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**Date:** July 19, 2005

**From:** Rob Zako, Transportation Advocate

**To:** Joint LCDC/OTC Transportation Subcommittee

**Re: Proposed TPR Amendments**

Dear members of the Joint LCDC/OTC Transportation Subcommittee,

We are writing to express our serious concerns about the scope, timing and pace, and process for proposed amendments to the Transportation Planning Rule:

- **Scope:** Now that LCDC has adopted amendments to the TPR in response to *Jaqua*, there aren't other significant issues that must be addressed immediately. Although the consultant identified a dozen areas of concern during stakeholder interviews last summer, there is no mandate to respond to these concerns one-by-one in a piecemeal fashion. Indeed, the fact that there are so many concerns argues for a more comprehensive and deliberate approach to looking at how transportation planning occurs in Oregon and can occur more effectively. Moreover, in the wake of Measure 37, LCDC should be wary of adopting any rule amendments, as doing so increases the risk of Measure 37 claims (whether or not such claims are actually justified).
- **Timing and Pace:** The middle of summer when the Legislature is still in session is a terrible time to be considering numerous and lengthy rule changes. We and other important stakeholders do not have the time or resources to pay sufficient attention to the TPR amendments at this time when there are more pressing concerns in Salem. The rule amendments are being pushed forward too quickly without time for adequate review or discussion. Without adequate time to review and comment on proposed amendments, it would be difficult for us to support such amendments should they come before LCDC in the near future.
- **Process:** The process for developing rule amendments is problematic. It appears that staff has jumped to proposed rule amendments based on a few concerns heard during stakeholder interviews without adequate analysis or public discussion. We continue to question why public comment at your meetings is typically delayed until the end, when frequently you have already arrived at conclusions. Amendments adopted without adequate analysis and discussion often create more unintended problems than they fix. Many stakeholders welcome the recent amendments in response to *Jaqua*, which clarify that significant effect is to be measured at the end of the planning period. But these amendments have resulted in a much more complicated framework for reviewing land use amendments, as evidenced by the need for a "Process Chart" to help local jurisdictions navigate the new complexity of the rule. Moreover, some important stakeholders have serious concerns over unintended consequences of the "1/2-mile interchange rule," which was adopted without adequate analysis or discussion.

Many of these concerns were expressed at the recent Transportation and Growth Management (TGM) Advisory Committee meeting in response to an update from ODOT staff about the proposed TPR amendments. We note that most of the members of that committee are *not* participants in the TPR Work Group that is advising you on possible TPR amendments.

In light of these concerns, we urge the following:

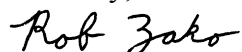
1. **Pause:** The Joint LCDC/OTC Transportation Subcommittee should put the TPR amendment process on hold until at least the end of the Legislative Session.
2. **Reassess Scope:** Once the Legislative Session is over, LCDC, which is the responsible rulemaking body, in consultation with OTC, should clarify the scope of what issues need to be addressed at this time. Each identified issue should be clearly defined and should be supported by substantial evidence that there is actually a problem that needs fixing—not merely the fact that a few stakeholders raised concerns.
3. **Review Transportation Planning:** Before moving directly to draft rule changes, the Joint OTC/LCDC Subcommittee, the TPR Work Group and staff should review how the TPR says transportation planning should occur in Oregon and how it is actually occurring on the ground. Each issue and set of proposed amendments should be considering in the context of how they would change a particular part of the transportation planning process.
4. **Goals and Practicalities:** Proposed amendments should be linked on the one hand to Statewide Planning Goals, especially Goal 12, and other policy objectives, and on the other hand to real world realities of what is or isn't working for the jurisdictions charged with implementing the TPR.

We also have substantive concerns with the proposed amendments related to the five issues you are scheduled to discuss on July 19. But a lack of time prevents us from articulating these with confidence that you would have the time to make the suggested changes.

Our memo to the TPR Work Group, dated June 20, 2005, does articulate our concerns around one of the issues you are considering: revising the TPR purpose statement in Section 0000. That memo also elaborates on our concerns that rule amendments not be made piecemeal but with due respect for the goals the rule is intended to implement and for the practicalities of transportation planning and development.

1000 Friends of Oregon strongly encourages you to take a step back and reassess the problems you are trying to address and your process for doing so.

Sincerely,



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