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Date: October 19, 2004

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Bi-Mart Corporation

Re: Agenda Item 7C, Order 04-10-13-11

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In the Matter of Endorsing New Freight Routes on
Oregon Department of Transportation (ODOT) Highways
in Lane County

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Dear Commissioners:

A. Introduction.

I have represented a number of businesses and individuals regarding issues of access to Oregon highways. I am writing to express my concern with the excessive ODOT control existing and, particularly, the further extension of that control over local land use and development which would result from adoption of the new freight routes. This letter sets forth some of my reasons for concern and discusses two recent land use applications processed within Junction City in the last two years which demonstrate the significant impact the proposed Freight Route designations would have on local control of land use decisions.

B. Effects of Freight Route designation on local planning and development.

As indicated in the materials, the designations will result in higher mobility and design standards for projects, including spacing requirements.

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The examples discussed here involve only issues of mobility standards, volume and capacity (v/c) standards. The example used at page 6 of the September 1, 2004 FRAP staff report indicates that maximum volume to capacity ratio on a Statewide Highway inside an urban growth boundary on a Freight Route is .75, while a Statewide Highway inside the urban growth boundary not on a Freight Route is .80. While the change in standards sounds slight, as demonstrated below, it is a significant change for purposes of local control of land use and development.

As you may know, an application for an amendment to a local comprehensive plan can result in ODOT requiring a traffic impact study examining v/c ratios at intersections with State Highways. Even though the subject site may be some distance from the highway, ODOT places the burden upon the developer to demonstrate by a traffic study that an intersection will not be "significantly affected." An intersection is deemed "significantly affected" if the specified v/c ratio is exceeded.

C. Examples of recent development in Junction City that would not have occurred if Highway 99W was a designated Freight Route.

In 2002, Bi-Mart Corporation sought a comprehensive plan amendment and zone change for a parcel of land four blocks east of Highway 99W within Junction City. In 2004, a similar application was submitted on behalf of Dari-Mart Stores, Inc. for a comprehensive plan amendment and zone change for a parcel immediately south of the Bi-Mart Corporation site.¹ Both of these sites were formally owned by the railroad, designated and zoned for industrial use and virtually vacant. Junction City, then and now, has an excess of industrial zoned land and is in need of additional commercial land, particularly in this area of the city.

In both of these applications, ODOT required a traffic impact study in order for the applicant to prove that the transportation facility, Highway 99, was not significantly affected, meaning the v/c ratios specified were not exceeded at intersections of local streets with

¹ Attached to the hard copy of this letter is a map of Junction City with the subject properties highlighted. This demonstrates the extended reach of ODOT authority over local jurisdictions.

99W. In the instance of the Bi-Mart application, it was found that by the horizon year, 2017, the v/c ratio was expected to be 0.78. The traffic study for Dari-Mart Stores, Inc. yielded a v/c ratio of approximately 80 by the horizon year.

When a v/c ratio is exceeded, the Transportation Planning Rule (TPR) requires mitigation, which means that before development can take place, the land uses must somehow have to be limited to reduce traffic or the TSP has to be amended to show that facilities will be adequate due to planned facilities or reduction in demand for automobile travel. As is apparent to anyone familiar with Junction City, there would be nothing that could be done within the near future that would mitigate the effect on the transportation facility should the required v/c ratio have been exceeded. Until such time as there is a highway bypass of the City, which would require ODOT will and funding, the functionality of intersections of city streets at intersections with 99W cannot be changed.

Obviously, in both these instances, if Highway 99W was designated a Freight Route at the time of the application, these applications could not have gone forward because the .75 v/c standard would have been exceeded. Desirable local development by local companies would not have taken place and land use changes consistent with local planning and local public interest would not have occurred.

D. Segment designations.

Some of the ODOT materials suggest that the answer is segment designations such as STAs for the situation where state Freight Routes go through the downtown of cities. In a perfect world, this may be the answer but the present world is not perfect due to lack of funding. These STAs require revision of local Transportation System Plans (TSP) and development of management plans. There are no state funds available for these purposes. This is effectively, an "unfunded mandate."

E. Potential expressway designation.

The designation as a Freightway is one of the basic factors in determining whether a particular statewide highway should be designated an "Expressway." That being the case, designation of

these freightways can lead to additional expressway designations. That is of significant concern to property owners near such highways. Direct access to an expressway is generally not allowed unless there is no alternative access.

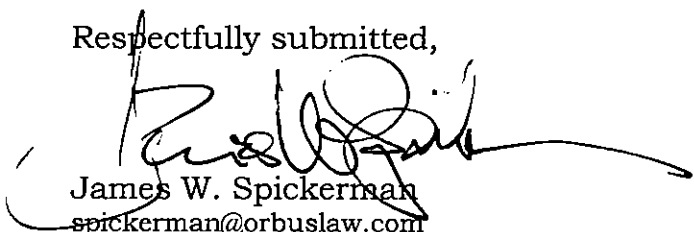
F. Testimony at October 20 deliberations.

I have viewed the video replay of your October 13, 2004 public hearing. On behalf of my clients, I object to oral testimony being received from Mr. Russell when the hearing is closed to all others. In the public hearing process, Mr. Russell is simply a member of the public and he should not be allowed to testify on an item scheduled only for Board deliberation. If there is to be additional comment from anyone other than County staff, another public hearing should be scheduled to afford all the opportunity.

G. Conclusion.

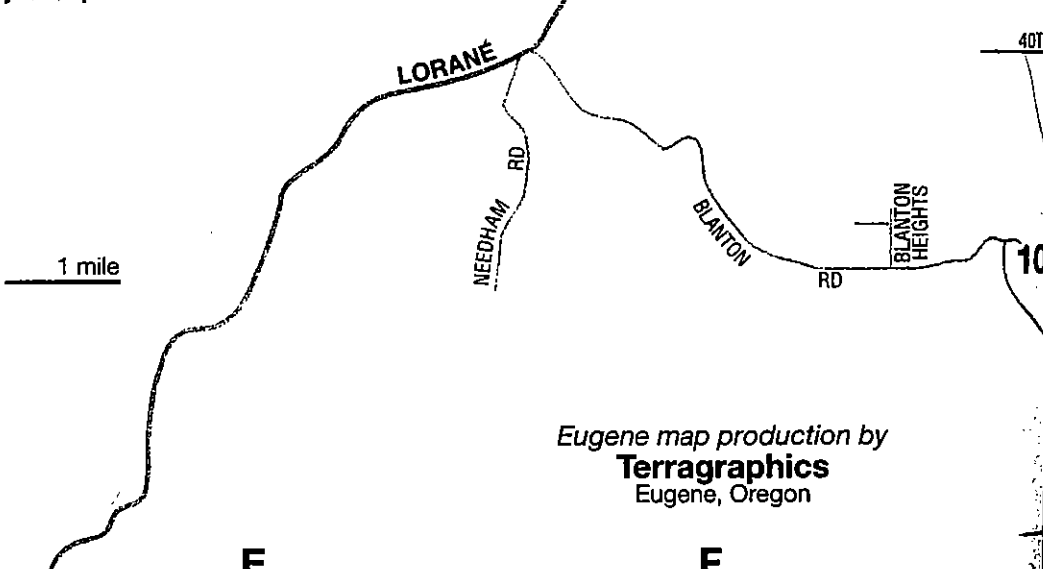
As was brought forth in some of your discussions, state transportation planning by unelected officials has gone far to preempt local land use plans adopted by local elected officials. This proposal is a further extension of that trend. I urge that the Board of Commissioners not support the proposed new Freight Routes. If there are to be further designation of Freight Routes, it should be after there is an opportunity for full discussion at the local level of the potential impact of these designations.

Respectfully submitted,

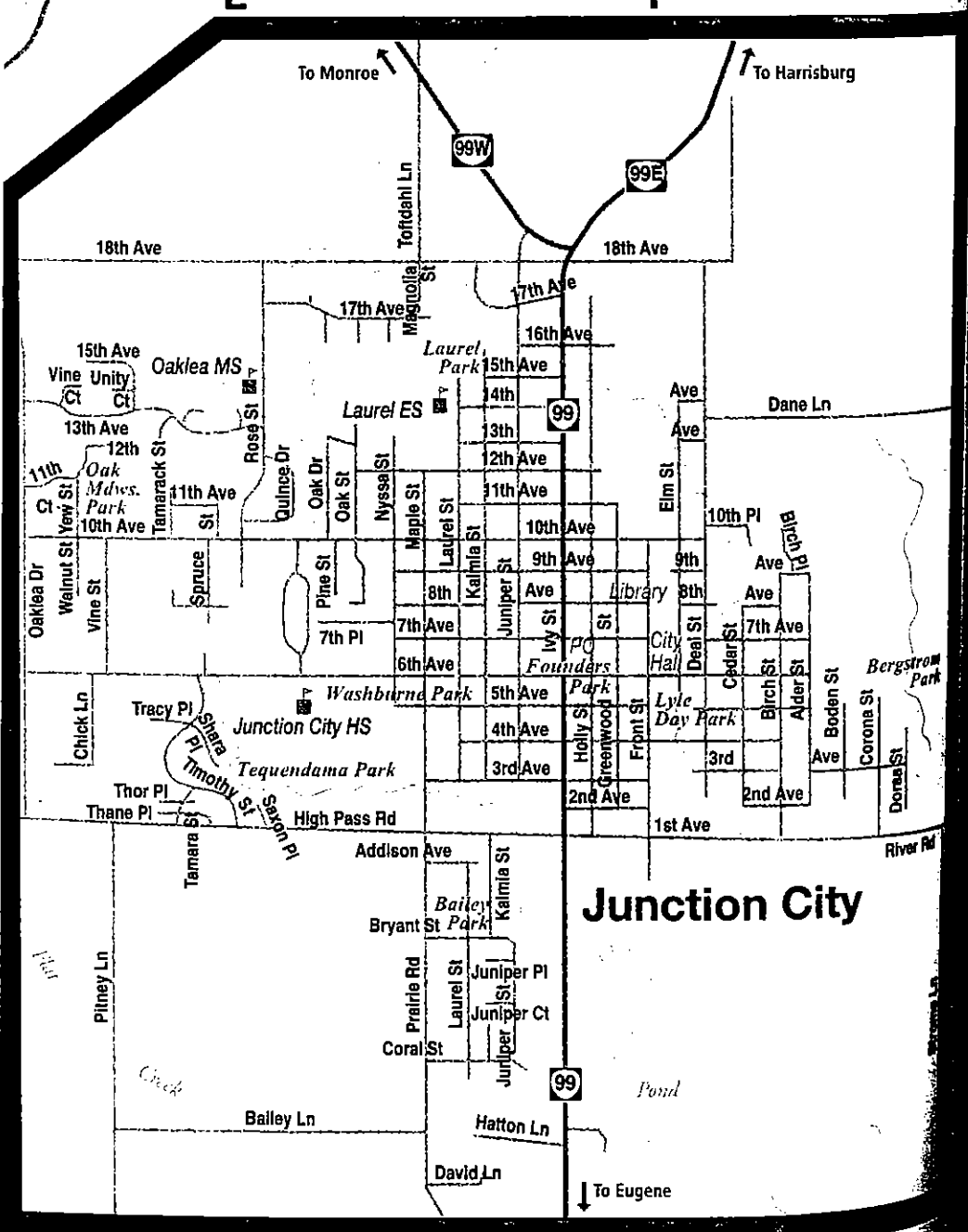
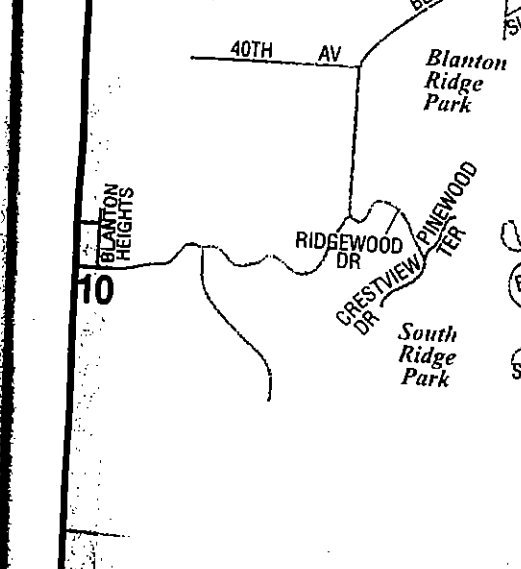


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jca



Eugene map production by
Terragraphics
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52N

Map Key

1	2	3
4	5	6
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10	11	

CAMAS

WILLAMETTE ST

HART TAYL RD

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