (3) The application is eligible to implement or fund previously identified mitigation elements in lieu of conducting a transportation impact analysis or a neighborhood traffic analysis or an active mode analysis.

## Division 23-9C-3: Approval Process

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### 23-9C-3010 Action on Application

- (A) The council or applicable director shall deny an application if the results of an analysis demonstrate that a proposed development may overburden the City's roadway system or create safety concerns within the City's transportation network.
- (B) (B) Except as provided in Subsection (C) in this article, the council or applicable director may deny an application if the transportation impact analysis or neighborhood transportation analysis demonstrates that:
  - (1) The projected traffic generated by the project, combined with existing or forecasted traffic, exceeds the desirable operating levels (as per the Transportation Criteria Manual) of the streets studied in the transportation impact analysis or the neighborhood transportation analysis; or
  - (2) The project endangers the public safety.
- (C) The applicable director may approve an application that would otherwise be denied under Subsection (B) of this article if the applicable director determines that:
  - (1) The applicant has satisfactorily mitigated adverse transportation effects; or
  - (2) The projected additional traffic from a project has an insignificant effect on the adjacent street network.

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### 23-9C-3020 Application Modification Based on Transportation Analysis

- (A) An applicant may modify an application to minimize the transportation-related effects identified in a transportation impact analysis or neighborhood transportation analysis. Modifications may include:
  - (1) Reduction in the projected vehicle trips per day;
  - (2) Dedication of additional right-of-way;
  - (3) Rerouting of traffic through appropriate site planning and improvements, and proposed access and egress point(s);
  - (4) Participation in the construction or funding of transportation related improvements;
  - (5) Implementation of transportation demand management plan; and
  - (6) Other modification determined to be necessary.

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**23-9C-3030 Appeal of Director Action**

- (A) An applicant may appeal the applicable director's denial of an application under Section 23-9C-3010 (Action On Application) to the appropriate Land Use Commission. An applicant may appeal the decision of the Land Use Commission to the City Council.
- (B) The Land Use Commission or the City Council may approve an application if the Land Use Commission or the City Council determines that the:
  - (1) Applicant has satisfactorily mitigated adverse traffic effects; or
  - (2) Additional traffic from the project has an insignificant effect on the adjacent street network.