

Joint Committee on Transportation

OFB Testimony on SB 395

March 4, 2021

Chair Beyer, Chair McLain, members of the committee,

Thank you for the opportunity to comment on SB 395. By way of background, the Oregon Farm Bureau is the state's largest agricultural trade association, representing nearly 7,000 farm and ranch families across the state. Oregon Farm Bureau understands the importance of recreational trails, bike paths, and alternative modes of transportation for Oregonians. However, we urge the committee to adopt some critical changes to the state's model for investing in trail projects to better protect the state's investment and ensure that these projects are complying with all applicable state laws.

OFB is aware of two instances where counties were awarded Connect Oregon grants for "rails to trails" projects without first receiving local land use approval. In both cases, there were significant issues around neighboring landowner conflicts that had not been addressed by the applicant county, and in at least one case, significant uncertainty about who actually had title to the land proposed for the project. In Yamhill County, it is our understanding that the County actually used the dollars to begin construction of trail bridges without knowing if the project would ever be able to legally be sited. Allowing counties to receive and spend Connect Oregon dollars on a project prior to obtaining land use permits risks the state spending scarce resources on a project that are ill-conceived, not ready for funding, and not complying with other state laws.

OFB has raised these concerns with ODOT and advocated for changes to how funds are administered to recreational trail projects to avoid these issues. While we appreciate ODOT's willingness to make some minor changes to the program as a result of these projects, any significant changes ultimately needed to be made legislatively.

To that end, we request the following amendments to SB 395 to remedy these serious issues and ensure that limited Connect Oregon funds are only spent on shovel-ready projects:

1. Line 16-17 of the base bill should not be removed. As we have learned from the Metro Transportation RAC, bike paths and trails are most needed in primarily high-density areas, to serve our communities, not on the outskirts of town or low population areas. Dollars

should be prioritized in areas of most need, and that has not proven to be remote rural Oregon, where projects have caused litigation because of conflicts with resource uses.

2. A subsection should be added to include, "The Department shall ensure that footpaths and bicycle trails awarded funding under this Section have obtained all necessary permits and final land use approvals prior the award of funding."
3. Given the concerns that the agricultural community has had with Connect Oregon bike path projects, a representative of rural landowners, with an emphasis on the agricultural or forestry sector, should be added to the Oregon Bicycle and Pedestrian Advisory Committee created in Section 2 of the bill.

We appreciate the opportunity to raise these concerns and strongly urge the committee to amend SB 395 as outlined above. Please do not hesitate to reach out with any questions or concerns.

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