

CORRECTED 2/27/2013



Mark D. Whitlow
PHONE: (503) 727-2073
FAX: (503) 346-2073
EMAIL: MWhitlow@perkinscoie.com

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

February 26, 2013

Senator Lee Beyer
State of Oregon
Senate Business and Transportation Committee
900 Court Street NE, S-419
Salem, OR 97301

Re: SB 408

Dear Chairman Beyer and Committee Members:

This letter is written on behalf of the Retail Task Force (RTF) and the Oregon Government Relations Committee for the International Council of Shopping Centers (ICSC), both members of the Stakeholder Advisory Committee (SAC) utilized by the Oregon Department of Transportation (ODOT) to craft SB 408 and the preceding access management legislation referenced below.

SB 408 provides a legislative solution to three separate problems that have been the focus of the recent work being performed by public and private interest stakeholders and ODOT. The problems were identified in their work following the adoption of SB 1024 in 2010 and SB 264 in 2011, the prior transportation bills that address highway access management. Those bills, in addition to SB 408, are all aimed at increasing the focus on the economic development needs of properties abutting state highways, so that those needs get a better balance in the weighing of the competing needs of state highways for mobility.

SB 408 first solves the problem of the backlog of unpermitted highway connections. As work was being finished by the stakeholders under SB 264 in 2011 regarding the ability to change the use of an existing approach, it was disclosed that as many as 80% of the state's existing approaches are unpermitted, and where the change of use of approach rules then allowed a change of use application only for permitted approaches. SB 408 solves that problem by creating approach permits based upon legal presumptions that avoid needless paperwork and unnecessary costs associated with any plan to issue the back log of approach permits on a retroactive basis.

32367-0001.0003/LEGAL25922424.2

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Senator Lee Beyer
February 26, 2013
Page 2

SB 408 then sought to create the "better balance" (of the economic development needs of abutting properties with the mobility needs of state highways) in the context of interchange area management planning (IAMPs) and highway modernization project delivery. In both of those settings the interests of abutting property owners were being either excluded or ignored during the planning process for IAMPs or the access management strategy development process for project delivery, the events where ODOT was setting into motion the plans and strategies that would lead to the closure or modification of existing private approaches. SB 408 opens the door to let the abutting owners into the planning sessions for IAMPs (and other types of transportation facility plans), and for mailed notice and the opportunity to participate in the development of access management strategies during project delivery.

Based on the above, the RTF and the Oregon GR Committee for ICSC hereby support SB 408 and urge its passage.

Thank you for your careful consideration of the bill. I am available to answer your questions.

Sincerely,



Mark D. Whitlow

MDW

cc: Retail Task Force
International Council of Shopping Centers