

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY  
STATE OF OREGON**

**ORDER NO.** ) IN THE MATTER OF COMMENTING TO THE  
) OREGON DEPARTMENT OF TRANSPORTATION  
) (ODOT) ON DRAFT ELIGIBILITY CRITERIA AND  
) PRIORITIZATION FACTORS FOR THE 2012-2015  
) STATEWIDE TRANSPORTATION IMPROVEMENT  
) PROGRAM (STIP)

**WHEREAS**, the Oregon Department of Transportation (ODOT) requested input from the Lane County Board of Commissioners to the Oregon Transportation Commission (OTC) on Draft 2012-2015 STIP Eligibility Criteria and Prioritization Factors); and

**WHEREAS**, On January 27, 2010 the Roads Advisory Committee received a report and declined to provide comments due to lack of sufficient time and analysis available to consider the Draft; and

**WHEREAS**, on February 11, 2010, the Metropolitan Policy Committee received a report and made comments on this matter; and

**WHEREAS**, the Board of Commissioners held a public hearing on February 16, 2010, to accept public comment on the matter; and

**WHEREAS**, the OTC deadline for commenting on this matter is February 19, 2010, and OTC is expected to take action in March 2010; now, therefore, it is hereby

**ORDERED** that a letter substantially in conformance with the letter contained in Exhibit A, providing comments, be submitted to the OTC for their consideration.

Dated this \_\_\_\_\_ day of February 2010.

\_\_\_\_\_  
William A. Fleenor, Chair  
Lane County Board of Commissioners

APPROVED AS TO FORM

Date \_\_\_\_\_ Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

## Exhibit A

February 17, 2010

Gail Achterman, Chair  
Oregon Transportation Commission  
Transportation Building, Room 135  
355 Capitol Street NE  
Salem, OR 97301-3871

Re: Draft 2012-2015 STIP Eligibility Criteria and Prioritization Factors

Dear Chair Achterman:

On behalf of the Board of County Commissioners, thank you for considering our comments regarding the Draft 2012-2015 STIP Eligibility Criteria and Prioritization Factors.

As you are well aware, passage of HB 2001 and the ten considerations it contains, and requirements for Least Cost Planning methodology development, resulted in significant changes to the Draft STIP Criteria and Factors. For the most part, the Board of Commissioners strongly supports the changes to the Criteria to address the HB 2001 considerations. We have the following comments we hope will be given serious consideration.

- We support the 10 consideration and least cost planning (LCP) provisions in HB 2001, and believe that the Stakeholder Committee did a good job in addressing those requirements with two exceptions. The exceptions involve least cost planning (LCP) and greenhouse gas reduction (GHG) emissions (discussed further in the following bullets).
- We understand that while the new Criteria and Factors do not specifically require criteria to be addressed regarding LCP methods, the Stakeholder Committee is working with ODOT to develop LCP methodology as Phase II of their work. Since HB 2001 requires that ODOT report on LCP methodology progress by February 2011, we have confidence that progress can be made in time for the 2012-2015 STIP cycle with regard to HB 2001 consideration 7, "*Provides the greatest benefit in relation to project costs.*" The Prioritization Factors ought to include reference to the outcome of the Stakeholder Committee work.
- We have the following comment with regard to HB 2001 consideration 10, "Is consistent with the state's greenhouse gas emissions reduction goals and reduces this state's dependence on foreign oil": while we understand ODOT's hesitancy to propose a new GHG criterion, given that measures have yet to be developed, the lack of any stated intent to move toward an objective measure or target date to do so is of concern given the gravity that the scientific community perceives exists with regard to climate change, and given the ORS 468A.205 requirement to arrest and begin to reduce the growth of Oregon's GHG emissions by 2010.

Page 5, lines 3 through 7, describe that specific metropolitan level targets for GHG reductions will be set by rule in 2011. To begin complying with ORS 468A.205, the Prioritization Factors ought to include reference to these future rules.

In short, with regard to both considerations 7 and 10, we believe there needs to be a stated commitment and goal in the criteria document that ODOT will establish an LCP methodology and a GHG reduction standard by 2011 and that projects reviewed as part of the 2012-2015 STIP will be subject to related Prioritization Factors.

- It is critical that GHG reduction requirements apply in the appropriate geographic locations, i.e., to coincide with MPO areas and not outside MPO boundaries. We don't agree with Page 9, lines 5-6, that ". . . all areas should be capable of reductions of emissions as compared to their historical record." It is simply impractical to believe that travel in rural areas will be feasible by means other than single occupancy vehicle, or that meaningful reductions to transportation-related GHG emissions can occur outside of MPO areas within the first two years of the 2012-2015 STIP cycle. Instead, this assertion needs to be deleted, and a statement inserted that the issue will be revisited at the start of the 2014-2017 STIP cycle.
- We have no objection to merging all of the Prioritization Factors for Modernization, Preservation, and Bridge replacement/Rehabilitation projects, with a proviso. The Prioritization Factors need to include an explicit statement that Preservation and Bridge projects shall not be required to compete with Modernization projects and instead shall be prioritized within their respective programs. Otherwise Modernization projects may be prioritized ahead of Preservation and Bridge projects as an unintended consequence.
- We support the increased emphasis on a balanced, integrated transportation system with modal choices, as stated on Page 16, lines 8-10. Likewise, we strongly support the emphasis on OHP Action 1G.1 and a system-wide emphasis, as discussed on Pages 22-23.
- We want to take this opportunity to emphasize our concern that clarification is needed on the project delivery expectations established in HB 2001. HB 2001 establishes expectations for delivery of projects. What is not clear is the ramifications if the projects are not completed within the expected timeframe.
- We also must emphasize that an alternative funding structure is needed if federal earmarks do not materialize. We request assurances that local jurisdictions are not held responsible for earmark assumptions contained in HB 2001.
- An alternative funding structure is needed if there is a shortfall in gas tax receipts.
- Additional flexibility is needed to respond to future changes to project funding amounts and delivery schedule. HB 2001 establishes a list of specific projects and funding levels as part of the 2009 Transportation Projects Program. This approach does not provide the needed flexibility to prioritize using STIP Prioritization Factors, to work toward reduced GHG emissions, or to emphasize least cost planning.
- A coalition of the State's ACTs in Region 2 has agreed to place STIP monies in reserve temporarily, to address Region 2 project shortfalls in a comprehensive way once more information about federal and state funding levels is available. We request assurances that this fiscal prudence will not be penalized by the Legislature or OTC.

- Finally and perhaps most importantly, we want to express our willingness to work with the OTC and members of the Legislature to address the issues enumerated above. We recognize that HB 2001 presents a number of challenges for ODOT and for other Oregon MPO's and ACTs. It is our strong belief that in addressing these concerns, we will craft a meaningful approach to achieving greater program efficiency in the delivery of transportation services and programs while at the same time demonstrating our commitment to the reduction of greenhouse gas emissions and other important issues.

Thank you for this opportunity to comment on the 2012-2015 STIP Criteria and Factors.

Sincerely,

William A. Fleenor  
Chair

cc: Lucia Ramirez, ODOT Principal Planner