

October 26, 2016

City of Salem
Planning Department
555 Liberty St. SE
Salem, OR 97301

RE: CA 16-04. Rebuttal to October 19 Memo from ODOT Planner Dan Fricke regarding the Policy 1G in the Oregon Highway Plan

Please include this letter as rebuttal information into the record for the Salem River Crossing, Land Use Action CA 16-04.

On October 19, Dan Fricke, Senior Transportation Planner from ODOT Region 2 submitted a four-page memo for the record that purports to show and conclude that the proposed Salem River Crossing is consistent with Policy 1G in the Oregon Highway Plan. As explained in detail in the Breakfast on Bikes blog posting from Friday October 21 - included below - both the city's findings and Mr. Fricke's memo misinterpret the requirements of Policy 1G and Action 1G.1 and fail to provide the analysis necessary to show that Policy 1G has been complied with. Further, nothing in Mr. Fricke's memo cites or provides his authority to make determinations on behalf of either ODOT or the Oregon Transportation Commission about whether or not OHP has been met.

FRIDAY, OCTOBER 21, 2016

ODOT Memo on Highway Plan Policy 1G seems Shallow

Now that the initial comment period has closed, the SRC team is posting a flurry of responses and documents. One of the interesting ones is titled "[Salem River Crossing - Oregon Highway Plan Policy 1G - Major Improvements.](#)" In it, ODOT claims that

Based on the attached information, it is ODOT's opinion that the Salem River Crossing Project has met the requirements of, and is consistent with, the OHP Major Improvements Policy and Action 1G.1.

So let's look at their case. (The memo is italicized and indented here: ***Bold italics*** are in original, *regular italics* are added. Roman type is commentary and not in the memo.)

As part of the introductory material they write:

Action 1G.1

Use the following priorities for developing corridor plans, transportation system plans, the Statewide Transportation Improvement Program, and project plans to respond to highway needs. Implement higher priority

measures first unless a lower priority measures is clearly more cost effective or unless it clearly better supports safety, growth management, or other livability and economic viability considerations. Plans must document the findings which support using lower priority measures before higher priority measures.

It seems to me that analysis ODOT offers to support these claims is generally weak and largely not supported:

- There is no argument developed about ways that the SRC as a lower priority measure is actually more cost-effective than "higher priority measures." (Whatever has happened to "**least cost planning**," by the way?)
- There is no argument developed about ways that the SRC and Preferred Alternative better supports safety or livability. (In fact, if more people walk, and fewer drive, the system will be safer!)
- There is still the question about what "implement" actually means. As we drill into the bullet points in the memo, we will find several of the actions the memo appeals to as having been implemented are theoretical only, having no position in an adopted plan with a funding plan in place, not to speak of already being constructed or funded with actual FTEs. They are hopes and wishes. This is not an ordinary, plain English interpretation of "implement."

The first and highest priority in Policy 1G:

1. *Protect the existing system* - *The highest priority is to preserve the functionality of the existing highway system by means such as access management, local comprehensive plans, transportation demand management, improved traffic operations, and alternative modes of transportation.*

- *ODOT implemented access management on Wallace Road with the Salemtowne to Orchard Heights project described in priority 3 below and as redevelopment of commercial properties has occurred on Wallace Road south of Orchard Heights Road*
- *Relocation of a traffic signal on Wallace Road from 7th Street to Taggart Street with that street was extended.*
- *Illustrating the proposed location for Marine Drive in the city's comprehensive plan and TSP consistent with the recommendation of the 'Wallace Road Local Access and Circulation Study.'*
- *Added video cameras to Wallace Road and other intersections in order to better manage and adjust traffic signal timing.*
- *Continued funding of the Regional Travel Demand Management and Regional Rideshare Program.*

- *Expansion of transit services to Polk County, including a new park and ride lot at the Polk County Fairgrounds in Rickreall and Route 2X serving trips between downtown Salem, west Salem, and Grand Ronde.*
- *Completion of the Salem River Crossing Alternate Modes Study which evaluated measures that could be implemented to reduce single occupant vehicle traffic on the Marion and Center Street Bridges. Measures identified in that study will be implemented as part of the Salem River Crossing Project.*

So let's consider what is missing here:

- The biggest preservation omission is of course the seismic retrofit of the existing bridges. It is just insane that we have this fully developed bureaucratic discourse and analysis from ODOT that just slides right over this essential preservation measure.
- What does "illustrating the proposed location for Marine Drive" have to do with "implementing" anything? That is a theoretical and preliminary gesture only.
- We need to talk more about Rideshare's funding levels. It has averaged something like \$200,000 a year and is getting bumped up to \$300,000. In what world does this funding level constitute a serious attempt to implement TDM measures? That's basically a whisper of vermouth, passing the bottle over the martini glass without pouring anything into it! It's a wink, knowing gesture that pretends to fund a regional TDM program.
- Just completing the Alternate Modes Study doesn't actually implement anything, and as we have seen, very little of the Study has actually been implemented ([part 1](#), [part 2](#)). And again, what does "implement" actually mean? Do you have to do something first? Or can you just "promise" to do something at some indeterminate future moment?

The next priority for efficiency:

2. Improve efficiency and capacity for existing highway facilities - *The second priority is to make minor improvements to existing highway facilities such as widening highway shoulders or adding auxiliary lanes, providing better access for alternative modes (e.g., bike lanes, sidewalks, bus shelters), extending or connecting local streets, and making other off-system improvements.*

- *Implementation of the following recommendations of the Bridgehead Engineering Study:
Provide two exclusive right-turn lanes from Commercial Street to the*

Marion Street Bridge (there is currently one exclusive right-turn lane and a right/through option lane)

Construct a pedestrian underpass on Front Street at Court Street (after additional consideration, the City constructed a staged, at-grade pedestrian crossing at this location rather than an underpass and widened the Center Street Bridge exit ramp to southbound Front Street reducing delays and queuing on the Center Street Bridge)

Widen the westbound approach from the Marion Street Bridge to provide two right-turn lanes onto northbound Wallace Road

Remove the eastbound left-turn from Edgewater Street to Wallace Road

Provide a free-flow exit ramp from the Center Street Bridge to northbound Front Street (the city has installed a traffic signal at this location which was the identified minimum build solution)

- *Installation of sidewalks and bike lanes on Wallace Road as part of the Salemtowne to Orchard Heights project described in priority 3 below.*
- *Construction of the West Salem Transit Center*
- *Construction of the Union Street Bicycle/Pedestrian Bridge and associated improvements.*
- *Addition of paved bicycle path connection (through Wallace Marine Park) between Glen Creek Road and Union Street Bridge.*
- *Extension of Taggart Street from Wallace Road to 7th Street which has removed some traffic from Wallace Road by providing an alternate access to properties east and west of Wallace Road.*

Again, let's look at what's missing.

- "Two exclusive right turn lanes from Commercial Street" have not yet been implemented.
- "a pedestrian underpass on Front Street at Court Street" was not implemented, and a partial substitute constructed instead
- A pedestrian underpass on Wallace Road at Second Street should be implemented, but is not on this list
- "a free-flow exit ramp from the Center Street Bridge to northbound Front Street" has not been implemented
- "associated improvements" on the Union Street Railroad bridge are quite vague. Just above we noted the need for a crossing on Wallace Road, which in the West Salem Business District Action Plan has been formulated as an undercrossing. The Wallace@Glen Creek widening did not offer much improvement for people on bike to cross Wallace Road, and it remains forbidding for many. Green paint alone does not mitigate for the intense volume of zoomy auto traffic. The concept of a rail-to-trail conversion along Second Street, which was discussed in the Alternate Modes Study, was abandoned.

- As we saw with Rideshare funding, an analysis or awareness of "proportionality" or "quality" is elided here: The "paved bicycle path connection...between Glen Creek Road and Union Street Bridge" solves or mends no gap. It's a very tiny piece that was more "stimulus funding" make-work than critical infrastructure. It is an internal park amenity more than a transportation corridor or solution to a key gap. Bare bike lanes on Wallace Road also satisfy a requirement that they be present, but they are not very attractive to most people who might like to bike, and so they are not very effective. Just because a facility exists doesn't make it a useful facility. It's a box to tick, not a meaningful solution. There should be more of a qualitative analysis if we are serious about alternatives to drive-alone capacity.
- Basically the entire suite of recommendations from the Alternate Modes Study is missing. You'd think also that Cherriots would weigh in on this with a formal analysis as well as part of the memo assessing Policy 1G.

So we come back down, I guess, to norms and the way you parse "implement." It may be that there is a set of norms and a settled interpretation for "implement" that accepts a proleptic sense for "implement" and does not require that implementation be actually carried out first. Hopes and wishes and vague plans may be sufficient to demonstrate "implementation." But it is the claim here that this violates the ordinary sense of the word "implement," and that we should want to change the way it is customarily interpreted if it is allowed to have this meaning.

Like we should really, really try very hard to do stuff, real stuff, before widening and constructing new highways!

Not just give a courtesy wave and bulldoze merrily along with new highway infrastructure.

Why is it not obvious that we should throw \$50 million at Cherriots and Rideshare and walking and biking before we propose to spend \$500 million on a new bridge and highway? In what world is this not a more reasonable and thrifty and sustainable approach? (Why, our world of course!) The SRC team will appeal to the [TSM/TDM](#) and [8% memos](#). "But weee studeeed it and it wonnn't work."

We *know* no such thing! The modeling for car traffic was totally busted for the past decade, and also failed to predict the sudden uptick of the last year or two. It's broken; it doesn't work. Beyond those failures there are many reasons to think that we lack a very precise model for transportation choices other than drive-alone trips. Between the levels of uncertainty and the high cost of a new bridge and highway, we should experiment rigorously for options other than

drive-alone trips. Expansion with new auto facilities should be the "last resort." That's what Policy 1G seems to say.

As for "implementation," it may be that we need to crystallize a new set of norms around what it means to implement alternatives to drive-alone trips *first* and to implement them *seriously*. Apparently our current interpretive norms don't require taking the word "implement" very seriously. But even in a system of interpretation with a severe autoist bias, there is a plain meaning of the word "implement" that should support the interpretation here.

The remaining two priorities in the memo, "Add capacity to the existing system" and "Add new facilities to the system," are immediately not relevant here. Fans of the *Wallace Road Local Access and Circulation Study* and the *Bridgehead Engineering Study* may have more to say on specific auto capacity measures that are being overlooked at the ends of the bridges. (This is potentially relevant to the question whether facilities within the UGB can accommodate the transportation need. I just want to focus on things other than drive-alone car trips right at this moment. That's the part of 1G I think is being badly neglected.)

SATURDAY, OCTOBER 22, 2016

Greenwashing the SRC? Air Quality/Emissions and Energy Analyses may not Match

About the just-completed grape harvest, *Chehalem Wines* writes:

Our 2016 Harvest began before September, the first time ever on August 30th, and ended one month later, September 30th, never touching October for the first time ever! With this vintage showing earliest-ever Budbreak and earliest-ever Harvest timing and with almost non-existent rain, this could be California! However, it wasn't all Baja-Oregon in nature, since the heat didn't bake things as searingly as the last three years....

Note the "first time ever" and "earliest-ever" bits.

Even though the fall so far has been crappy and wet, because the nights haven't cooled off October has still been much warmer than usual here.

You might have seen this chart floating around, which projects the year-end temperature average based on the January to September temperatures recorded so far. It looks pretty linear, and make it clear that 2016 will be the new warmest year.

It is tiresome to repeat, but also urgent to repeat. **We are warming.** And the rate of change appears to be increasing.

So it is especially frustrating to read in the latest round of SRC memos [an additional note on "Energy Impacts."](#)

As stated in Section 4.2.1 of the draft Energy Final Technical Report Addendum, the preferred alternative would result in a 16.1 percent increase in operational energy consumption in 2040 compared to the No Build Alternative (Section 4.2.3 of the draft report mistakenly noted a “3.9 percent increase...” -- that value should also be “16.1”; this has been corrected in the draft report). However, current and future improvements in non-fossil fuel vehicle technologies as well as *coordinated land use and transportation planning efforts may substantially offset these energy usage impacts. Mitigation efforts to offset potential increased energy usage could include increasing non-single-occupancy vehicle mode share across the Willamette River*, such as those outlined in the Salem Willamette River Crossing Alternate Modes Study (CH2M, 2010). Encouraging the use of alternatively-fueled vehicles and *developing the needed associated infrastructure throughout the study area should also be supported.*

Although it is forecasted that there would be more energy usage under the preferred alternative than under the No Build, *the regional emissions analysis findings show that vehicle operations of the preferred alternative would contribute fewer overall emissions to the project area than they would under the No Build Alternative* (see Table 4.2-1 of the draft Air Quality Final Technical Report Addendum). *The reason the No Build Alternative would result in higher criteria pollutant emissions in 2040 than the preferred alternative is because under the No Build there would be a greater amount of delay and a lower average speed compared to the preferred alternative.* [italics added]
Farrago? Can I use the word farrago?

Let's start with:

- *coordinated land use and transportation planning efforts may substantially offset these energy usage impacts. Mitigation efforts to offset potential increased energy usage could include increasing non-single-occupancy vehicle mode share across the Willamette River.*

You know that the #1 Candidate for "coordinated land use and transportation planning" to decrease energy and emissions in the study area is?

Don't build a new giant bridge and highway that will induce more demand and create more greenhouse gas emissions!

Holy crap, the language in the memo is a whacked-out Orwellian doublespeak. The "needed associated infrastructure throughout the study area" should be build *instead of*, not in addition to, or to offset, *the new problems* created by a giant bridge and highway.

Table 4.2-1 of the Air Quality Addendum is more difficult to consider. I don't understand it exactly yet. First off, there's nothing about CO₂ in it, just CO. So I'm struggling to understand how something that consumes 16% more energy per year in operational energy use (chiefly driving!) will actually generate less CO₂.

One hypothesis: *The pollutant analysis isn't over the same area as the energy analysis.* The energy analysis was regional, accounting for more of the effects of "induced demand," and this analysis might just be of the bridge. In the narrower scope, it might possible to tweak results to appear to show that minimizing delay and idling on the bridge crossing itself would also reduce pollution. But this analysis would exclude effects caused by the larger total VMT that the analysis also suggests the SRC will also induce.

The *Air Quality Addendum* (which says decreased emissions) says Appendix D provides the calculated emissions burden values for 23 origin-and-destination pairs. These values include the forecasted VMT, average speeds used, and the 2012 and 2040 MOVES2014a emission factors.

The *Energy Addendum* (which claims the 16% increase) says Automobile and truck traffic volumes and speeds were calculated separately for each of the routes between the 152 analysis links described in Section 2.1 So from here "23 origin-and-destination pairs" looks like a considerably smaller data set than "152 analysis links."

That is reason to think this is might not be an apples-to-apples comparison, and that the SRC team could be, by accident or by design, skewing results in order to greenwash the SRC and argue that it has less effect on greenhouse gases than is likely to have.

This conclusion must be tentative at the moment, but "there are questions" about the two analyses and whether the claim that the bridge will reduce emissions is actually a reasonable one or the best one.

Postscript (still Oct 22nd)

Yes, the Energy Addendum appears to confirm a different analysis method. From the intro to Section 3.1:

The FEIS employs a traffic link-level analysis for the purposes of calculating energy consumption, as opposed to the Origin-Destination (O-D) Pair analysis employed in the DEIS Energy Technical Report. The link-level analysis was employed in order to maintain consistency with the Transportation Technical Report, which did not use O-D Pair-level information, and also represents current best practices for transportation and energy impact analysis. The link-level approach employed in the FEIS analyzes a greater number of shorter street link distances when compared to the DEIS O-D methodology; as a consequence, energy consumption results are substantially lower when compared to the DEIS.

While this passage addresses directly only a shift between draft and final EIS Energy reports, the difference between a "traffic link level analysis" and "Origin-Destination Pair analysis" looks directly relevant to the differences between the Air Quality and Energy Addenda.

Even if it is not a direct attempt to greenwash, though it might be, it is also a careless moment in apples-to-oranges analysis to say:

Although it is forecasted that there would be more energy usage under the preferred alternative than under the No Build, the regional emissions analysis findings show that vehicle operations of the preferred alternative would contribute fewer overall emissions to the project area than they would under the No Build Alternative.

An Air Quality analysis that *used the same method* as the Energy analysis, which found an increase in 16% energy consumption, seems likely to find an increase in pollutant emissions.

TUESDAY, OCTOBER 25, 2016

The Origin of the 8% Reduction is a Rhetorical Sleight of Hand!

One of the enduring mysteries about the SRC is how they managed to ratify formally their analysis that walking, biking, busing and carpooling were together utterly helpless to make a dent in river crossing traffic. It has seemed like a bit of magic and sleight of hand.

Buried in the flurry of new materials posted by the SRC team after the Public Hearing is a memo that I don't think was ever published to the SRC website as something made public to the Task Force of the Oversight Team. It is the foundation for the argument that walk/bike/bus/carpool kinds of things won't make a dent in river crossing traffic. But it's not a very strong foundation, and is really a house of cards.

At that foundation is an explicit shift on, and misleading recharacterization of, a preliminary sketch of analysis that was transformed by rhetoric only, without any additional analysis, into a set of firm conclusions. It also begged the question. A truthy claim morphed into a truth claim! (Most of the memos discussed here are collected in the packet entered into the record as "[Alternatives Considered but Dismissed \(Revised 08-25-10\)](#)".)

From "Preliminary" Conclusion to Certainty

Back in 2007 the SRC published a "preliminary" study on walk/bike/bus/carpool things. (Here's [a note on it from 2008](#), and [one from 2012](#).)

From "[TSM/TDM \(Transit and Roadway Efficiency\) Concept - Analysis and Results](#)" (August 15, 2007):

Conclusions

The analysis described in this memo is preliminary and is intended to represent conceptual recommendations as to which TSM/TDM elements appear to have the most influence on travel behavior, to help inform the decision on range of alternatives for the project. The memo is not intended to make policy recommendations such as whether or not user fees, or what type, should be used. Also, while the travel model itself is a valid tool for planning purposes, the assumptions used in any given scenario are subject to discussion. Further refinement of the scenarios described in the memo will be required prior to detailed implementation of any of the concepts discussed.
[italics added]

Wanting to push for a more robust analysis, in an email formally entered into the record, one of the "Transit/TSM/TDM Expanded Subcommittee" members said that:

potential TDM/TSM and transit actions to be included in the DEIS need to be spelled out in more detail and more carefully analyzed than has been done thus far.

In looking through the Task Force notes - particularly those from last summer - ...there has been a clear expectation that the project team would be presenting a somewhat more comprehensive list of likely actions and supporting analysis. The 1-page chart we received at the July 24 meeting...presents only concepts for possible actions and the analysis is limited to one-line conclusions. In sum, the chart seems to say that only one action (transit signal priority) warrants any consideration in the DEIS. (The chart indicates tolling will be considered, but only as it relates to bridge

funding.) These results seem to be at odds with available studies and experience in other urban areas which show TDM, TSM and transit improvements of the sort generally listed in the memo are cost effective ways to reduce congestion.

Additional analysis is important because the Task Force has clearly asked for it, because it is needed to address the Oregon Highway Plan and Oregon Transportation Plan, and because it makes good sense. Evaluation of TDM, TSM, transit and minor roadway improvements is directly [sic] by the Oregon Highway Plan major improvements policy (Policy 1G).

The email goes on to enumerate quite a list of things that deserve more study and ways that our current analytical scheme is inadequate. Many of them made it into the Alt Modes Study - but always assumed as part of the 8%, not modeled or assessed independently of that assumption.

And somehow the TDM/TSM/transit things have never been framed up as "things we must do first" and instead are "things we assume we will do at some future time TBD while we go ahead and build a giant bridge and highway anyway."

By 2010, the SRC team had made a "preliminary" and "conceptual" sketch into a very specific set of policy recommendations against TDM/TSM measures and in favor of a set of high-build recommendations. But in 2007 they explicitly cautioned against this.

Here's the way in 2010 they characterize the assessment of walk/bike/bus/carpool after they made the decision to ditch it (this memo might be newly published, but as a summary document it's not so important):

1. Testing of Stand-Alone TSM/TDM Alternative

In 2007, early in the alternatives development process, a stand-alone Transportation System Management (TSM) and Transportation Demand Management (TDM) alternative concept was tested to determine whether a such an alternative could, by itself, meet the project Purpose and Need, avoiding the need to add general purpose system capacity (lanes) across the river. This analysis is documented in the memo "TSM/TDM (Transit and Roadway Efficiency) Concept – Analysis and Results (August 15, 2007)" included as Attachment 1. While the application of user fees (parking pricing) showed the ability to cause a significant reduction in peak hour trips across the river, *this reduction alone did not address the project need fully* (in particular, intersection congestion on the local street system) and was therefore not considered viable as a stand-alone option. Having this

information, the Project Management Team recommended instead including discrete transit/TSM/TDM options as part of each alternative to be considered and ultimately studied in the DEIS. [*italics added*]

Here the SRC team is full of *certainty* that walk/bike/bus/carpool measures "did not address the project need fully" and was not "viable."

This does not seem like a sound reading of the 2007 "preliminary" memo, which was much more tentative in tone.

The Magic Moment

The magic and foundational moment for this reading happens in "[Demand Reduction Assumptions Used For Travel Demand Analysis of EIS Alternatives](#)" from February 6, 2009. (I'd never seen this before.*)

Note the shift from "The analysis described in this memo is preliminary" in 2007 to "the analysis demonstrated" in 2009.

Again, that seems like an unwarranted and misleading shift from uncertainty to certainty.

From the memo:

ODOT policy supports strategies and programs to reduce traveler demand on State facilities. As part of the alternatives screening process, Transportation System Management (TSM) and Transportation Demand Management (TDM) measures were explicitly analyzed for their ability to reduce travel demand and minimize infrastructure needs to satisfy the project purpose and need. This previous analysis has been documented in the "TSM/TDM (Transit and Roadway Efficiency) Concept – Analysis and Results Memorandum" (August 2007). This analysis considered a wide range of system management measures to reduce river-crossing demand including land use, transit, and parking pricing policies. *This analysis demonstrated that demand reduction strategies could lower travel demand. However, these reductions alone did not eliminate the need to add highway capacity to improve mobility consistent with the project purpose and need.*

In order to validate the need for additional highway capacity even with improved transit service and TSM/TDM options, the Salem River Crossing EIS alternative designs will be based on reduced travel demand forecasts that assume successful implementation of a more aggressive transit and TSM/TDM program than is reflected in the baseline SKATS model. The Draft

EIS will document any difference in performance in the event this level of demand reduction is not realized. This approach is documented in the "Approach to Analysis of Transit/TSM/TDM Options Memorandum" (October 14, 2008).

The rhetoric also suggests the way that *the SRC and NEPA process has been framed for a pre-determined conclusion*: "to validate the need for additional highway capacity." Is it an overstatement to say it has been "rigged"? Not really!

And so in the conclusion we have the origin of our 8% reduction.

From the memo:

Recommendation

Based on the analysis above, we will assume that travel to/from west Salem can be reduced by 10 percent, assuming additional transit/TSM/TDM measures could be put in place as suggested above. External trips, on the other hand, will be assumed to be reduced by only 5 percent, assuming less ability to directly impact these trips without quality fixed-route transit service to support the SOV demand reduction. Given the 60/40 split between internal and external trips described above, the total reduction in trips would be approximately 8 percent.

This memo and its conclusion is explicitly meant to satisfy multiple requirements in the State Highway Plan in the State Transportation Planning Rule the Salem Comprehensive Plan to "implement" certain kinds of measures before building new highway and road capacity.

Does this memo and its assumptions, "Demand Reduction Assumptions Used For Travel Demand Analysis of EIS Alternatives," actually constitute *implementing* anything?

The position here is that reading the memo and its assumptions as *implementing* actions violates the normal, plain English sense of the word "implement" and therefore fails to satisfy multiple requirements in the State Highway Plan, Statewide Planning Goal 12, and the Salem Comprehensive Plan. It doesn't implement anything, and it is based on an unwarranted jump from preliminary conclusions in sketch or outline form to certainty.

The SRC's Justification - The Audacity of Nope

It turns out the SRC team was aware of at least some of these problems. In a memo from October 14th, 2008, "[Approach to Analysis of Transit/TDM/TSM Options](#)," the project team laid the groundwork for the wacky interpretation of

"implement" we have been criticizing here.

From the memo:

taking this approach will enable us to (1) demonstrate fairly and conservatively the independent need for highway improvements even assuming a significant increase in the use of non-auto modes in the peak hours of operation; (2) ensure that the project is not "over-designed" and fully accounts for possible future changes in driving costs and habits; (3) make clear our commitment to support reducing reliance on SOV use through the design and implementation of major projects; and (4) provide the technical basis needed to demonstrate compliance with ODOT's major improvement policy and justify Oregon Transportation Commission adoption of alternative mobility standards.

And:

For purposes of developing the EIS, this approach assumes implementation of a transit/TDM/TSM program that significantly increases peak hour non-auto mode share. Taking this approach allows us to (1) illustrate the independent need for a certain level of highway improvements; (2) support implementation of alternative mode investments that could extend the effective life of the highway investments; and (3) allow the policy-makers/public to choose to make all or any of these investments in alternative modes without being tied to implementation of the needed highway improvements which are as yet unfunded. The proposal has also been reviewed by FHWA and DOJ staff who have concluded this is an appropriate and defensible way to proceed.

One element that should be pointed out is that there is no real interest in actually implementing transit/TDM/TSM measures. While the SRC "assumes implementation of a transit/TDM/TSM program" it also says that it is intended to "allow the policy-makers/public to choose to make all or any of these investments...without being tied to implementation of the needed highway improvements." That is, they are *optional* and actually not assumed.

And by assuming the implementation of things that turn out to be very optional, we don't ever have to take them very seriously! They don't have to be implemented *before* building a highway, and they don't have to be implemented *later*. They don't have to be implemented at all, and the idea they might be implemented counts as implementation.

More than this, building the giant bridge and highway is a prior commitment, not a conclusion that follows from trying other things first - or even assessing other

things. In the summer of 2012, well after these TDM/TSM memos had been written and the 8% baked into the plans, it was still not formally clear that a bridge and highway would be preferred over a No-Build alternative. (See [memo with final Task Force vote from August, 2012](#). No-Build was the second most popular choice.)

But the whole draft EIS (published April 2012) was written from the 2009 commitment to "the independent need for highway improvements" and to skirt compliance with State Highway Plan Policy 1G on Major Improvements. *This begged the question and assumed as a premise what needed to be proved as a conclusion.*

It would be interesting to read the FHWA and DOJ memos that analyzed the proposal and found it "appropriate and defensible."

Anyway, what we have is a bad analysis, dumb conclusions, and then a tremendous path-dependence on it in the DEIS and subsequent documents that a) allows something tentative to slide into a certainty, b) assumes as given what needed to be proved, and c) depends in part on a strange interpretation of "implement." Fallacies abound!

It may be that ODOT has employed this kind of analysis before, and that, for "FHWA and DOJ staff" it is customary practice. But *it's bad*, and we need to develop new interpretive norms and expectations that when [the State Highway Plan Policy 1G says we must](#)

implement higher priority measures first unless a lower priority measures is clearly more cost effective or unless it clearly better supports safety, growth management, or other livability and economic viability considerations.

Actually implementing things is the primary interpretation and mandate, and it does not get undermined by theoretical claims in plans that

document the findings which support using lower priority measures before higher priority measures

which is what the SRC has tried to do here - even though "the findings" are very slender and shaky indeed!**

* *The memo was not presented to the [Oversight Team](#) or [Task Force](#) in 2009 (or later). In that sense it was not published. But it is [buried in the supporting materials under the Alternate Modes Study](#). The handy "wayback machine" of the internet archive [shows it as far back as 2010](#) in the previous iteration of the*

SRC website (here are the two sets, [one](#) and [two](#), of bot-crawling under the different urls). So it's not possible to say it was "secret," but it wasn't shared very widely or publicized.

*** It feels like this only scratches the surface of ways the TDM/TSM assumptions-qua-"analysis" are dodgy and in bad faith, and there might be more to say in another post! There's a lot of circularity and incompleteness in "the findings," and it might be worth more detail on ways that a "preliminary" set of findings and assumptions should not constitute actual "findings which support using lower priority measures before higher priority measures." There also might be ways to structure the argument for even more clarity.*

Submitted by Jim Scheppke, 1840 E. Nob Hill, Salem, 97302.