

METRO
2019 LEGISLATIVE ISSUE IDENTIFICATION

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ISSUE: Jurisdictional transfer of state-owned highways

BACKGROUND: In many parts of Oregon, and specifically in the Portland region, ownership patterns of streets, roads and highways reflect historical patterns but do not necessarily reflect or support current transportation needs, land uses and development patterns. Many state highways originally built as farm-to-market roads and designed and managed for throughput, intercity travel and freight movement today serve as local roads or main streets for cities that have grown up around them. These facilities now need to safely accommodate many different kinds of users than those for which they were originally designed: pedestrians, bicycles, buses, and passenger vehicles making short trips with lots of turning movements.

Because ODOT's mission focuses on intercity travel and freight movement rather than local travel, the state has not made the investments to bring these roads up to multimodal urban standards. In some cases actual or planned ODOT investments would actually work against the desires of the local community for which a state highway serves as its main street. Often referred to as "orphan highways," these roads end up failing to adequately support the aspirations of the local community. They become a barrier to community livability and economic development, present safety hazards that put people at risk, and fall into disrepair because they are considered unimportant in the context of the state highway system.

Because these roads now serve very different functions in very different communities from the ones in which they were built, it makes sense to align their ownership with their current context and function. In many cases this means transferring ownership from the state to a local government (usually a city). In the Portland area, roads that would be prime candidates for transfer from state ownership to local ownership can be found in every part of the region: Hall Boulevard in the west, Lombard Street to the north, McLoughlin Boulevard to the south, 82nd Avenue to the east, and more.

However, while this makes logical sense and is good policy, years of deferred maintenance and the cost of improving these facilities to urban standards – with the safety and multimodal elements that that entails – create a substantial financial liability that local governments are not prepared to assume. No city can afford to take on a huge liability like a road with poor pavement condition, major safety problems and inadequate facilities for bicycles, pedestrians and transit. A funding source is needed that can support improvements to these roads to the point that it is possible for the local community to willingly assume responsibility.

RECOMMENDATION: Support legislation that would strategically advance the prospect of jurisdictional transfers of key facilities in the Portland region and statewide. Such legislation might support a broader evaluation of candidate facilities and/or identify sources of funding that can be used to bring the highest priority candidate facilities to a condition that would allow a local jurisdiction to accept a transfer. Placeholder legislation is being drafted.

LEGISLATIVE HISTORY: In 2015, the Oregon Transportation Forum proposed the creation of a jurisdictional transfer account funded with a dedicated one-cent gas tax increase. That year, the Legislature allocated non-transportation funds for investments in outer Powell Boulevard that can support eventual transfer of that road to the City of Portland, and in 2017, the transportation package directed earmarked dollars to several specific roads to prepare them for transfer (including one that would be transferred from county to state ownership), but there is no systematic or ongoing program or funding source to facilitate jurisdictional transfers.

OTHER INTERESTED PARTIES: The Oregon Highway Plan (OHP) declares that it is state policy to consider jurisdictional transfers that rationalize and simplify management responsibilities, reflect the appropriate functional classification, and lead to increased efficiencies in the operation and maintenance of a particular roadway segment or corridor. In our region, ODOT and Metro are already collaborating to evaluate facilities that are candidates for transfer, including those mentioned above, based on a variety of factors, including cost, to establish priorities for future investments that can facilitate a transfer of ownership.

As noted above, facilities that are reasonable candidates for transfer can be found in all three counties of the Portland region and in many other parts of the state. In addition to ODOT and cities, local community groups have been highly engaged in these conversations around specific facilities like 82nd Avenue.

IMPACT IF PROPOSED ACTION OCCURS: Under a successful jurisdictional transfer program, funding will be available for investments that have been prioritized through a rational evaluation process, improvements will be made that improve pavement condition, safety, and multimodal accessibility for local residents, and cities (and some counties) will be able to accept the ownership of roads in order to manage them appropriately for current community needs.