

From: Rob Zako [mailto:rob@friends.org]
Sent: Tuesday, January 09, 2007 1:56 PM
To: *LCOG MPC MEMBERS; Central Lane Metropolitan Planning Organization
Cc: *LCOG MPO CAC; CORTRIGHT Bob (OR); YOUNG Jon (SMTP)
Subject: State transportation planning requirements and the Central Lane MPO

Dear MPC members,

I will be out of town on Thursday and will miss your meeting on Thursday.

Thus I will take this opportunity to express our bewilderment at the proposed response to our recent comments on the Draft Public Participation Plan.

The cover letter for Agenda Item 5.b (Draft Public Participation Plan) explains:

Discussed change: Change the text (shown in double underline in the Draft) at the beginning of the first paragraph under the subheading "State" on page 5 to indicate that actions of the MPO must be consistent with requirements of the statewide land use planning program.

Reason for not recommending the change: The debate on this issue revolves around newly adopted language in the administrative rules of Goal 12, the Transportation Planning Rule. While it has been made clear by the Land Use Board of Appeals that the MPO cannot make land use decisions, the effect of MPO actions on land use requirements by local jurisdictions has not been clarified, and remains a legal issue. This should be resolved in a forum other than the Public Participation Plan. Staff intends to bring this issue back to MPC as part of the RTP Update.

Surely no one is seriously suggesting that the the Central Lane MPO is above or immune to state requirements, are they? Surely the Central Lane MPO is subject to state requirements, including requirements in the state land use planning program that apply explicitly to MPOs.

We note that LCOG was formed under state law (ORS 190.003 to 190.110) and designated by the Governor of the State of Oregon as the MPO for the Central Lane area. (LCOG subsequently delegated its MPO responsibilities to MPC.)

We also note that the Transportation Planning Rule (OAR Chapter 660 Division 012) sets our clear and specific requirements on MPOs:

"MPOs ... shall prepare and amend regional TSPs in compliance with this division. MPOs shall prepare regional TSPs for facilities of regional significance within their jurisdiction. ..." OAR 660-012-0015(2).

"... MPOs preparing regional TSP's shall rely on the analysis of state transportation needs in adopted elements of the state TSP." OAR 660-012-0030(2).

"In MPO areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile." OAR 660-012-0030(4).

"In MPO areas, regional and local TSPs shall be designed to achieve adopted standards for increasing transportation choices and reducing reliance on the automobile. ..." OAR 660-012-0035(4).

"Regional ... TSPs shall include benchmarks to assure satisfactory progress towards meeting the approved standard or standards adopted pursuant to this rule at regular intervals over the planning period. MPOs ... shall evaluate progress in meeting benchmarks at each update of the regional transportation plan. Where benchmarks are not met, the relevant TSP shall be amended to include new or additional efforts adequate to meet the requirements of this rule." OAR 660-012-0035(7).

"MPOs shall complete regional TSPs for their planning areas by May 8, 1996. ..." OAR 660-012-0055(1).

"(a) If by May 8, 2000, a Metropolitan Planning Organization (MPO) has not adopted a regional transportation

system plan that meets the VMT reduction standard in OAR 660-012-0035(4) and the metropolitan area does not have an approved alternative standard established pursuant to OAR 660-012-0035(5), then the cities and counties within the metropolitan area shall prepare and adopt an integrated land use and transportation plan as outlined in OAR 660-012-0035(5)(c) (A)-(E). Such a plan shall be prepared in coordination with the MPO and shall be adopted within three years;" OAR 660-012-0055(1)(a).

As we explained before, under state requirements MPOs are responsible for preparing and amending regional transportation system plans (TSPs), which are then adopted by cities and counties. Moreover, the regional TSP should be consistent with the regional transportation plan (RTP) adopted by the MPO to satisfy federal transportation planning requirements.

The bottom line is that the MPO is, by design, the primary forum for planning the regional transportation system, regardless of whether to satisfy federal or state requirements and regardless of which jurisdictions adopt which planning documents. The MPO should be familiar with all the relevant requirements and should develop plans that satisfy these. The MPO is required to follow state requirements -- as should be obvious to attorneys and non-attorneys alike -- whether or not decisions by the MPO are considered to be land use decisions.

We urge you to reconsider the modest changes to the PPP we suggested previously that would clarify rather than obfuscate the need to the MPO to meet state requirements.

Sincerely,
Rob

--

Rob Zako
Transportation Advocate
1000 Friends of Oregon
1280-B East 28th Ave., Eugene, OR 97403-1616 (home office)
(541) 343-5201 (home office)
(541) 683-6333 (fax)
rob@friends.org
<http://www.friends.org>

Share *your* vision for Oregon: <http://www.EnvisionOregon.org>
Support 1000 Friends of Oregon: <http://www.friends.org/support>