



DEVELOPMENT AND PUBLIC WORKS

225 FIFTH STREET
SPRINGFIELD, OR 97477
541-726-3753
www.springfield-or.gov/dept_pw.htm
www.springfield-or.gov

April 23, 2013

Hon. Tobias Read,
Chair, Transportation and Economic Development Committee
The Capitol
Salem, OR 97301

Dear Chair Read and Members of the Committee:

Thanks you for the opportunity to present the views of the city of Springfield with respect to Senate Bill 408A, before you today. The City opposes the bill in its current form, but suggests that there are modifications which will serve the purpose of the people without interfering with the ability of local communities to design and construct suitable street infrastructure.

I can sympathize with property owners who are supporting this bill. In the past access management issues have often been vexing. There are cases where owners have discovered many years later that an access they have been relying on was not permitted

Nevertheless, I am troubled by the solution that has been proposed for this problem. I believe the Legislative Assembly should explore other ways to address this issue. A blanket presumption that all previous accesses that exist are valid is, unfortunately, inconsistent with other important federal, state and local goals: public safety and orderly and compact land development.

First among those goals is public safety. Both the National Strategy on Highway Safety, by the Federal Highway Administration, and the Oregon Transportation Safety Action Plan emphasize the importance of pedestrian safety. The blanket permitting of accesses will certainly compromise Springfield's effort to achieve those goals.

We must bear in mind that many of these accesses came into being at a time when population and traffic was much less. The number of accesses are truly vast. In Springfield our Main Street is Oregon Highway 126B. Between the Willamette River on the west and the eastern city limits, a stretch of 6.6 miles, there are 936 accesses, of which about 90 are intersecting streets. The other 840 are private driveways. And those driveways aren't one to a property. One lot in particular has three accesses in an 165 foot frontage. I know that one well because in a recent ODOT effort to install a safety project to prevent pedestrian deaths in that vicinity, ODOT and the City attempted to persuade the property owner to allow one of the three accesses to be closed. That would have left the owner with two accesses on Main Street, and one on the side street. Our efforts were unsuccessful. While the City or ODOT could have resorted to a quiet title action or to eminent domain to compel closure, the cost of providing just compensation, plus the cost of the legal fees associated with legal action, and the reluctance of local public officials to take private property, resulted in a compromised design which was built at greater cost, to avoid closing any of the three accesses. This project was one of eight recommended by the ODOT Safety Study to address 40 pedestrian collisions, including seven fatalities, between 1999 and

2008. Although we continue to pursue the full set of eight improvements, progress is very slow because of the difficulty in dealing with similar access issues at each recommended location

Driveways are conflict points where vehicles, in particular left turning vehicles, cross the paths of other vehicles, pedestrians and cyclists. While fifty years ago, those 936 accesses might not have been a challenge when the traffic on Main Street was 5,000 vehicles a day, it is rather different now, when the load is 20,000 per day. And it will be even more challenging when, in the future as the City succeeds in promoting increased density, there are 50,000 average daily vehicle trips, including transit, and a substantially larger number of pedestrian and bicycle movements. Not only do the chances of conflict increase as traffic increases, but the addition of more and more alternative trips (pedestrian or bicycle) magnifies the risk those potential conflicts create.

For many years the policy of the state and local governments in administering the land use and transportation planning laws, and the State planning goals has been to move toward a multimodal approach which assures that Oregonians have a broad range of transportation alternatives. Our land use goals emphasize compact urban development. They disfavor expansion of Urban Growth Boundaries in favor of increased density. Our transportation planning rule emphasizes reduction in vehicle miles traveled, a goal fostered by supporting similar multimodal objectives. Since 2007 at least, the Legislative Assembly has adopted a policy of reducing carbon dioxide emissions from light weight vehicles as a way of tempering the risk of adverse effects of climate change. That goal was reinforced in 2009 by requiring metropolitan planning areas to embark on a program of scenario planning to develop, select, and in the Portland area implement, scenarios which meet ambitious targets for reductions in greenhouse gases.

As well-intentioned as is the effort to preserve existing accesses to ODOT highways, it significantly complicates that task of reaching these many goals. Among the 242 cities in Oregon almost all, except Portland, see a state highway as either their Main Street or as an important urban artery. Because of that, the blanket action proposed by Senate Bill 408A will present difficult challenges.

The idea of large parking lots fronting on streets to serve businesses located behind the lots is inconsistent with the objectives of the statewide planning goals, because the successful development of an urban environment requires that businesses be reachable in many ways, not just by car. Modern planning and street design concepts emphasize the value of consolidating access to principal streets, of collecting traffic onto collector streets from the local street network and transfer that traffic to arterials for longer distance movement. Simply dumping traffic directly onto arterials streets results not only in increased congestion, but also in reduced density for commercial development, which means reduced profitability for merchants. Good planning recognizes the distinction between good access, which makes it possible for the property owner to use their land efficiently and in harmony with transportation needs, and unrestricted access, which creates unintentional conflicts and may, in some cases, make it harder for the owner to maximize the use of the property.

Lest one think this is a minor problem, I refer you to the attached map, which was prepared by ODOT in 2011 as part of its Main Street Safety Study. While it doesn't cover all of Main Street, it does cover that portion from 20th Street east to the city limits. The blue and yellow dots are the permitted accesses and the red dots are the unpermitted accesses. You don't have to actually count to see that the unpermitted accesses, which would be protected by this bill, vastly outnumber the permitted ones.

We should bear in mind that as communities grow and prosper, many of the State highways will ultimately be transferred to the jurisdiction of the localities through which they pass, and become City streets. We should not make decision at the State level on how cities choose to design their urban transportation network. While sections 4 and 5 of the Bill provide a process for ODOT to address access issues as part of facility management or projects affecting State highways, these processes do not address the economic impact of conferring permitted status on a large number of otherwise unpermitted accesses, nor do they provide any relief at all for cities who have accepted a jurisdictional transfer. This factor alone will clearly frustrate the policy of the Oregon Highway Plan to support and encourage jurisdictional transfer of urban segments to local jurisdiction. Policy 2C of the 1999 Oregon highway Plan, as amended, provides:

It is the policy of the State of Oregon to consider, in cooperation with local jurisdictions, interjurisdictional transfers that:

- *Rationalize and simplify the management responsibilities along a particular roadway segment or corridor;*
- *Reflect the appropriate functional classification of a particular roadway segment or corridor; and/or*
- *Lead to increased efficiencies in the operation and maintenance of a particular roadway segment or corridor.*

As I said at the beginning, I understand the concerns of the proponents of the bill, and appreciate their concern in preserving the rights of property owners. I think, however, the a solution can be found which does not unduly interfere with the ability of local communities to adequately respond to the safety and land use concerns.

I believe the process contemplated in Section 4 and 5 contains the essential elements of the solution. Stripped of the preemptory language in sections 2 and 3, and expanded to allow for the same process to be implemented by local jurisdictions as they assume responsibility for some State highways I believe the bill would allow for reasonable conversations among all those involved in developing future projects to assure that all properties had good access, if not unlimited access, to the abutting streets.

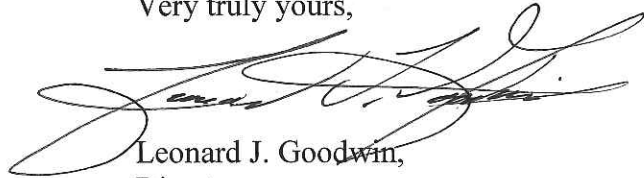
I understand that some might be concerned that property owners are somehow at a disadvantage in such conversations. My experience has been that property owners, well represented by counsel, certainly stand on an equal footing with agencies in access negotiations. For those however, who believe that they need further support in striking the balance, it is possible to contemplate other alternatives. The statues could provide that a property owner must be guaranteed at least on access in any reallocation, but that additional accesses would be non-compensable as long as that access was assured. Provisions could include guaranteeing a specific

number of accesses per some measure of frontage. The bill could be modified so that its provisions did not apply within Special Transportation Areas designated by the Oregon Transportation Commission. These or other alternatives to modify the bill would probably be best left to a work group representing property owners, the development community and local jurisdictions to work out before the next legislative session.

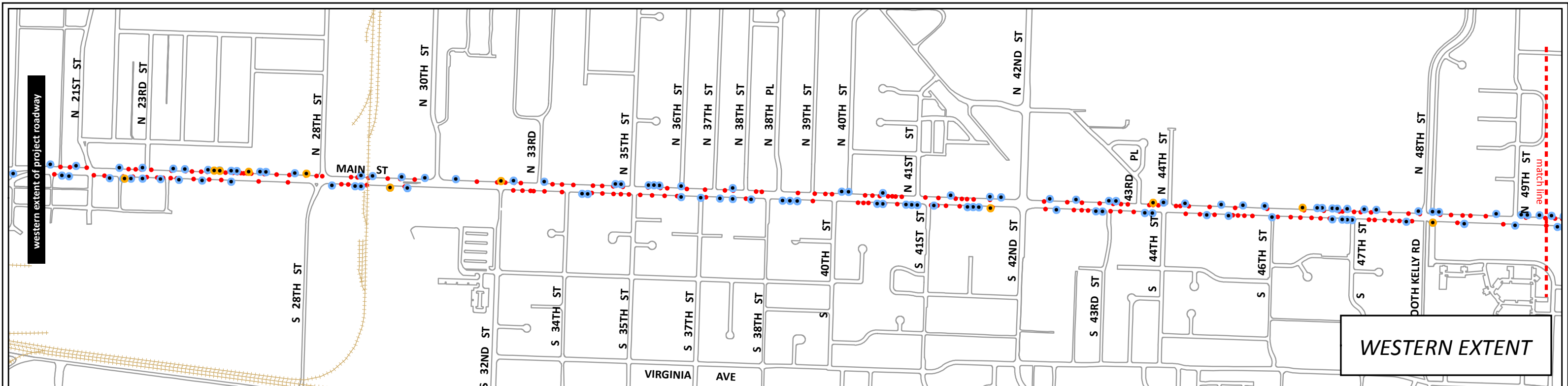
In short, there are ways to protect both the interests of property owners and of local communities, while still insuring that foremost attention is given to safety and to building and fostering our communities. I urge the committee to explore those solutions rather than passing this bill.

Thank you for the opportunity to present these comments on behalf of the City of Springfield.

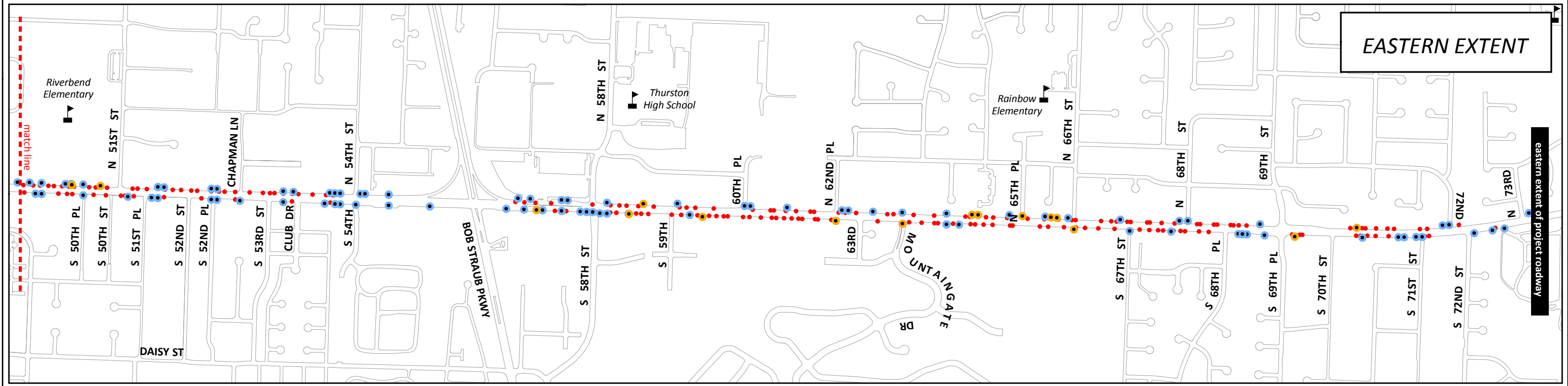
Very truly yours,

A handwritten signature in black ink, appearing to read 'Leonard J. Goodwin', is written over the typed name and title.

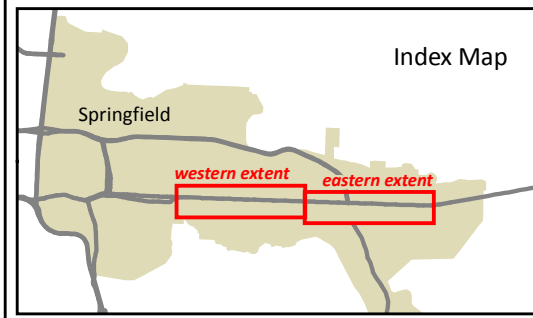
Leonard J. Goodwin,
Director



WESTERN EXTENT







EASTERN EXTENT



OR 126 MAIN STREET SAFETY STUDY
SPRINGFIELD, OREGON

FIGURE 2-6
ACCESS INFORMATION

LEGEND

-  RAILROAD
-  CENTRAL HIGHWAY APPROACH/MAINTENANCE PERMIT SYSTEM (CHAMPS), SINCE FEBRUARY 2000.
-  UTILITY PERMIT DATABASE (UPERMIT), PRIOR TO FEBRUARY 2000
-  DRIVEWAY WITHOUT PERMIT

