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Date: August 9, 2007

From: Rob Zako, Transportation Advocate

To: Central Lane Metropolitan Planning Organization

Re: Preliminary Draft 2007–2031 Regional Transportation Plan

Executive Summary

The RTP update is required in order to comply with new federal requirements in SAFETEA-LU. SAFETEA-LU requires that the metropolitan transportation planning process “promote consistency between transportation improvements and State and local planned growth and economic development patterns,” i.e., land use plans. Unfortunately, as the relevant land use plans end in the year 2015 (Eugene, Springfield and Lane County) or the year 2025 (Coburg), it is difficult to adopt a RTP consistent with those plans through the year 2031. There is no clear analysis of transportation needs, hence no clear basis on which to select particular projects. The plan appears to be based on two land use scenarios, one of which is unrealistic and the other of which promotes the expansion of the Springfield UGB in advance of that decision being made. The 2007–2031 RTP, in its current form, doesn’t adequately meet either federal or state requirements for integrated transportation and land use planning. We recommend several actions the MPO should take to comply with the spirit and letter of federal requirements.

Dear members of the Central Lane Metropolitan Planning Organization (MPO),

Thank you for this opportunity to submit comments regarding the Preliminary Draft 2007–2031 Regional Transportation Plan.

SAFETEA-LU

As you know, the update to the Regional Transportation Plan (RTP) is required in order to comply with new federal requirements in the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which President Bush signed into law on August 10, 2005.¹

SAFETEA-LU is a huge 836-page bill that includes many federal earmarks, for example, \$1 million for Highway Project #4704 to improve the Interstate-5 interchange at the City of Coburg and \$1 million for Highway Project #4715 to improve transportation around the Federal Courthouse in Eugene.

¹ <http://www.fhwa.dot.gov/safetealu/>

Fortunately, a fact sheet on metropolitan planning² tells you most of what you need to know for the RTP update:

Key Modifications

Modifications to the metropolitan planning process include the following:

Metropolitan Planning in General

- MPOs will be encouraged to consult or coordinate with planning officials responsible for other types of planning activities affected by transportation, including planned growth, economic development, environmental protection, airport operations, and freight movement. [6001(g)]
- *The metropolitan planning process is to promote consistency between transportation improvements and State and local planned growth and economic development patterns. [6001(h)]*
- Safety and security of the transportation system are separate planning factors that are to be considered during the metropolitan planning process. [6001(h)]
- A State will have 30 days to reimburse an MPO for planning expenses after request from the MPO for reimbursement

Long Range Transportation Plan (Plan)

- Will be updated every 4 years (unless the MPO chooses to do so more frequently) in non-attainment and maintenance areas. Attainment areas remain on a 5-year update cycle. [6001(i)]
- Intermodal connectors are added as a transportation facility. [6001(i)]
- Include a discussion of potential environmental mitigation activities along with potential sites to carry out the activities to be included. The discussion is to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies. [6001(i)]
- Transit operators are to be included in the cooperative development of funding estimates for the financial plan section. [6001(i)]
- MPOs are required to consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning development of the Plan. [6001(i)]
- Representatives of users of pedestrian walkways, bicycle transportation facilities, the disabled are specifically added as parties to be provided with the opportunity to participate in the planning process. [6001(i)]
- The MPO is to develop a participation plan in consultation with interested parties that provides reasonable opportunities for all parties to comment. [6001(i)]
- To carry out the participation plan, public meetings are to be: conducted at convenient and accessible locations at convenient times; employ visualization

² <http://www.fhwa.dot.gov/safetealu/factsheets/mp.htm>

techniques to describe plans; and make public information available in an electronically accessible format, such as on the Web. [6001(i)]

- The Plan is to be published and made available electronically, such as on the Web. [6001(i)]

(Emphasis added.)

Consistency between land use and transportation plans

Note especially, as highlighted above, that SAFETEA-LU amends³ the scope of the planning process:

23 U.S.C. 134. Metropolitan transportation planning

...

(h) Scope of Planning Process.—

- (1) **In general.**— The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

...

- (E) protect and enhance the environment, promote energy conservation, improve the quality of life, and *promote consistency between transportation improvements and State and local planned growth and economic development patterns*;

...

(Emphasis added.)

In brief, it is now federal law that the transportation planning process conducted by the metropolitan planning organization “promote consistency between transportation improvements and State and local planned growth and economic development patterns,” i.e., land use plans.

We hasten to note that the highlighted language is new: The *explicit* federal requirement to promote consistency with land use plans didn’t exist before SAFETEA-LU.

Challenge of adopting RTP in advance of land use plans

At your meeting in April 2007, staff explained⁴:

Federal regulations further require that the RTP must be consistent with locally adopted plans and policies. The difficulty in meeting these requirements arises from trying to craft a federal long-range RTP that is consistent with local plans, while planning, in the case of the MetroPlan, 16 years beyond the local comprehensive plan and TSP. Since the MetroPlan only provides planning and policy direction through 2015—the first 8 years of the 24-year RTP—it becomes

³ A current version of the relevant U.S. Code is available at http://www4.law.cornell.edu/uscode/html/uscode23/usc_sec_23_00000134----000-.html

⁴ <http://www.lcog.org/meetings/mpc/0407/MPC4.f-CoverMemo-RTPHorizon.pdf>

a challenge for the MPO to plan for the additional 16 years without appearing to “lead” the local planning process.

According to the minutes of that meeting⁵:

Mr. Vanderpool asked the MPC for direction to model a range of development patterns from accommodating all growth through 2031 within the existing urban growth boundary (UGB) at higher than observed current densities to accommodating growth at currently observed actual densities, including accommodating a portion of the growth through 2031 beyond the current UGB. He said the models were not breaking down, the approach met federal requirements, and it did not appear to cause a lot of work for the MPC.

To the best of our knowledge, at that meeting the Metropolitan Policy Committee (MPC), i.e., the MPO policy board, declined to give staff the requested direction. Moreover, the question of how to develop a transportation plan that is consistent with land-use plans without “leading” those plans has not been raised again with MPC. Thus the Preliminary Draft 2007–2031 RTP appears to have been developed without explicit policy direction from the MPC (or for that matter from the public), at least on the key question of planned land uses.

Unfortunately, the sections of the Preliminary Draft 2007–2031 RTP dealing with these questions (Part Two of Chapter 4) appear to still be incomplete. Thus at this time it is not possible to evaluate in detail what land use assumptions the RTP is making.

Transportation needs

Although one might think that a primary purpose of the RTP is to address the transportation needs of the region, SAFETEA-LU is vague about those needs. SAFETEA-LU does provide:

23 U.S.C. 134. Metropolitan transportation planning

(a) Policy.— It is in the national interest to—

- (1)** encourage and promote the safe and efficient management, operation, and development of surface transportation systems *that will serve the mobility needs of people and freight* and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter;

...

(Emphasis added.)

But the opening paragraphs of the Preliminary Draft 2007–2031 RTP itself do a good job of explaining transportation needs in a general way:

... Generally, the need for transportation stems from our need to access goods, services, and other people within and beyond the region. The ease by which we are able *to get from home to school, to a job, to medical services, to shopping and back again* is dependent upon the efficiency and effectiveness of the region’s transportation system.

⁵ <http://www.lcog.org/meetings/mpc/0607/AprilMinutes.pdf>

As the region grows, additional demands are put on the system. With limited resources, determining the best means for improving the system and meeting future demand is challenging. ...

(Emphasis added.)

In other words, transportation needs arise out of people's desire to get from one place to another, i.e., from one land use to another. Hence it is impossible to consider transportation needs without also considering land uses.

The Oregon Transportation Planning Rule (OAR Chapter 660, Division 12)⁶ is more explicit about the requirement to assess transportation needs in developing a transportation (system) plan:

OAR 660-012-0030: Determination of Transportation Needs

- (1) The TSP shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:
 - (a) State, regional, and local transportation needs;
 - (b) Needs of the transportation disadvantaged;
 - (c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR 660-009 and Goal 9 (Economic Development).

...

OAR 660-012-0005(32) defines "transportation needs" as follows:

"Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this rule. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this rule, especially those for avoiding principal reliance on any one mode of transportation.

Although the requirement in the TPR applies directly to a transportation system plan (TSP), not a regional transportation plan (RTP), the TPR requires each local governments ensure that its TSP is consistent with the RTP. In particular, both types of transportation plans must address the same identified transportation needs.

"Putting the cart before the horse": projects before needs

1000 Friends of Oregon is concerned that the MPO is "putting the cart before the horse."

Looking at the Preliminary Draft 2007–2031 RTP we see a detailed list of projects in a financially constrained list. Presumably these projects are intended to meet the current and future transportation needs of the region.

But we see no clear identification of what those needs are. Where did this list of planned transportation projects come from? Why were these projects selected and not others? What other projects were considered? Who decided? When did these discussions take place? When was the public consulted about their needs and which projects would best serve those needs?

⁶ http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_012.html

All we can find is the following vague explanation in the Preliminary Draft RTP (Chapter 3, Page 3):

Summary of Needs Analysis

Transportation needs for the Central Lane area were assessed using standard methods typically employed in regional transportation planning. The analysis of needs was based on population and employment growth forecasts consistent with statewide forecasts. The population and employment forecasts were used to establish overall demand for transportation.

In particular, we wonder about two large ODOT projects being moved from the illustrative list to the financially-constrained list since the 2004 update:

#27 Hwy. 126 at Main St.: Construct interchange (\$50,000,000)

#30 Hwy. 126 at 52nd St.: Construct interchange (\$40,000,000)

What needs do these projects serve? Who decided?

Land use scenarios

Although the Preliminary Draft RTP is vague about transportation needs, we surmise that those needs are based on one or both of two land use scenarios developed by staff without the approval by the MPO Policy Board.

One of the two land use scenarios is based on “higher-than-observed (but allowable) densities.” According to the staff memo from April 2007:

However, the RTP will recognize the fact that this primary scenario will necessarily rely on higher-than-observed (but allowable) densities in order to accommodate growth through 2031 within the existing UGBs. In so doing, the RTP will acknowledge the fact that guidance for growth beyond the current Eugene-Springfield-Lane County comprehensive plan horizon of 2015 (and beyond the Coburg comprehensive plan horizon of 2025) must come from the local level. The RTP will expressly state that the primary 2031 RTP scenario is based on current comprehensive plan guidance, but is modeled only for the purpose of the federal RTP, and that when new guidance is available at the local level for growth beyond 2015, the next update of the RTP will reflect that guidance.

We question how realistic it is to assume that development will occur at “higher-than-observed (but allowable) densities,” at least absent any changes in local land use regulations that would promote such higher densities.

The other land use scenario contemplates expanding the urban growth boundary (UGB) in an unspecified manner. According to the staff memo from April 2007:

The 2031 RTP will also include an *illustrative* scenario demonstrating what the performance of the transportation system may be like with allocation of some of the growth through 2031 outside of the current UGBs. This illustrative scenario will be in the form of an appendix noting that under currently observed development densities, and carrying forth all other guidance from the existing comprehensive plans, allocation of some portion of the anticipated residential growth through 2031 would need to occur outside of the existing UGBs. The

illustrative scenario would be developed in coordination with the local jurisdictions to demonstrate what such a development scenario may look like.

We did not find the appendix that explains this illustrative scenario.

But looking at the financially-constrained project list, we see that all the new arterial links and interchanges are planned in Springfield:

- #27 Hwy. 126 at Main St.: Construct interchange (\$50,000,000)
- #30 Hwy. 126 at 52nd St.: Construct interchange (\$40,000,000)
- #66 Bob Straub Parkway, 57th St. to Jasper Rd. at Brand S Rd.: Phase 1: Construct 2-lane arterial between 57th St. and Mt. Vernon; construct turn lanes at intersections. Improve railroad crossing at Jasper Rd. Phase 2: Widen to 4-lane plus a median (\$10,000,000)
- #930 Centennial Blvd./Industrial Ave., 28th St. to 35th St.: Construct 3-lane urban facility (\$3,715,000)

Thus one could conclude that the illustrative scenario contemplates that Springfield will expand its UGB around Highway 126 (where two new interchanges are planned) and towards the Jasper-Natron area (where the Bob Straub Parkway will extend from Highway 126 towards Highway 58). In any case, Springfield has made no secret that it believes it will need to expand its UGB soon. And now under House Bill 3337 (2007), Springfield appears poised to do so without needing to gain approval from either Eugene or Lane County.

Indeed, by planning all the new roadways near the edge of Springfield, the Preliminary Draft RTP is, in effect, deciding to expand the UGB, claims by staff that the RTP process will not “lead” the land use process notwithstanding. After all, once the infrastructure is planned near the edge of the Springfield UGB, wouldn’t it make sense for future UGB expansions to occur in areas already planned to be served?

The process leading to the Preliminary Draft RTP appears to be based on two land use scenarios, neither of which have been discussed in detail by the MPO Policy Board nor made explicit for the public to consider. But it appears that the projects selected are aimed to support desired growth in Springfield, whether or not that growth is yet planned in local land use plans.

We fail to see how such a process “promote[s] consistency between transportation improvements and State and local planned growth and economic development patterns,” as now required by federal law.

According to *The Metropolitan Transportation Planning Process: Key Issues, A Briefing Notebook for Transportation Decision-makers, Officials, and Staff*⁷:

Metropolitan transportation planning provides the information, tools, and public input needed for improving transportation system performance. Transportation planning should reflect the community’s vision for its future. It should also include a comprehensive consideration of possible strategies; an evaluation process that encompasses diverse viewpoints; the collaborative participation of relevant transportation-related agencies and organizations; and an open, timely, and meaningful involvement of the public. Transportation planning requires a

⁷ <http://www.planning.dot.gov/documents/BriefingBook/BBook.htm>

comprehensive, holistic look at the needs and the future of the region and its inhabitants as shown in Figure 1.

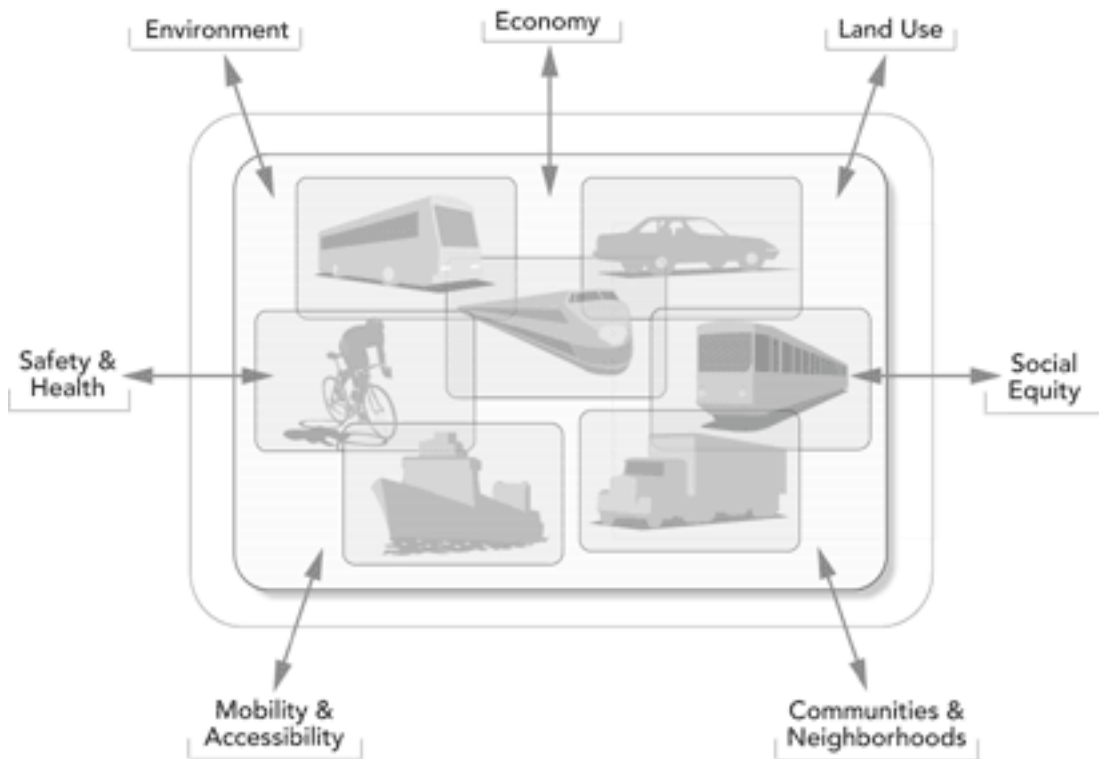


Figure 1: Links between transportation and other societal goals: transportation decisions affect our society in many ways. Conversely, many of society's decisions have an impact on our transportation system.

... A metropolitan planning organization (MPO) is a transportation policy-making organization made up of representatives from local government and transportation authorities. The Federal legislation passed in the early 1970's required the formation of an MPO for any urbanized area with a population greater than 50,000. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a continuing, cooperative and comprehensive (3-C) planning process. Federal funding for transportation projects and programs are channeled through this planning process.

We do see how the process to update the RTP is continuing, but we fail to see how it is cooperating nor comprehensive, as required by the "3-C" federal requirements, as we see no evidence of cooperation to consider future transportation needs, i.e., future land uses.

Conclusion

In brief, we question whether the 2007–2031 RTP, in its current form, adequately meets either federal or state requirements for integrated transportation and land use planning.

We recommend the Central Lane MPO take the following actions in advance of adopting the 2007–2031 RTP:

1. Staff should provide decision makers and the public with detailed information about the land use scenarios under consideration: information about higher-density levels, where

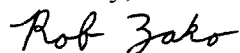
these are projected to occur, and what these would look like, and information about where UGB expansions are projected.

2. The MPO should gather public input about the land use scenarios, as these relate to the future transportation needs of the public. Then the MPO should discuss these land use scenarios, coordinating these discussions with discussions by the local governments responsible for making land use decisions.
3. Once the underlying land uses and resulting transportation needs are understood, several alternatives for addressing these needs should be proposed. The public should have an opportunity to comment on the pros and cons of each alternative approach before a preferred approach is proposed.
4. The MPO should involve the local governments in these discussions at the decision-maker level, taking special care to ensure that they understand that adoption of the RTP will trigger the requirement under the TPR to update local transportation system plans within one year. Local governments should cooperate with the MPO in assuring that transportation and land use plans are consistent, or will soon be made so.
5. If, as it likely, such a program will delay the adoption of the RTP, the MPO should immediately seek permission from the federal government to take the time needed to adequately comply with federal requirements. Given that SAFETEA-LU contains new requirements, in particular, a requirement for a higher level of coordination between transportation and land use planning, it is only natural that it would take more time to meet this requirement, at least the first time around.

We look forward to the MPO Policy Board considering our concerns and recommendation, ultimately arriving at an approach that will indeed satisfy requirements for integrated planning, as well as serve the region's interests.

Please let me know if you have questions or concerns.

Sincerely,



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