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January 17, 2017

Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301

**Re: Metropolitan Greenhouse Gas Reduction Targets: Rulemaking
Agenda Item 13, January 26–27, 2017 LCDC meeting**

Dear Chair Macpherson and Commission Members:

I. Introduction

On behalf of 1000 Friends of Oregon, I participated in the Rules Advisory Committee that drafted the proposal before you. Thank you for that opportunity, and we appreciate the leadership of Commissioner Lidz and the expertise of your staff.

We support the revised greenhouse gas (GHG) emission targets, the new methodologies for evaluating whether a metropolitan planning organization (MPO) has achieved them, and the addition of the new MPO regions.

We disagree with one wording change in one rule, at OAR 660-044-0000(7), on p. 2, lines 58–63, which takes the Oregon Department of Transportation off the hook for carrying out its part of this whole program: the State Transportation Strategy. While seemingly small, this change is emblematic of the lack of state-level resolve to address the state's #1 contributor to GHG emissions: transportation. We appreciate the limited resources the Department of Land Conservation and Development (DLCD) has available, in terms of both carrots and sticks, to bring to the subject of climate change. However, you do have some tools, and a role to play. We do not want this rulemaking to be a mere make-work project, and hope that this Commission will become a voice of state-level leadership in calling for an *effective* multi-agency approach to reducing GHG emissions from the transportation sector. And, most importantly for this agency, integrating land use and transportation is a powerful tool to reduce GHG emissions while also providing multiple other benefits of improved health, household and community savings, and better communities.

II. Background – Thirty Years of Recognizing the Problem

How did we get here, and why?

Oregon has been *talking* about addressing climate change for almost 30 years.

In 1988, Gov. Neil Goldschmidt established the Oregon Task Force on Global Warming with representatives from 12 state agencies, and charged them to review current scientific knowledge, assess global warming impacts on Oregon, and report on how state agencies proposed to respond. The Task Force's 1990 report to the Governor and Legislature reached five major conclusions:

- *Climate change from global warming is a serious threat.*
- *The rate of change and the impacts of change on the state are uncertain.*
- *Oregonians can insure themselves against some of the changes by taking prudent actions to slow the emission of greenhouse gases and by planning to adapt to changes.*
- *Many of the actions we should take will offer other, more immediate benefits through cost-effective energy and water conservation, environmentally benign energy development, reforestation, and wise resource planning.*
- *While this is a global problem, everyone must be part of the solution.*¹

Specifically, as part of the Task Force, DLCD proposed six actions it would take:

1. *Promote urban growth management strategies that foster the design and implementation of mass transit systems and that encourage more energy efficient, compact communities.*
2. *Encourage and support transportation plans that reinforce compact urban design, reduce the demand for additional highways, protect farm and forest land, and provide energy efficient transportation of goods and people.*
3. *Assist local governments to strengthen comprehensive plans and to implement ordinances for solar access and passive solar design.*
4. *Assist local governments, especially on the coast, to review and improve comprehensive plans to consider fully the effects of sea level rise and to take actions to direct private development and public facilities away from areas that may be flooded or affected by sea level rise.*
5. *Support economic development activities and land uses that conserve land resources promote energy efficiency, reduce transportation demands, and contribute to compact urban design.*
6. *Coordinate with state and federal agencies and local governments to identify and protect areas where potential energy resources, especially geothermal, solar, and wind, could be developed.*²

And the Oregon Department of Transportation (ODOT) proposed five actions it would take:

1. *Incorporate global warming information into the design of transportation facilities in Oregon.*
2. *Encourage the development of an energy-efficient transportation system in Oregon.*
3. *Coordinate land use and transportation.*
4. *Implement and investigate measures encouraging energy-efficiency in transportation services and facilities.*
5. *Cooperate with other agencies concerning global warming issues.*³

In 1991, LCDC adopted the Transportation Planning Rule, and in 1992 the Oregon Transportation Commission (OTC) adopted the Oregon Transportation Plan. Both became key parts of Oregon's early five-year action plan to address climate change.⁴ In 1992, the Oregon Progress Board adopted a benchmark to hold Oregon's total GHG emissions to 1990 levels by 2015.^{5, 6}

¹ Oregon Task Force on Global Warming, *Report to the Governor and Legislature*, June 1990, p. S-1, http://www.oregon.gov/energy/gblwrm/docs/1990_Oregon_Taskforce_Report_on_Global_Warming.pdf

² Ibid, pp. 2-43 to 2-44.

³ Ibid, pp. 2-17 to 2-19.

⁴ Oregon Dept. of Energy, *Report on Reducing Oregon's Greenhouse Gas Emissions*, 1995, pp. 9-12, http://www.oregon.gov/energy/gblwrm/docs/1995_Reducing_OR_GHG_Emissions.pdf

⁵ Ibid, p. 22.

⁶ Preliminary figures from the Oregon Dept. of Environmental Quality indicate that Oregon's total greenhouse gas emissions rose from up from 56 MMTCO₂e in 1990 to 63 MMTCO₂e in 2015, failing to meet the benchmark. Now Oregon has another three years to meet the new goal of a 10% reduction by 2020, i.e., getting down to 50 MMTCO₂e. <http://www.deq.state.or.us/aq/climate/docs/ghginventory.pdf>

However, Oregon has not lived up to these commitments. For almost three decades, Oregon has generally understood the need to reduce GHG emissions from the transportation sector, and that doing so requires, in part, promoting compact urban development and energy-efficient transportation modes. **It is long past time for state agencies that committed to actions in 1990 to step up and provide needed leadership.**

III. Recent Background

In 2003, Gov. Ted Kulongoski joined governors in California and Washington to launch the West Coast Governors' Global Warming Initiative. The governors committed the states to acting "individually and regionally to reduce greenhouse gas emissions" through strategies that "provide long-term sustainability for the environment, protect public health, consider social equity, and expand public awareness."⁷

In 2004, Gov. Kulongoski appointed the Governor's Advisory Group on Global Warming. The group highlighted the challenge of climate change unequivocally: "Global warming is not just another environmental issue. It's not 'just another issue,' period."⁸

Responding to recommendations from the advisory group, in 2007, the Oregon legislature adopted goals for the state to meet in reducing its total greenhouse gas emissions from all sources:

- By 2010: Arrest the growth in GHG emissions
- By 2020: GHG reduction of 10% below 1990 levels
- By 2050: GHG reduction of 75% below 1990 levels.⁹

Transportation accounts for more than one-third of Oregon's GHG emissions. Absent other measures, this is predicted to grow in the future. This increase will be more than sufficient to cancel out the reductions in GHG emissions achieved by lower fuel carbon content and fuel economy standards. More people driving more miles will cancel out some benefits of cleaner cars and fuels.

The legislature recognized this critical challenge and opportunity to reduce GHG emissions from the transportation sector, as reflected in subsequent legislation. 1000 Friends of Oregon was closely involved in the development of that legislation, to actually put meaning into these goals:

HB 2001,¹⁰ in 2009: As part of the Jobs and Transportation Act, the Legislature required the Portland MPO (Metro) to develop and adopt a land use and transportation scenario (a.k.a. "scenario plan") that reduces GHG emissions from cars and light duty trucks to meet the

⁷ West Coast Governors' Global Warming Initiative, *Staff Recommendations to the Governors*, 2004, p. 1, http://www.oregon.gov/energy/gblwrm/pages/Regional_Intro.aspx

⁸ Governor's Advisory Group on Global Warming. *Oregon Strategy for Greenhouse Gas Reductions*, 2004, pp. I 3, <http://www.oregon.gov/energy/gblwrm/docs/GWReport-Final.pdf>

⁹ "ORS 468A.205 Policy; greenhouse gas emissions reduction goals. (1) The Legislative Assembly declares that it is the policy of this state to reduce greenhouse gas emissions in Oregon pursuant to the following greenhouse gas emissions reduction goals:

(a) By 2010, arrest the growth of Oregon's greenhouse gas emissions and begin to reduce greenhouse gas emissions.
(b) By 2020, achieve greenhouse gas levels that are 10 percent below 1990 levels.
(c) By 2050, achieve greenhouse gas levels that are at least 75 percent below 1990 levels."

<http://www.oregonlaws.org/ors/468A.205>

¹⁰ HB 2001, sections 37–39 <http://www.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2001.en.pdf>

region's fair share of the statewide GHG reduction goal. That legislation also required the Central Lane (Eugene-Springfield) MPO to select a preferred land use and transportation scenario plan that would meet its GHG target, but did not require the plan to be implemented.

HB 2186,¹¹ in 2009: This bill established the Metropolitan Planning Organization Greenhouse Gas Emissions Task Force to “[s]tudy and evaluate the development of alternative land use and transportation scenarios that accommodate planned population and employment growth in those areas of the state that are served by metropolitan planning organizations while achieving a reduction in greenhouse gas emissions from motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.” 1000 Friends and the Oregon Environmental Council were members of this politically and geographically diverse Task Force, which came to a remarkable consensus on legislation it recommended to the 2010 interim Legislative Assembly, establishing a process for adoption and implementation of plans for reducing GHG emissions caused by vehicles and light trucks, including an estimate for required funding to carry out the MPO planning.

SB 1059,¹² in 2010: The Task Force's recommended legislation was reflected in SB 1059, which required ODOT, in partnership with DLCD, to provide the leadership and funding to enable every MPO, and the local governments in them, to develop and implement land use and transportation scenario plans to reduce GHG emissions from cars and light trucks. ODOT was charged with developing—and adopting as part of ODOT's policy framework¹³—the Statewide Transportation Strategy on Greenhouse Gas Emissions, and the two agencies were charged with developing scenario planning guidelines and a GHG reduction toolkit, educating the public, and setting targets.

SB 1059's purpose was to start with the Portland MPO, which was funded to develop and then implement a land use and transportation scenario plan that met the GHG reduction target. Metro adopted its Climate Smart Strategy, and is now is trying to find ways and funding for Metro and local governments to implement it. The Central Lane MPO developed a complying plan, but was not required to, and has not committed to, implementing it.

It was not the intent of the Task Force that this effort stop there; rather, it was intended that the state would provide guidance and some funding for every MPO region to meet its target. It was also the intent that ODOT would actually take steps to implement its part of this package—the Statewide Transportation Strategy—and not revise it in this rule to make the STS merely advisory. The representatives of MPOs that participated in the HB 2186 Task Force were clearly looking for the State of Oregon to lead—not to follow—MPOs in taking action to reduce GHG emission from the transportation sector.

As mentioned in the staff report, two MPO areas have expressed interest in both evaluating how close they are to meeting their GHG targets with their existing plans, and what steps they would need to take to achieve the targets. Those regions—the Rogue Valley and Corvallis—have conducted

¹¹ HB 2186, section 10, <http://www.leg.state.or.us/09reg/measpdf/hb2100.dir/hb2186.en.pdf>

¹² See ORS 468A.200, et seq; <https://olis.leg.state.or.us/liz/2010S1/Measures/Overview/SB1059>

¹³ The Oregon Transportation Commission never formally adopted the Statewide Transportation Strategy, but rather “accepted” it in March 2013. According to ODOT, “The STS is neither directive nor regulatory, but rather points to promising approaches that should be further considered by policymakers at the state, regional, and local levels.” https://www.oregon.gov/ODOT/TD/OSTI/docs/STS/STS_FAQ.pdf

“Strategic Assessments” with DLCD and ODOT to answer those questions. Much like Metro’s Climate Smart Strategy, the trend is clear: communities that create more compact, mixed use walkable neighborhoods and have robust transit can meet and even exceed their GHG reduction targets. **However, it is unreasonable to expect metropolitan areas to take significant unilateral action without strong state leadership and, in particular, dedicated funding for both planning and, most importantly, for implementation.**

IV. Moving Forward

Climate change is already having a significant impact on Oregon, as evidenced by a continual trend of decreasing snowpack, less water in summer and more flooding in winter, increased air and water pollution, wildfires, pest infestations, and changing ecosystems impacting our farm, forest, and other industries.^{14,15}

Moreover, its impact is accelerating, including its impact on human health. The Obama White House recently released a study conducted by eight federal agencies over several years, which described climate change as one of the gravest health threats to the nation. It describes the potential for worsening air quality to cause thousands more premature deaths from respiratory problems and increases in annual deaths from heat waves. And, the study concluded, “the brunt of the harm is most likely to fall disproportionately on the most vulnerable populations, such as pregnant women, children, the poor, the elderly, minorities, immigrants and people with disabilities.”¹⁶

The West Coast states, cities, and British Columbia have signed various initiatives on clean energy, and they are important.¹⁷ They also require agreement across multijurisdictional boundaries to be effective, some improvements in technology, and changes to major infrastructure. However, we already know how to integrate land use and transportation to create walkable, bikeable, and transit-friendly communities. It is old school technology, and has multiple benefits of improved health, individual pocketbook savings, and local government savings.

LCDC has the opportunity to lead in this effort to make a meaningful difference in climate change. **The revised GHG reduction targets are fine—but without funding and state-level leadership they are not particularly useful.** They are voluntary for all MPOs, except for the Portland MPO, which has a good plan but lacks funding for full implementation, especially transit. State leadership in providing tools that work and funding is key.

¹⁴ Oregon Global Warming Commission, “Oregon’s Climate Is Changing,” <http://www.keeporegoncool.org/content/oregons-climate>

¹⁵ Stuart Tomlinson, “Global climate change report: Impacts on Oregon, Pacific Northwest,” *Oregonian*, May 6, 2014, http://www.oregonlive.com/weather/index.ssf/2014/05/global_climate_change_report_i.html

¹⁶ Brady Dennis, “As the climate changes, risks to human health will accelerate, White House warns,” *Washington Post*, April 4, 2016, <http://www.washingtonpost.com/news/energy-environment/wp/2016/04/04/as-the-climate-changes-risks-to-human-health-will-accelerate-obama-administration-says/>

¹⁷ E.g., Pacific North America Climate Leadership Agreement, http://pacificcoastcollaborative.org/wp-content/uploads/2016/06/Pacific_North_America_Climate_Leadership_Agreement_060116_Signed.pdf

V. Specific Recommendations

Strategies DLCD can implement, and that we urge you to commit to as part of this, include the following.

1. Urge the Governor to direct ODOT that reducing GHG emissions from the transportation sector as reflected in the STS is not only a core objective, but also must be a major factor in how OTC/ODOT decide to invest limited transportation funding. For example, the OTC and ODOT should set aside a significant amount of STIP and other funding for use only by MPOs who develop and adopt a land use and transportation scenario plan for reducing GHG as part of their adopted RTP.
2. Ask for a joint meeting with the OTC—in advance of the legislature possibly adopting new transportation funding—to discuss how OTC/ODOT is ensuring that transportation investments moving forward are consistent with meeting Oregon’s goals to reduce greenhouse gas emissions with the Statewide Transportation Strategy.
3. Revise the MPO transportation planning process to require integrated land use and transportation planning that, among the other objectives of an RTP, reduces GHG emissions from the transportation sector. As an incentive, offer a streamlined process. This can be done in Oregon—just follow California's lead. California includes GHG reduction requirements in the federally required RTP.
4. Tie all DLCD, and DLCD/ODOT funding to local governments within MPOs to reducing GHGs. You are already part way there with some TGM funding—now make GHG reduction the primary grant criterion. For example, in August 2016, DLCD and ODOT announced they had awarded grants of \$2.5 million to 15 local governments “to support Oregon communities working to create vibrant, livable places where people can walk, bike, take transit or drive where they want to go.” These probably reduce GHG emissions—ask that documentation, linked to an adopted land use and transportation scenario, to be part of any grant proposal by a jurisdiction within a MPO, and then publicize awards based on that.
5. Set up a competition among the non-Metro MPO jurisdictions, with funding that goes to the MPO offering to implement a transportation/land use tool to reduce GHG from the transportation sector.

The Land Conservation and Development Commission has a unique opportunity to lead Oregon in addressing climate change from the largest GHG contributor – transportation - by using land use tools that have not only been demonstrated to work, but also provide multiple other benefits to Oregonians. Thank you for consideration of our comments.

Sincerely,



Mary Kyle McCurdy
Deputy Director