

**Joint Committee on Transportation**  
**SB 558 and HB 2702 Public Hearings, March 6, 2019**  
**Testimony of Al Johnson, Bend, Oregon**  
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**Co-Chairs and Members of the Committee:**

Both SB 558 and HB 2702 would amend ORS 810.180. Amendment is needed, with slight changes in the proposed wording. As currently worded, ORS 810.180 unduly limits and bureaucratically burdens the authority of all Oregon cities to set speed limits on their own streets within their own city limits.

I respectfully urge you to relax these limits and lift these burdens to help all Oregon cities provide safe, healthy, accessible, and energy-efficient streets and neighborhoods.

In so doing, you will further state policy supporting pedestrian-friendly and energy-efficient neighborhood design. You will also save scarce transportation dollars by eliminating unproductive and unnecessary studies and other paperwork detailed in, and exemplified by, ODOT'S 107-page "Speed Zone Manual."

Here's the problem: At present, Oregon cities are allowed to set their own speed limits only within "residence districts," which are statutorily defined at ORS 801.430 to exclude streets in neighborhoods with alley-access garages instead of front-yard driveways. These are neighborhoods where sidewalks, landscaping, and yards are uninterrupted by curb cuts, driveways, and the vehicles that use them. These are neighborhoods with high scores for walking and pedestrian use. Examples include historic neighborhoods like Ladd's Addition in Portland and prizewinning neighborhoods like Northwest Crossing in Bend. See images attached. Oregon's cities need to be able to encourage and support this kind of development with lowered speed limits, not penalized by outdated state definitions prioritizing through traffic on residential streets.

Fortunately, there are simple fixes, in part because the offending definition is in a statute rather than an administrative rule. You can take care of it right here and now.

Here is the current language:

801.430 "Residence district." "Residence district" means territory not comprising a business district that is contiguous to a highway that:

- (1) Has access to property occupied primarily by multifamily dwellings; or
- (2) Has an average of 150 feet or less between accesses or approaches to:
  - (a) Dwellings, churches, public parks within cities or other residential service facilities; or
  - (b) Dwellings and buildings used for business.

One way to fix this is to amend the definition to read something like this:

801.430 "Residence district." "Residence district" means territory not comprising a business district that is contiguous to a highway that:

- (1) Has access to property occupied primarily by multifamily **dwellings or by attached or detached single-family dwellings with alley access**; or
- (2) Has an average of 150 feet or less between accesses or approaches, to:

(a) Dwellings, churches, public parks within cities or other residential service facilities; or

(b) Dwellings and buildings used for business.

Another way would be to amend sections 10 and 11 of ORS 801.180, expanding the exemption to all Oregon cities as proposed by SB 558 and qualifying the term "residence district" for that purpose only, something like this:

(11) [The City of Portland] **A city** may establish by ordinance a designated speed for a highway under the jurisdiction of the city that is five miles per hour lower than the statutory speed. The following apply to the authority granted under this subsection:

(a) The highway is located in a residence district as defined in ORS 801.430, **including, for purposes of this section, alley-access single or multifamily housing.**

I hope you take this opportunity to update a seriously outdated definition and save all concerned a lot of unnecessary time, trouble, and expense. My wife and I have a townhouse in Northwest Crossing. We love it here, this week's weather notwithstanding. Our street has recently been through the current complicated process with a good outcome that would have been reached more cheaply and simply under the proposed amendment. I am a retired land use and administrative law attorney with considerable experience involving state and local land use and transportation statutes, rules, plans, and codes. I am happy to help in any way I can.



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