

July 29, 2005

To: MPC Members and LCOG Board Members
From: George Kloeppe
Re: Dismissal of the RTP Appeal

On July 27, 2005, the Land Use Board of Appeals (“LUBA”) dismissed Friends of Eugene and Rob Handy’s (“Petitioners”) appeal of the Metropolitan Policy Committee’s (“MPC”) adoption of an update to the Regional Transportation Plan (“RTP”). LUBA dismissed the appeal for lack of jurisdiction. Attached to this memorandum is a copy of LUBA’s Final Opinion and Order.

In December, 2001, the MPO, Springfield, Eugene, Lane County and the Lane Transit District (“LTD”) adopted *TransPlan*. To meet federal requirements, the MPO adopted *TransPlan* to serve as the federally-mandated RTP. To meet state requirements, the Springfield City Council, Eugene City Council, LTD Board and the Lane County Board of Commissioners adopted *TransPlan* to serve as the state-mandated Transportation System Plan (“TSP”). Thus, while *TransPlan* was one physical document, it was adopted by different bodies to serve two different functions.

In August, 2003, the federal government required the MPO to change the RTP to meet additional requirements. To meet the federally required time frame, the MPO decided to physically separate the RTP from the state-mandated TSP (*i.e.*, split the document into two documents). The newly updated federally-mandated plan would be called the Central Lane Regional Transportation Plan (RTP). The document previously known as “*TransPlan*” would continue to serve as the state TSP. Upon MPC’s adoption of the federally-mandated RTP update on December 9, 2004, the Eugene-Springfield metro area had two separate transportation planning documents – one meeting federal requirements and the other meeting the state transportation planning rule (“TPR”) requirements.

Petitioners appealed MPC’s adoption of the RTP update to LUBA. On July 27, 2005, LUBA issued its Final Opinion and Order dismissing Petitioners’ appeal for

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lack of jurisdiction. LUBA rejected Petitioners' assertion that the RTP integrates and coordinates two local transportation system plans (*TransPlan* and the Coburg TSP), concluding that the assertion was factually incorrect. LUBA agreed that *TransPlan* remains its own independent document. In addition, LUBA concluded that the adoption of the RTP update did not concern the application of statewide planning goals, comprehensive plan provisions or land use regulations and, therefore, was not a land use decision under ORS 197.015(10).

Petitioners have twenty-one days to appeal LUBA's decision to the Oregon Court of Appeals.