# Appendix N

Record of Public Comments and Responses

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#### Introduction

Appendix N provides responses to the public and agency comments received during the US 97 Bend North Corridor Draft EIS public review and comment period, which occurred July 29, 2011 through September 12, 2011. During the review and comment period, ODOT and FHWA received 166 comments primarily in the form of letters, emails, comment forms, and oral testimony provided at the public hearing. Many comments from agencies and the public had similar themes, such as impacts to the rural residential character of the Hunnell Neighborhood or how the project relates to the City of Bend's proposed urban growth boundary (UGB) expansion. FHWA and ODOT prepared general topic responses to ensure consistency in the information provided in response to these comments. Throughout the Record of Comments, where a comment relates to one of the general topics, in whole or in part, the response to the comment includes a reference to the appropriate topic number and heading. While these general topic responses have been prepared in response to similar themes that were raised in multiple comments, these general topic responses are likely beneficial for all commenters to review prior to reviewing the specific responses that are provided for each comment.

Comments were assigned a code to represent where each comment came from, such as an agency (A) or the public (P), and a document number: A1, A2, A3, for example. As multiple issues were often raised in individual comments, each comment was then delineated by issue and assigned a three-digit issue number, which is then combined with the comment code: A1 001, A1 002, for example. Responses to each issue raised are provided in a side-by-side format so each commenter can cross-reference their original comment with the corresponding responses.

Appendix N is organized into three sections: this introduction, the general topics, and copies of all comments and the corresponding responses.

### **General Topics: Responses to Topics Frequently Raised in Public Comments**

# Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative

In response to comments on the Draft Environmental Impact Statement (EIS), the Oregon Department of Transportation (ODOT) explored opportunities to reduce and/or mitigate the impacts resulting from the East DS1 and East DS2 Alternatives. This effort included discussions with the City of Bend, Bend Metropolitan Planning Organization (MPO), Deschutes County, Oregon Department of Land Conservation and Development (DLCD), and Swalley Irrigation District to confirm a shared long-term vision and investment strategy for US 97, and to confirm this project supports the economic and livability goals of the community and the state. This effort resulted in identifying the East DS2 Modified Alternative, which is a scaled down version of the East DS2 Alternative evaluated in the Draft EIS, as the Preferred Alternative. The Preferred Alternative does not include an interchange north of Cooley Road but instead includes a signalized intersection of US 97 and 3rd Street just south of Deschutes Memorial Gardens and Chapel and just north of Grandview Drive. In the rural residential area north of Cooley Road, the Preferred Alternative limits local road improvements to the extension of 3rd Street along Clausen Drive

and a new roundabout at Loco Road and 3rd Street (please see Exhibit 2-3 FEIS in the Final EIS for a map of the Preferred Alternative). The Preferred Alternative does not include any access closures on US 97 north of Deschutes Memorial Gardens and Chapel or any of the associated local road improvements to Fort Thompson Lane, Harris Way, Suzanne Lane, and Bowery Lane that would have been included with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS.

The Preferred Alternative minimizes impacts to neighborhoods east of US 97, including the Boyd Acres Neighborhood. For example, compared to the East DS1 and East DS2 Alternatives the Preferred Alternative will displace three fewer residences from the Boyd Acres Neighborhood and the access to the mobile home parks will not change.

The Preferred Alternative also substantially minimizes impacts to rural residential properties north of Cooley Road (including the Hunnell Neighborhood and the Rock O' the Range area) by containing all improvements within the adopted UGB, except for the extension of Britta Street to intersect with US 20 and Road and the roundabout at the intersection of Cooley Road and O.B. Riley Road. With the Preferred Alternative improvements to Hunnell Road will only occur at the intersection with Cooley Road where a traffic signal will be installed.

With the Preferred Alternative the land zoned Multiple Use Agriculture (MUA) in Deschutes County that will be acquired is less than 1 acre, compared to approximately 77 acres with the East DS1 Alternative and 31 acres with the East DS2 Alternative. The Preferred Alternative will not displace any residences in the MUA zone, compared to 10 residential displacements with the East DS1 Alternative and 6 residential displacements with the East DS2 Alternative. By containing the majority of roadway improvements within the adopted UGB, the Preferred Alternative also reduces the roadway noise and changes in scenery compared to the East DS1 and East DS2 Alternatives, thereby minimizing impacts to the rural character of the area north of Cooley Road. As shown in Exhibit 3-52 FEIS in the Final EIS, future (2036) traffic volumes on Hunnell Road are projected to be lower with the Preferred Alternative as compared with the No Build Alternative.

The Preferred Alternative is described in Chapter 2 of the Final EIS, and the associated benefits and impacts of this alternative are described by resource element in Chapter 3 and Chapter 4 of the Final EIS.

#### Topic 2 – Request for extension of the Draft EIS comment period

ODOT and the Federal Highway Administration (FHWA) agreed that the project had ongoing and extensive public involvement and outreach throughout every step of development of the Draft EIS, as documented in Chapter 7 of the Draft and Final EIS, and that there were no extraordinary complexities or environmental impacts associated with the alternatives considered in the Draft EIS. FHWA determined that the 45-day comment period was sufficient and that extension of that comment period was not necessary.

#### Topic 3 – Interchange area management plans (IAMPs)

ODOT requires interchange area management plans (IAMPs) for new interchanges or significant improvements to existing interchanges (OAR 734-051-0155) to provide adequate assurance of the safe

operation of the interchanges through the 20-year planning horizon. To protect the operation and safety of the interchange, IAMPs typically identify compatible property development, zoning, access management plans, and design features. Through the IAMP development process, proposed changes to zoning, property development, and access points need to be adopted into local comprehensive plans and transportation system plans. Access changes on a state highway require a collaborative process with both property owners and local jurisdictions.

The Preferred Alternative does not require development or adoption of any IAMPs. IAMPs are required for new interchanges or interchanges with substantial changes. For the Preferred Alternative, no substantial improvements will occur at the US 97/Empire Avenue interchange; thus, access can be managed through ODOT's access management program. Minor interchange improvements associated with the Preferred Alternative include: realigning one existing ramp; restriping the travel and turn lanes on the Empire Avenue overcrossing; and adding ramp metering to the on-ramps. Empire Avenue over US 97 will not be widened so there is no significant reconstruction of the overcrossing. In addition, the land uses in the Empire Avenue area are already developed consistent with the City of Bend's zoning regulations. Traffic under the Preferred Alternative has been modeled, including access closures on Empire Avenue. These access closures will be addressed through coordination with the City of Bend, who has jurisdiction of Empire Avenue. If these accesses are not closed, then the traffic analysis shows that Empire Avenue will be characterized by long traffic queues, stop and go traffic flow, and difficult merging and weaving. In addition, the Preferred Alternative does not include a new northern interchange.

## Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts

Many businesses are located within the commercial triangle bound by US 20, US 97 and Cooley Road, including the Cascade Village Shopping Center, Lowe's, Target, and Town Square Mall. For northbound traffic on US 97the Preferred Alternative includes a left exit ramp just north of Empire Avenue that will directly connect northbound traffic on US 97 to 3rd Street, providing access to the commercial triangle as currently exists, as shown in Exhibit 2-8A FEIS in the Final EIS. The two lanes of traffic on the exit ramp will split from US 97 towards US 20; of these two lanes the right lane will travel onto the Sisters loop ramp to US 20 and the left lane will continue directly onto 3rd Street, as shown in Exhibit 2-3 FEIS. For southbound traffic on US 97 the Preferred Alternative will provide access to the commercial triangle area by using the new signalized intersection on US 97 at 3rd Street just north of Grandview Drive and south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-8A FEIS, which will require traveling approximately one additional block in distance compared to the existing route today. At this intersection southbound traffic on US 97 will be able to turn right directly onto 3rd Street, as shown in Exhibit 2-3 FEIS in the Final EIS.

For "drive-by" traffic (traffic stopping at a location, such as a business, when en route to another location) heading northbound on US 97 that missed or decided to not use the earlier northbound exit ramp (north of the Empire Avenue interchange), under the Preferred Alternative the signalized intersection at US 97 just north of Grandview Drive will provide an additional opportunity to exit US 97

and turn left to access the commercial triangle via 3rd Street, as shown in Exhibit 2-8A FEIS. For south-bound traffic that missed or decided not to use the signalized intersection at 3rd Street and US 97, under the Preferred Alternative, drivers will have to exit US 97 at Butler Market Road, then travel west on Butler Market Road to 3rd Street, where they can then turn right and travel north to the commercial triangle, as shown in Exhibit 2-8A FEIS. If northbound drivers do not miss the exit ramp and southbound drivers do not miss the right turn at the intersection there will be no out-of-direction travel under the Preferred Alternative. While access to the commercial triangle area will be slightly modified when the Preferred Alternative is constructed the majority of drivers will be able to adjust their driving habits to this access fairly quickly. In addition, businesses will have the opportunity to provide directional travel signs as discussed in Topic 19 – Business directory signs, further assisting drivers destined for the commercial area. This is not expected to result in any long-term, significant detrimental business impacts.

#### **Topic 5 – Statewide goal exceptions**

The Preferred Alternative has been designed to minimize improvements that would occur outside of the City of Bend's adopted UGB. As a result of these modifications, and through coordination with Deschutes County and the DLCD, goal exceptions to the statewide planning goals will not be required. DLCD confirmed that no goal exception is required for the extension of Britta Street outside of the UGB since it is constructed to rural collector standards (email from Karen Swirsky, DLCD, dated April 2, 2013 included in Appendix M of the Final EIS) as is identified in the Preferred Alternative (see Section 3.2.3 of the Final EIS).

#### Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure

For the safe and efficient operation of both US 97 and US 20/3rd Street, the Preferred Alternative includes the closure of the Sherman Road access to Empire Avenue and the closure of an additional driveway slightly west of Sherman Road as shown in Exhibit 2-3 FEIS in the Final EIS. Currently, these accesses are closely spaced with the signalized intersection of Empire Avenue and the US 97 southbound on-ramp to the east and the signalized intersection of US 20/3rd Street to the west. If the Sherman Road access is not closed the traffic analysis shows that Empire Avenue will have long traffic queues, stop and go traffic flow, and difficult merging and weaving. Traffic from Sherman Road and the driveway west of Sherman Road will create a weaving conflict between traffic turning right from these accesses onto Empire Avenue and traffic trying to turn right from Empire Avenue onto southbound US 97. In addition, the project's traffic analysis shows that traffic from these accesses will contribute to traffic backing up on Empire Avenue through the intersection of US 20/3rd Street.

ODOT recognizes that Empire Avenue and Sherman Road are under the jurisdiction of the City of Bend. These access closures will be addressed through coordination with the City of Bend, who has jurisdiction of Empire Avenue. As stated in Section 2.5.4 of the Final EIS, this design issue is anticipated to be completed during the project's final design phase.

The Preferred Alternative also includes a new traffic signal at the intersection of Mervin Sampels Road and 3rd Street to address improvements needed for truck turning movements into the existing business area south of Empire Avenue and between US 97 and US 20, as shown in Exhibit 2-3 FEIS. These

improvements will also accommodate recreational vehicles (RVs) and emergency service vehicles. When the Sherman Road access to Empire Avenue is closed, the signal at Mervin Sampels Road will be installed, Sherman Road will be repaved, and the roadway curve from Sherman Road to Nels Andersen Road will be widened to accommodate truck traffic and truck turning movements.

#### **Topic 7 – Empire Avenue north industrial area**

Local city streets currently provide access to the parcels in the industrial area north of Empire Avenue. With the Preferred Alternative, the signal at Nels Anderson Road and Empire Avenue, as shown in Exhibit 2-3 FEIS in the Final EIS, is necessary to provide safe and efficient access into this industrial area. The Preferred Alternative includes the following improvements for Empire Avenue and the Empire Avenue interchange, as shown in Exhibit 2-3 FEIS in the Final EIS: widening Empire Avenue from one lane in each direction to two lanes with added left and right turn lanes at the intersection of Empire Avenue and 3rd Street, adding a signal at the southbound on-ramp to US 97, and widening existing ramp lanes.

All vehicles will be able to access Cady Way via Empire Avenue and Nels Anderson Road, as they do today. In addition, the Preferred Alternative includes a new local connector road, designed to City of Bend standards, to provide access and circulation between Nels Anderson Road and Industrial Park Boulevard (including access for emergency service vehicles) to all of the parcels in this industrial area. This local road connector is shown in Exhibit 2-3 FEIS in the Final EIS. The Preferred Alternative will not improve Cady Way. ODOT is aware of the existing fire lane in this industrial area; however, this fire lane is not a public road and does not provide access to all of the properties in this area north of Empire Avenue. The location of the new local connector road was chosen because it has the fewest property impacts. Relocation benefits for businesses will be addressed during the right of way acquisition process during the final design phase. Appendix B of the Final EIS provides information on business relocation benefits available for businesses that are displaced because of a public project.

#### Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel

The Preferred Alternative will not eliminate the current driveway accesses on US 97 north of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS in the Final EIS. These driveway accesses to US 97 may have to be closed in the future when traffic volumes become greater, but changes to these driveways would be addressed in a separate project in the future.

#### Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's)

As shown in Exhibit 1 below, there are currently four access points into the Town Square Mall shopping center, which includes the Lowe's main parking lot: three access points on Cooley Road (labeled A, B and C) and one right-in/right-out access point onto the existing US 97 alignment (labeled D; please note that the existing US 97 will become 3rd Street under the Preferred Alternative). Please also see Exhibit 2-3 FEIS in the Final EIS for a depiction of the access points into the Town Square Mall shopping center associated with the Preferred Alternative.



**Exhibit 1. Access Points at Town Square Mall Shopping Center** 

Access Point

& ADA Ramp

Access point A on Cooley Road is the existing driveway primarily used by trucks to supply freight to Lowe's. This access point also provides general purpose ingress/egress to the Les Schwab Tire Center immediately west of Lowe's. With the Preferred Alternative, access point A will remain open as a full-movement access point without the installation of a median, roundabout, or other turn limitations. At this location the widening of Cooley Road is to the north only, which allows the existing sidewalk along the south side of Cooley Road to be retained.

The Preferred Alternative will provide for a full-movement, signalized access into the Town Square Mall shopping center parking lot at access point B on Cooley Road with the installation of a new traffic signal at the intersection of Cooley Road and Hunnell Road.

Under the Preferred Alternative, access point C is located too close to the Cooley Road/3rd Street intersection and will require a closure because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of Cooley Road with the realigned US 97 and the BNSF Railway. Under the Preferred Alternative, access point C will be closed and a raised curb and a sidewalk will be constructed along this segment of Cooley Road. ODOT recognizes that Cooley Road is under the jurisdiction of the City of Bend. ODOT and the City of Bend will develop an agreement regarding the closure of this access point to the Town Square Mall shopping center.

Access point D (the existing right-in/right-out) on 3rd Street will remain open under the Preferred Alternative; however, this access point may be temporarily closured during construction.

During the project's final design phase, it may be determined that grade changes to Cooley Road could require further revisions to the configuration of access point A and/or access point B, which are based on a preliminary design. If the lowering of Cooley Road makes the access points infeasible as shown in the Final EIS, a new driveway or modifications of the existing access points A and B will be constructed to provide truck movements at access point A and parking lot ingress/egress at access point B as part of the Preferred Alternative.

The Preferred Alternative widens Cooley Road to the north side of the road to the extent possible while maintaining the alignment of Cooley Road needed for the new undercrossing of Cooley Road with the realigned US 97 and the BNSF Railway to the east. Small areas of the Town Square Shopping Center that are immediately adjacent to Cooley Road will be acquired to construct the signalized Cooley Road/3rd Street intersection into the main ingress/egress in front of Lowe's and for the right turn lane from Cooley Road onto future 3rd Street (existing US 97). These areas of acquisition will not impact the existing use of the site, existing structures, or parking. With the current level of design, it is not known whether the widening of Cooley Road near the intersection with 3rd Street will acquire the land currently used as an Americans with Disabilities Act (ADA) accessible ramp from the sidewalk along Cooley Road into the Town Square Mall shopping center. With the Preferred Alternative ADA accessible access will be provided into the Town Square Mall shopping center. If, during final design, it is determined not feasible to maintain the existing ADA accessible ramp, alternative ADA accessible access will be provided.

#### Topic 10 – Updated data and analysis

The Draft EIS and associated technical reports used the most current information available at the time of the analysis, which was then published in July 2011. Since then new data has become available and has been incorporated into the affected environment sections in Chapter 3 of the Final EIS as well as the analysis of the direct, indirect, and cumulative impacts of the Preferred Alternative in Chapters 3 and 4 of the Final EIS and the revised final technical reports. Examples of the types of updated data include:

- Population, demographic, and economic data, including 2010 US Census data
- Housing prices, property values, building permits
- List of current and reasonably foreseeable actions included in cumulative impacts analysis

The Draft EIS relied upon 2000 Census data as the latest available Decennial Census data. The US Census Bureau did not begin releasing 2010 census data at the block group level until June 2011 as the Draft EIS was going to publication. The Final EIS has been updated with 2010 Census data.

The Final EIS also integrates data and analysis for the Preferred Alternative throughout the document, including the Executive Summary. In preparing the analysis for the Preferred Alternative, ODOT updated the following analyses for the Preferred Alternative:

- Traffic analysis, which accounts for declines in population and associated traffic volumes (see Topic 24 – Traffic analysis); this was also updated for existing conditions (2011) and the No Build Alternative (2036)
- Safety analysis, including more recent crash data and new predictive analysis for crash frequencies (see Topic 37 Safety analysis); this was also updated for existing conditions (2011)
- HERS-ST analysis (see Topic 25 Cost and benefit-cost analysis); this analysis was updated for the No Build and Build Scenarios.

The Draft EIS acknowledged that Bend's population growth and development slowed dramatically during the economic downturn, as described in Sections ES1.1, 1.3.1, 3.2.2, 3.4.2, 3.5.2, and 4.1.5 of the Draft EIS. At the time the Draft EIS was published, the most recent population and development data were incorporated. The Final EIS incorporates additional data from subsequent years that shows growth is resuming after the severe economic downturn.

#### Topic 11 – Bend Broadband utilities and property

Empire Avenue will be widened between US 97 and US 20/3rd Street from one lane in each direction to two lanes with added left and right turn lanes at the intersection of Empire Avenue and 3rd Street. These improvements will require moving the poles carrying Bend Broadband's fiber optic lines to the north and south. Through consultation and coordination with Bend Broadband since testimony was provided during the Draft EIS comment period, the design was modified so that the Preferred Alternative will have minimal impacts to the fiber optic lines, and no lines will have to be cut or taken out of service during construction. During the November 26, 2013 City of Bend Planning Commission work session, Bend Broadband's president indicated support for the Preferred Alternative.

The Preferred Alternative will not impact the fire lane (which is not a public road) around the Bend Broadband building.

#### Topic 12 – Bicycle and pedestrian facilities

The following bicycle and pedestrian facilities will be included in the Preferred Alternative. These facilities will be constructed to City of Bend, Deschutes County, or ODOT standards and specifications as appropriate. The Final EIS has been revised to include these facilities, as shown in Exhibit 2-3 FEIS.

#### North of Cooley Road:

- A separate multi-use path adjacent to US 97 northbound lanes connecting the US 97/3rd Street signalized intersection to the Hilltop and Juniper Mobile Home Parks will allow bicyclists and pedestrians to safely cross US 97
- Islands and crosswalks at the US 97/3rd Street signalized intersection, connecting to multi-use paths, sidewalks, and bike lanes
- A separated multi-use path along 3rd Street connecting Grandview Drive to the new US 97/3rd Street signalized intersection
- Bike lanes and sidewalks on 3rd Street south of Grandview Drive
- Bike lanes and pedestrian islands and crosswalks at the 3rd Street/Loco Road roundabout

#### Between Cooley Road and Empire Avenue:

- Bike lanes and standard sidewalks on 3rd Street
- Bike lanes on the new alignment of US 97 that connect to the existing bike lanes on the Bend Parkway south of the project area and extend north to the new US 97/3rd Street signalized intersection
- The new US 97 alignment will not preclude a multi-use trail along the railroad (Rails with Trails Corridor), as shown on the City of Bend's Transportation System Plan and Bend Park and Recreation District's District Trail Atlas. A trail crossing under US 97 will be included in the Preferred Alternative to accommodate the City's planned extension of the North Parkway Trail from Empire Avenue to Robal Road
- Grade separation of Cooley Road from the railroad and US 97 with bike lanes and sidewalks along Cooley Road from Hunters Circle to Hunnell Road
- A multi-use path from Robal Road to Cooley Road on the east side of US 20
- Wide shoulders for bike lanes and pedestrian travel on the extension of Britta Street to Robal Road
- Bike lanes and sidewalks on Empire Avenue
- A multi-use path on the west side of US 20/3rd Street from Empire Avenue to the north to connect with Cascade Village Shopping Center
- Pedestrian islands and cross walks at the 3rd Street/Empire Avenue intersection

#### South of Empire Avenue:

- Bike lanes and sidewalks meeting the City of Bend's Public Improvement Standard and Specifications on 3rd Street
- A traffic signal with crosswalks at the Mervin Sampels Road/3rd Street intersection

#### Topic 13 – Additional connectivity to businesses in the Robal Road vicinity

There have been comments received regarding whether or not additional access from the realigned portion of US 97 could be provided in the Robal Road vicinity with the Preferred Alternative. The access that is provided today to the businesses in this area will not change; however, because the Preferred Alternative will provide a new through facility for US 97 on a new alignment, the integrity of the realigned US 97 facility will be maintained by not providing additional access. The design of the Preferred Alternative and the US 97 expressway designation does not preclude consideration for a future connection over time and as change occurs. The need for any future additional connection will be influenced by many factors, including local development decisions and travel patterns, and could be analyzed as a separate project with separate land use collaboration and proposals, environmental studies, funding, and project development process. The amendments to the City of Bend Transportation System Plan, adopted by the Bend City Council on March 5, 2014, included a commitment for the City to coordinate with ODOT to conduct a project development plan and design for the Robal Road area that includes but is not limited to public involvement and the study and analysis of the costs and benefits of a Robal Road connection to the Preferred Alternative. Any action that would consider a future connection in the Robal Road area is not included in the Preferred Alternative or part of the US 97 Bend North Corridor project.

Additional connectivity to businesses in the Robal Road vicinity has been considered and is not included in the Preferred Alternative because:

- Additional access or connectivity would not improve safety or reduce congestion on US 97.
- Additional access with US 97 in the Robal Road area would add more conflicts where travel demands are high for all types of travel in a concentrated area, creating a circumstance similar to the traffic safety and operational conditions existing on US 97 in the project area today.
- The Preferred Alternative includes a northern signalized intersection that connects southbound and northbound US 97 to 3rd Street just north of Grandview Drive (see Exhibit 2-3 FEIS in the Final EIS) and a left exit ramp just north of Empire Avenue that directly connects northbound US 97 to 3rd Street (see Exhibit 2-3 FEIS in the Final EIS). With the Preferred Alternative the travel distance from northbound US 97 to the commercial business areas near Robal Road is the same as existing travel distances; the travel distances from southbound US 97 to the commercial business areas near Robal Road are approximately one-tenth (1/10) of a mile longer than the existing travel distances.

Providing additional access at Robal Road would create additional impacts, including the following:

- Impacts to business employment lands in the Robal Road area (both access changes or closures and displacements).
- Additional traffic safety, operations, and accessibility issues because the distance on Robal Road between 3rd Street (existing US 97) and the new US 97 is shorter than the existing distance on Empire Avenue between 3rd Street and US 97, where there are significant safety issues today.
- Impacts to operations (more conflicts and congestion) on 3rd Street (existing US 97), especially at the Robal Road/3rd Street signalized intersection.
- Decreased traffic safety and operations on US 97 with an additional access point.
- Additional design, right of way, and construction costs.

#### **Topic 14 – Alternate mobility standards**

It is the policy of the State of Oregon to use highway mobility standards to maintain acceptable and reliable levels of mobility on the state highway system. The 1999 Oregon Highway Plan (OHP), as amended in 2011, identifies highway mobility targets (standards), which are ways to measure congestion on the state highway system. Mobility standards vary by type of area, allowing for more congestion in established and highly developed urban areas and on highways that are less critical for long-distance through travel. Conversely, the OHP protects higher levels of mobility on interstates, expressways, statewide highway, and freight routes through more stringent mobility standards. Alternate mobility standards are described in the State of Oregon Administrative Rule (OAR) 660-012 and OHP Policy 1F. Alternate mobility standards can be more restrictive, to further protect capacity, or less restrictive to allow for a higher level of acceptable congestion on a state highway where practical difficulties make conformance with existing OHP mobility targets infeasible and efforts are taken to effectively manage the transportation system in the area.

In 1999 the segment of US 97 within the project area was designated as an expressway by the Oregon Transportation Commission (OTC). The mobility standard associated with the expressway at that time was a volume to capacity (v/c) ratio of 0.80; this is the standard that was used in the traffic analysis presented in the Draft EIS. In January 2012 the mobility standard for expressways was changed from 0.80 to 0.85 when the OTC adopted amendments to the Oregon Highway Plan. The January 2012 OTC action also changed the term from "mobility standard" to "mobility target" to indicate that the OTC is open to considering alternative mobility targets on a case by case basis. The updated traffic analysis prepared for the Final EIS considered the 0.85 mobility target.

Many comments were received on the Draft EIS regarding how different mobility standards would result in a different range of alternatives or change the need for the project. A mobility standard can only be as high as a v/c ratio of 1.0. At a v/c ratio of 1.0 the highway is at maximum capacity and no additional traffic can be accommodated without increasing delay. Portions of US 97 today are functioning at a 0.91 v/c ratio. The updated traffic analysis prepared for the Final EIS indicates that by 2036 the v/c ratios on US 97 will exceed 1.0 in several locations in the No Build scenario.

Even if the highest mobility standard of 1.0 were applied to the section of US 97 within the project area, the project would still be needed. Alternate mobility standards above the current 0.85 standard would only allow more congestion to occur before the project would need to be implemented.

Criterion 3c in the project's purpose and need screening, which was used to identify the reasonable range of alternatives that were evaluated in the Draft EIS, did not use the existing mobility standard but instead considered a standard of 0.90, which would have allowed for a higher level of congestion, for up to two segments of US 97 (please see Exhibit 2-18 in the Final EIS). Therefore, the change in the mobility standard/target from 0.80 to 0.85 did not trigger the need to consider additional alternatives.

If an alternate mobility standard higher than 0.85 was adopted for this segment of US 97 it could only change when the project is implemented but would not change the need for the project or the design of the Preferred Alternative because the updated traffic analysis prepared for the Final EIS shows that US 97 would exceed a v/c ratio of 1.0 by the year 2036 in the No Build scenario.

A separate corridor study for the project area, like the TRIP97 effort, would be required to determine the need for alternate mobility or alternate operational standards, which standard to use, and how to implement such a standard. All alternate mobility standards would require OTC adoption before they could be considered for this project.

In 2010, ODOT and the City of Bend signed an intergovernmental agreement (IGA) regarding the potential for relaxed mobility standards allowing higher levels of congestion related to the possible Juniper Ridge development proposal. The agreement outlines what improvements would be necessary based on the number of trips generated from the development. Currently, no formal action has occurred to implement the alternate mobility standards identified in the IGA and these standards have not been adopted by the OTC. If at some point in the future alternate mobility standards are in place, Oregon Highway Plan Policy 1F would be implemented. Even if the IGA were executed and allowed an alternative mobility target above 0.85 the project would still be needed as described above.

#### Topic 15 – Separated through and local routes

The existing US 97 facility serves as both a regional highway and as a local route for businesses and residential areas. With the growing congestion and documented safety problems on US 97 the highway can serve neither purpose well, resulting in inefficient travel for through traffic and congested and unsafe accesses for local businesses and residences. Roadways that best serve regional and local functions have opposite characteristics. Regional through travel is best served by limited access facilities that allow higher speeds and require infrequent stops. Commercial areas, on the other hand, require frequent access opportunities, parking, and a safe, friendly pedestrian and bicycle environment. As congestion increases it is reasonable to separate local and regional travel, as the Preferred Alternative does.

Currently, the north end of Bend does not have a local street network that works in conjunction with US 97 to provide for statewide, regional, and local users. As a result, US 97 is heavily congested and improvements are necessary to provide for the long-term viability of the US 97 corridor. Based on the 2011 Automatic Traffic Recorder (ATR) data recorded in the project area, the segment of US 97 in the project area carries approximately 40,000 vehicles per day of which approximately 75 percent of the vehicles are local traffic and 25 percent of the vehicles are through traffic. These statewide, regional, and local traffic volumes will increase in the future. The Preferred Alternative provides a portion of a local street network in the north end of Bend that works in conjunction with regional travel on US 97. The Preferred Alternative separates local and regional travel by providing a realigned segment of US 97 for through traffic, allowing the existing alignment of US 97 to be dedicated to more local traffic (as 3rd Street or Business 97), and extending 3rd Street north to the new signalized intersection just south of Deschutes Memorial Gardens and Chapel.

The data and conclusions in the *Metro State of Safety Report*, prepared for the Portland area, show that there are nearly twice as many fatal/incapacitating crashes on a six-lane urban arterial facility as compared to a four-to five-lane facility. Serious pedestrian-related crash rates for six-lane facilities are more than double the rates for four-to five-lane facilities. Serious injury crashes are four times greater on urban arterial type facilities as compared to freeway or expressway type facilities.

#### **Topic 16 – Funding**

Portions of the Preferred Alternative have identified funding and are included as medium- and long-term projects in the Financially Constrained/Preferred Scenario-Project List (Table 6-16) in the Bend MPO's Metropolitan Transportation Plan (MTP). These improvements are listed in the excerpted table below (Exhibit 2). A total of \$6.26 million is identified in the financially constrained list for the US 97 Bend North Corridor project.

Exhibit 2. Excerpt from the Bend MPO's Metropolitan Transportation Plan, Table 6-16

MPO MTP Project #	Location (Jurisdiction)	From	То	Improvement	Project Priority	Planning Level Cost (\$1,000s)*
2	Empire Ave (Bend)	3 <sup>rd</sup> Street	Parkway	Add one travel lane in each direction	Medium	\$4,620
24	Empire Avenue (Bend/ODOT)	Parkway SB Ramps		Install traffic signal	Medium	\$250
23	O.B. Riley Road (Bend)	Empire Avenue		Install traffic signal	Medium	\$250
5	US 97 NB off- ramp (ODOT)	Empire Avenue		Add one ramp lane	Long	\$1,140

<sup>\*</sup>The project cost estimates do not include right of way costs. Right of way costs vary significantly with each project. Right of way costs will be addressed in the development/engineering phases of each project.

The remaining improvements associated with the Preferred Alternative are included in the Bend Metropolitan Transportation Plan's Illustrative Project List (Table 6-18). As funding is obtained for additional components of the Preferred Alternative, ODOT will request that the Bend MPO move those funded elements from the illustrative list to the financially constrained list.

As outlined in Section 1.4.1 of the Final EIS, over the past 20 years highway modernization projects for all of Central Oregon have totaled approximately \$275 million. Recent highway modernization projects in Central Oregon have received approximately \$115 million (US 97 Bend Parkway) and approximately \$90 million (US 97 Reroute Phase 1 in Redmond). When developing these highway modernization projects initial funding fell short of the total funding necessary to complete the project but eventually each project was fully funded and constructed.

For the 2007-2030 planning period, Table 6-17 in Bend Metropolitan Transportation Plan identifies a total of \$253.3 to \$271.7 million of capital funding, of which \$40.4 to \$42.2 million is allocated to ODOT. Some of this funding would likely be available for this project. In addition, Table 6-17 identifies funding allocated to Deschutes County (\$1.0 million) and the City of Bend (\$253.3 to \$271.7 million). These local agencies could also contribute portions of their funding to the US 97 Bend North Corridor project. In addition, this forecast does not account for the full range of potential alternative financing mechanisms, such as impact fees, tax increment financing, local improvement districts, state infrastructure bank, local option transportation taxes, fair share mitigation, public-private partnership, and/or transportation concurrency.

Based on past experience and forecasts for Central Oregon, it is reasonable that a project of the importance of the US 97 Bend North Corridor project could receive up to \$250 million over the 20-to-30-year timeframe, with the understanding that there are other transportation needs within Central Oregon that would need to be funded as well. Although it is reasonable that the Preferred Alternative could receive total project funding of up to \$250 million, it would be unreasonable to assume that such a significant amount of funding could be raised within the first 10 years. Smaller funding packages would

be more likely, which would enable phased improvements to be made, with each phase providing some congestion relief and improving traffic flow and safety on US 97 to support the long-term solution. The Preferred Alternative can be constructed in phases with improvements that are within the fiscal constraints of the state, county, and city; please also see Topic 17 – Phasing.

#### Topic 17 - Phasing

The Preferred Alternative will likely be constructed in phases to match available funding. As described in the Draft EIS, the East DS1 Alternative and East DS2 Alternative would have had similar phasing elements. The footprint for the Preferred Alternative that was analyzed in the Final EIS encompasses the footprints of potential future phases.

Phasing decisions will be made as funding is secured; these decisions will be based on the highest need in the area. The US 97 Bend North Corridor project as a whole has independent utility. Each phase that is constructed will demonstrate operational independence.

ODOT will continue to involve the public during final design of each phase. Prior to construction of a first phase of the project that would include federal-aid funding, FHWA will re-evaluate this NEPA document. The re-evaluation will include an analysis of any impacts that would occur due to the phase being constructed which were not already disclosed in the Draft or Final EIS.

#### **Topic 18 – Juniper Ridge**

The Juniper Ridge area consists of 1,500 acres of land that was given to the City of Bend by Deschutes County in 1990. Currently, approximately 500 acres of the Juniper Ridge property is within the City of Bend's adopted UGB and most of this area is undeveloped. Of the 500 acres within the UGB, only 205 acres are projected to be developed by 2030. Therefore, the direct and indirect impacts of the Preferred Alternative presented in Chapter 3 of the Final EIS only includes the 205 acres projected to be developed in the project's design horizon (2036). In Chapter 4 of the Final EIS, the cumulative impact analysis, all 1,500 acres of the Juniper Ridge area is included as it is considered a reasonable and foreseeable action at some point in the future, even if that development does not occur within the project's design horizon (2036).

In 2008, the City of Bend completed a master plan for the 205 acres that are projected to be developed by 2030, which includes employment, educational, and research land uses. The City of Bend's Juniper Ridge Transportation Study (2010) proposes pedestrian paths, running trails, bikeways and roads (including connections to US 97); the roads in this transportation study are not currently funded.

The traffic analysis for the alternatives studied in the Draft and Final EIS used the Bend MPO's travel demand model. The model assumptions only include projects listed in the Metropolitan Transportation Plan's financially constrained list. The improvements shown in the Figure 2.7.2020 of the City of Bend's Special Overlay Zone for Juniper Ridge, City of Bend Development Code 2.7.2000, (including the 18th Street extension) are not included in this list of financially constrained projects, so they were not included in the traffic analysis conducted for this project. Furthermore, while the initial 205 acres of Juniper Ridge have been included in the travel demand model assumptions, the remaining 1,300 acres

are not included. Transportation improvements in the travel demand model need to be financially constrained and, currently, the Juniper Ridge roadways are not included in the financially constrained list of projects in the Bend Metropolitan Transportation Plan; thus, it is unknown if these roadways would be built in the US 97 Bend North Corridor Project's design horizon (2036). The project cannot include unapproved or speculative developments in travel demand modeling assumptions.

The Preferred Alternative will have no anticipated impacts to rural lands north of the adopted Bend UGB. All improvements, except for the extension of Britta Street and the roundabout at Cooley Road and O.B Riley Road will be contained within the adopted UGB. The signalized intersection at 3rd Street and US 97 will be within the adopted UGB. Because the northern portion of the Preferred Alternative is located inside of Bend's current UGB, the Preferred Alternative does not include new connections from US 97 or the local street network into the Juniper Ridge area, most of which is outside of the Bend UGB. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development.

#### **Topic 19 – Business directory signs**

The Preferred Alternative could accommodate generic motorist service signing, such as Gas-Food-Lodging signs that could direct motorists to business areas. The sign placement will be determined during final design once funding becomes available for construction. The project can accommodate room for specific business directory signs for businesses that qualify. Businesses can work with Oregon Travel Experience to get signs installed.

#### Topic 20 – Urban growth boundary expansion

As documented in Section 1.4.2 of the Draft EIS, the City of Bend's amendment to the UGB has been an ongoing process since 2005. The current amendment is on hold until the City of Bend completes public facility plans. Currently, the City of Bend's schedule for the UGB expansion estimates this work will be complete in 2017. Section 1.4.2 of the Final EIS has been updated to reflect the progression of this process since publication of the Draft EIS in 2011. Because the Final EIS was published before completion of the UGB expansion, both the Draft and Final EIS rely upon the adopted UGB for the direct, indirect and cumulative impact analysis presented in Chapters 3 and 4. The US 97 Bend North Corridor project is not related to the UGB expansion, which is a completely separate and independent process. The Preferred Alternative does not preclude additional lands from being brought into the UGB; nor does the Preferred Alternative accelerate or facilitate the expansion of the City of Bend UGB. Further, with the exception of the extension of Britta Street and the new roundabout at the intersection of Cooley Road and O.B. Riley Road, the Preferred Alternative is contained within the adopted UGB and does not extend into areas proposed as part of the UGB expansion.

### Topic 21 – Transportation demand management and transportation system management measures

As a standalone alternative, the Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternative did not meet the purpose and need for the project as outlined in

Section 2.4.4 of the Final EIS. The language in Section 2.4.4 of the Final EIS has been modified to better characterize the effectiveness of TSM and TDM strategies. ODOT and FHWA agree with commenters that noted the language in the Draft EIS that referenced TSM being most effective for populations over 200,000 was inaccurate and have updated the Final EIS to reflect this.

The Preferred Alternative includes several TSM and TDM elements. Section 2.1.2 of the Final EIS describes ODOT's efforts to facilitate these measures. Inclusion of these elements, which were incorporated into the traffic analysis, resulted in the roadway configurations, bike and pedestrian facilities, and transit accommodations provided in the design of the Preferred Alternative.

TSM measures included in the Preferred Alternative are:

- Metering the on-ramps to US 97 at the US 97/Butler Market Road and US 97/Empire Avenue interchanges to control the timing of traffic merging on to US 97
- One additional northbound auxiliary lane on the existing US 97 facility between Revere Avenue and Empire Avenue to provide more capacity in this highway segment where there are a significant number of short trips
- Adding turning lanes and making turning lanes longer to reduce congestion and delay at intersections such as at Cooley Road and 3rd Street, US 20/3rd Street and Empire Avenue, and Empire Avenue to US 97 northbound on-ramps
- Optimizing the timing of signals to better respond to traffic demands
- Reducing the number of driveways and local street connections to US 97.

The bicycle and pedestrian facilities provided with the Preferred Alternative are considered TDM measures. Please see Topic 12 – Bicycle and pedestrian facilities. In addition, ODOT provides on-going financial support to Commute Options (a non-profit organization that promotes a variety of transportation options in Central Oregon) to encourage increased intercity and local transit. ODOT also works with the Central Oregon Intergovernmental Council regarding their existing and future planned services and facilities in the area for Cascades East Transit and has designed the Preferred Alternative so as to not impact existing transit facilities and to not preclude planned local and regional transit facilities within the north Bend area.

#### Topic 22 - Transit

ODOT coordinates its activities with the local transit provider agency (Central Oregon Intergovernmental Council) for Cascades East Transit service in the area. The Central Oregon Intergovernmental Council has a Regional Transit Master Plan and the *ODOT Region 4 Park and Ride Lot Plan* (2014), which were reviewed in the development of the Final EIS. Section 3.1.2 of the Final EIS has been updated to identify existing transit routes and stops in the study area. Section 3.1.3 of the Final EIS explains that the Preferred Alternative can accommodate future transit plans for the area. Transit service will help reduce the demand on US 97, but transit service will not remove enough vehicles to eliminate the need for the project or reduce the scope of the project.

#### **Topic 23 – Jurisdiction of roadways**

Decisions and intergovernmental agreements on jurisdictional transfers of roadways that are improved or constructed as part of the Preferred Alternative will be made during final design. Under the Preferred Alternative, 3rd Street (existing US 97) will be located within the UGB and will function like a city arterial; however, depending on how traffic on 3rd Street impacts the newly constructed US 97, ODOT may retain jurisdiction on all or part of 3rd Street. If jurisdiction of 3rd Street is transferred to the City of Bend, the City will make decisions regarding access management, including access closures on 3rd Street.

#### **Topic 24 – Traffic analysis**

A frequent comment received during the public review of the Draft EIS questioned the consistency of the traffic data in the Draft EIS and the Traffic Analysis Report. Traffic data and analysis is fundamental for project planning, design, operations analysis, and safety evaluations. While the traffic data in the Traffic Analysis Report is consistent within that report and with the Draft EIS, the data covers different time periods to meet the needs of the various analyses and is correspondingly reported in different measures. The data when reported in different measures can be difficult to compare. In many cases the peak demand (typically "rush hour") is of high interest to understand the levels of congestion and to determine how those peak flows can be accommodated now and in the future. In contrast, a key element of safety analyses is determining the rate and frequency of crashes and for this, the total volume over the whole year is the key item of interest. In short, the traffic data were processed differently and appropriately to best meet different analysis purposes.

Many comments were received on the Draft EIS that indicated that the traffic information was outdated due to the region's economic recession and corresponding decline in traffic. The Draft EIS acknowledged that Bend's population growth and development slowed dramatically during the economic downturn, as described in Sections ES1.1, 1.3.1, 3.2.2, 3.4.2, 3.5.2, and 4.1.5 of the Draft EIS. At the time the Draft EIS analysis was completed, the most recent population and development data available were considered. The Final EIS incorporates additional data from subsequent years that shows growth is resuming after the severe economic downturn. The Final EIS has accounted for the decline in traffic volumes on US 97 as well as the long-term growth outside short-term periods of stagnant or declining volumes. This topic provides some background on how traffic data is measured and how traffic analyses are conducted for different purposes.

#### **Developing existing traffic volumes**

The objective of the existing traffic analysis is to identify the typical peak traffic volume so that ODOT designers can evaluate the current traffic operations as well as develop future year scenarios to determine the capacity needed to carry typical peak traffic volumes under various design alternatives.

One of the first steps in determining the peak traffic volume is gathering data from manual and automated traffic counters. Existing peak month average daily traffic (ADT) volumes presented in the Draft EIS were developed for 2007 using data from manual intersection counts and hose tube counts. These counts were taken on specific days and cover 3-, 16- and 48-hour time periods at the locations listed in Table D-1 of the Traffic Analysis Report [ODOT 2010f] as cited in the Draft EIS. These counts were taken

throughout the Transportation Area of Potential Impacts as shown in Exhibit 3-1 in the Draft EIS. From these traffic counts, ODOT determined that the peak hour was from 4:00pm to 5:00pm for passenger vehicles.

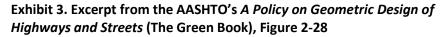
In the next step, ODOT examined the traffic volumes collected from ODOT's automatic traffic recorders (ATRs) in the project area. This data is collected all year long, every hour of each day. The resulting data is reported in units of annual average daily traffic (AADT). It is important to understand that AADT volumes are not the same as ADT volumes. AADT volumes are useful in developing the ADT volumes, and these ADT volumes are the volumes that are used to determine the transportation facility design necessary to address future peak traffic demand. AADT volumes are averaged over an entire year and include seasonal and peak/non-peak variations. As noted in the American Association of State Highway and Transportation Officials' (AASHTO) A Policy on Geometric Design of Highways and Streets (also known as The Green Book) (2011), direct use of AADT volumes in the geometric design of highways is not appropriate because AADT volumes do not indicate traffic volume differences that occur during the various months, days of the week, and hours of the day. It is more appropriate that transportation projects including this US 97 Bend North Corridor project use peak traffic volumes and corresponding geometrical design so that the constructed facility will adequately address the high traffic volumes that typically occur; but not design the facility for high traffic volumes that are associated with atypical seasonal events. This peak traffic volume often correlates to the afternoon rush hour period. The traffic analysis that supports evaluating the operational effectiveness of project alternatives against the purpose and need used peak month ADT, which is a standard technical procedure to analyze and design transportation projects.

In contrast, the safety analysis uses AADT volumes as one means of assessing the safety issues (e.g. crash rate, crash frequency, and crash severity) (please see Appendices A and B in the Traffic Analysis Report). Peak ADT traffic volumes are not used for the safety analysis as these volumes have been adjusted for seasonal variation and represent an average day or average month; instead, AADT is used as it captures the traffic volumes for the entire year which is also the same timeframe for which the crash data is collected. Please see Topic 37 – Safety analysis for more detail.

Reviewing the AADT collected by the ATRs in 2007 enabled ODOT to identify monthly and daily variation in traffic volumes; for example, traffic volumes on US 97 in the project area are much higher in August compared to January. Similarly, Friday daily volumes are higher than Tuesday daily volumes, and 4:00 pm hourly volumes are higher than 10:00 pm hourly volumes.

ODOT uses the 30<sup>th</sup> Highest Hour Volume to identify the typical peak traffic volume. This method is recommended in *A Policy on Geometric Design of Highways and Streets* (AASHTO 2011); at least 26 other states as well as several Canadian provinces and other countries apply this same method to determine existing peak volumes. When hourly traffic volumes over the course of a year are ordered from highest to lowest, the 30<sup>th</sup> Highest Hour Volume indicates the typical peak volume. This method is illustrated in Exhibit 3 below (reprinted from AASHTO 2011) where the curve begins to flatten. Higher hour volumes can often reflect seasonal anomalies (e.g., holidays, special events, day after Thanksgiving trips); therefore, those rare traffic events would not indicate a typical peak traffic volume. The 30<sup>th</sup>

Highest Hour Volume is relayed as a percentage of ADT. For a rural road, 30<sup>th</sup> Highest Hour Volume is generally 15 percent of the ADT volume (shown in the middle curve in Exhibit 3). On urban roads, 30<sup>th</sup> Highest Hour Volumes are generally 10 percent of the ADT volume. ODOT's analysis of data collected from its ATRs resulted in determining that the 30<sup>th</sup> Highest Hour Volumes for the portion of US 97 in the project area was about 9 percent of ADT. For this project, the 30<sup>th</sup> and 400<sup>th</sup> Highest Hour Volumes are not significantly different; thus, the geometric design for the 30th Highest Hour Volume for this project is suitable for many of the typical high volumes occurring on US 97. Designing for traffic volumes that occur for higher peak volumes (e.g., the 1st, 10th, or 20th Highest Hour Volumes) may result in overdesign of the facility.



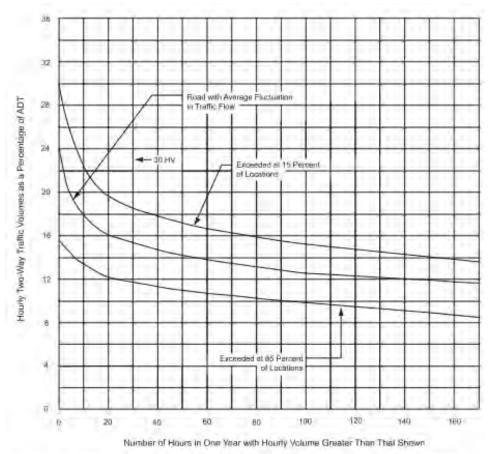


Figure 2-28. Relation between Peak-Hour and Average Daily Traffic Volumes on Rural Arterials

Lastly, seasonal factors are developed using the ATR data so that the manual counts collected at one time of year can be appropriately adjusted, so that those traffic counts represent traffic volumes during a different time of year. Using the ATR data, ODOT seasonally adjusted the manual and tube counts taken generally in March-June of 2007 to 30<sup>th</sup> Highest Hour Volumes (mid-August Friday volumes). The result is a typical peak hour volume, which is then used to develop a peak month ADT using relationships between the peak hour and the daily volumes at longer duration count locations.

#### Applying the travel demand model to develop future year traffic volume projections

ODOT is required to evaluate the future traffic operations of each alternative. ODOT uses the peak month ADT in traffic analysis to determine if the proposed transportation improvement will provide enough capacity for the system to operate throughout the 20-year planning horizon. Future conditions are developed by considering population and employment projections.

In Oregon, population projections are controlled by the county, who receives the population projections from the State Office of Economic Analysis. Each Oregon county then distributes the projected population for that county to each jurisdiction within the county. For the US 97 Bend North Corridor project's traffic analysis, the official population projections cannot be changed until Deschutes County adopts new projections for the City of Bend and the Metropolitan Transportation Plan is officially revised by the Bend MPO.

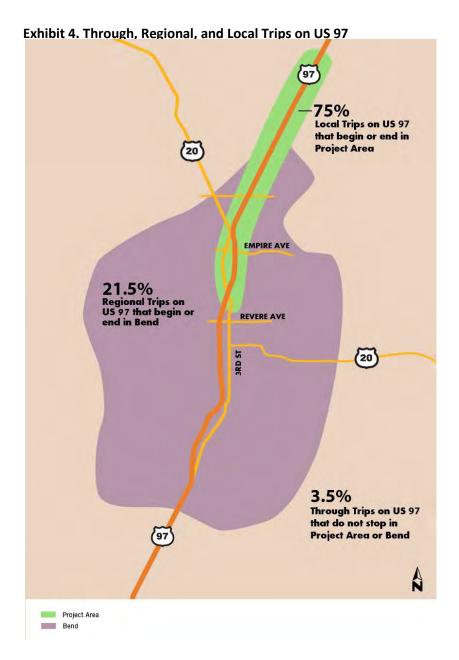
In 2004, Deschutes County adopted population estimates to the year 2025. The Bend MPO, in cooperation with its member agencies (ODOT, City of Bend, and Deschutes County), extended the population forecast to 2030. Due to the region's lower growth than forecast over the past few years the estimates that were forecast for 2030 are now a more realistic projection for 2035. As discussed in Section 3.5.2 of the Final EIS, in 2010 the City of Bend and Deschutes County lost population. Furthermore, after the Draft EIS was published, ODOT, in coordination with the Bend MPO, evaluated the traffic volume projections from the Bend MPO's travel demand model. An analysis of AADT trends between 2007 and 2011, from traffic count data ODOT collected at the three closest ATRs (MP 135.95, south of Empire Avenue interchange; MP 135.16, north of Empire; and MP 134.70, entrance to Mountain View Mall) along US 97 through the project corridor, showed an average decrease of 10 percent in the existing traffic volumes compared to the 2007. As a result, ODOT and the Bend MPO determined that applying the 10 percent reduction to the 2007 traffic volumes would represent 2011 traffic volumes and these lower traffic volume inputs for 2011 would more accurately forecast the future conditions. In addition, the forecasted traffic volumes were extended from 2035 to 2036. This reduction in traffic volumes is reflective of the reduced population change in the Bend area between 2007 and 2011. Thus, the existing traffic conditions for the No Build Alternative were reanalyzed in the Final EIS by reducing peak hour volumes and peak month ADT by 10 percent to approximate 2011 conditions. 2011 was the most recent complete year of data at the time Final EIS traffic analysis was conducted.

The future year traffic projections for each project alternative rely upon the Bend MPO's travel demand model. During the preparation of the Final EIS the Bend MPO determined that their long-range forecasts for future population and employment that are contained in their travel demand model are still valid. This includes a cumulative 35 percent growth rate over the 20-year design horizon (BMPO 2013). While a 35 percent cumulative growth rate predicted by using the travel demand model may seem unrealistic in times of declining population and traffic volumes, it is important to note that a 35 percent growth rate over 20 years equates to approximately 1.2 percent average annual growth. Thus, it is still possible to meet the long-term projections while having short-term periods of stagnant or declining volumes and other periods of higher growth. When an updated travel demand model is adopted into the Bend MPO's Metropolitan Transportation Plan, ODOT will review the updated information prior to implementing the project.

For the Final EIS the traffic analysis for the No Build Alternative and the Preferred Alternative was updated to reflect the reduction in traffic volumes. The result of the updated traffic analysis for the No Build Alternative in the Final EIS was similar to that in the Draft EIS. If no improvement is made to US 97, the future 2036 traffic conditions on US 97 would result in significant congestion and traffic flow would experience extensive delay and queuing as noted in Section 1.3 of the Final EIS. Thus, there is still a need for the project to construct a new highway facility that separates the through traffic from the local traffic. Some of the capacity improvements included in the Draft EIS build alternatives, however, was decreased as a result of the updated traffic analysis. For example, the Cooley Road improvements were reduced from a 5-lane facility to a 3-lane facility and the proposed northern interchange was replaced with a signalized intersection at US 97 and 3rd Street.

#### Characterizing local, regional and through trips

There are three types of trips that travel in or through the project area: through, regional, and local trips. Through trips are those trips that travel entirely through the project area and Bend without stopping (3.5 percent); these trips do not make any stops (e.g., gas, food, freight pickup/drop-off, etc.) within Bend. Regional trips are those trips that start or end in Bend south of the project area (21.5 percent). The through and regional trips account for one-quarter of all US 97 trips in the project area, as shown in Exhibit 4 below. The other 75 percent of US 97 trips are local trips, which begin or end their trips in the project area. The Preferred Alternative will benefit all three trip types through shortened travel times, reduced delays, and improved safety.



Topic 25 – Cost and benefit-cost analysis

Many comments were received on the Draft EIS regarding both the cost of the build alternatives and the benefit-cost analysis of the alternatives (i.e., evaluating the cost of the build alternatives in terms of their transportation benefits).

The estimated costs for the East DS1 and the East DS2 Alternatives are similar – \$170 to \$220 million (2013 dollars) – and not a significant differentiator. The cost for the Preferred Alternative is approximately \$174 million (2016 dollars), as reported in Section 2.6 of the Final EIS. The Preferred Alternative has been developed to a finer level of engineering design detail than what was completed for the East DS1 and the East DS2 Alternatives in the Draft EIS. Had the East DS1 Alternative and the East DS2 Alternative been developed to the same level of engineering design detail that the Preferred Alternative

has been developed, it is likely the costs for those alternatives would have been higher than the initially estimated \$170 to \$220 million (2013 dollars).

In October 2009, a high level benefit-cost analysis was conducted for improvements on US 97 in the project area using the State version of the Highway Economic Requirements System (HERS-ST). HERS-ST analysis is oriented to roadway system improvements and does not include analyses of other modal travel, such as transit, bike, or pedestrian modes. The HERS-ST model utilizes a high level of benefit-cost ratio analysis for relative comparison of roadway improvements at a planning level. The HERS-ST model is not designed for the detailed benefit-cost ratio required at a project level. A more detailed discussion can be found in the HERS-ST Technical Manual (see Chapters 5 and 7), which can be found online (<a href="http://www.fhwa.dot.gov/asset/hersst/pubs/tech/tech00.cfm">http://www.fhwa.dot.gov/asset/hersst/pubs/tech/tech00.cfm</a>). Please note that better tools, such as MicroBENCOST or BCA.NET, are available and should be used for the more detailed project level benefit-cost ratio.

The results of the October 2009 HERS-ST analysis conducted for the US 97 Bend North Corridor Project were provided as Appendix T, US 97 Performance Analysis Using HERS-ST, in the Traffic Analysis Report referenced in the Draft EIS. While Appendix T was written for a technical audience that understood the planning level purposes of the HERS-ST model, Appendix T was made available for the public to review with the Draft EIS, and several commenters did review it. The HERS-ST model has been updated for the Final EIS and now includes additional background information on the purposes and uses of the HERS-ST model (see Appendix R in the Updated Traffic Analysis Report). In some cases those commenters cite a project cost threshold of \$160-\$180 million, which is referenced in the October 2009 HERS-ST. The following considerations were included in the \$160-\$180 project cost threshold calculation.

The benefit-cost analysis provided in Appendix T of the Traffic Analysis Report took a broad look at the potential long term economic benefits of improvements on US 97, as compared to the cost for those improvements, for three roadway scenarios:

- No Build scenario: The existing roadway system
- Build: Interchange scenario: Replacing the existing Cooley Road signalized intersection with a full interchange and removing all other signals and access points to US 97
- Build: Bypass scenario: No changes to the existing alignment, but adding a "new" bypass alignment

Because the project was so early in the development process of identifying potential alternatives for detailed study, the October 2009 benefit-cost analysis focused only on improvements to US 97 and found that improvements solely on US 97 in the \$160-\$180 million range provide a good value for the investment. The \$160-\$180 million reported in the benefit-cost analysis applies only to improvements on US 97 and does not include any of the local street improvements outside of the US 97 facility that were included with the Draft EIS build alternatives. The cost estimated for the alternatives in the Draft EIS was higher than \$160-\$180 million because these alternatives did include the cost of local street improvements.

The purpose of the October 2009 planning-level analysis presented in Appendix T (US 97 Performance Analysis Using HERS-ST) was to determine relative benefits and costs of potential alternatives, not to determine a specific benefit-cost ratio associated with a given alternative. The analysis was intended to inform at a very high-level scale the alternatives evaluation process. The analysis was not used to screen alternatives, determine the range of alternatives evaluated in the Draft EIS, or identify the Preferred Alternative.

A revised and more detailed benefit – cost analysis using HERS-ST was conducted in November 2013 for the Preferred Alternative and is presented in Appendix R of the Updated Traffic Analysis Report referenced in the Final EIS. Generally a benefit cost ratio of 1.0 or greater indicates a worthwhile project for the cost. The benefit-cost ratio as determined by the Performance Analysis Using HERS-ST for the Preferred Alternative is 1.4. Therefore, the benefit-cost ratio of 1.4 indicates that the economic benefit of the Preferred Alternative exceeds the cost of the Preferred Alternative. This analysis shows that the economic benefit of the Preferred Alternative is 1.4 times the cost of the project.

#### **Topic 26 – Cumulative impacts**

Direct and indirect impacts of the alternatives studied in the Draft EIS are presented in Chapter 3 of that document, while cumulative impacts are presented in Chapter 4. For the reasonable and foreseeable actions considered in the cumulative impact analysis, it was assumed that the City of Bend's currently adopted UGB would remain. The current UGB was used because the City of Bend's UGB expansion process is on-going, the City of Bend does not currently have a clear proposal, and there is no consensus for how and/or where the UGB expansion will occur (please also see Topic 20 – Urban growth boundary expansion). Although only a portion of Juniper Ridge is within the adopted UGB, the cumulative impact analysis did include the development of all 1,500 acres of the Juniper Ridge area as it was considered a reasonable and foreseeable action at some point in the future, even if it does not occur within the project's design horizon (2036). See Exhibit 4-4 FEIS in the Final EIS.

The Draft EIS acknowledged that the East DS1 and East DS2 Alternatives would contribute to cumulative impacts to land use and socioeconomics in the Rock O' the Range area and Hunnell Neighborhood (see Draft EIS pages 4-8 and 4-13) in combination with other current and reasonably foreseeable actions, such as the development of 1,500 acres at Juniper Ridge, Wal-Mart, and Phase II of Cascade Village. The Final EIS has been updated to include direct, indirect, and cumulative impacts of the Preferred Alternative. The list of current and reasonably foreseeable actions presented in Section 4.1.3 of the Final EIS has also been updated since the Draft EIS.

#### Topic 27 – Expressway designation

The segment of US 97 within the project area was designated as an expressway in the 1999 Oregon Highway Plan adopted by the OTC on March 19, 1999. The last round of expressway designations occurred in 2006 with the adoption of the 2006 amendments to the OHP. During each update of the OHP, public outreach occurred in the form of numerous local meetings and public OTC hearing(s) on the OHP. US 97 will continue to operate under the expressway designation following project construction. US 97 is the most significant state highway facility in Central Oregon. Ensuring that US 97 operates safely and efficiently is critical for the community.

As outlined in the Executive Summary and Section 1.1 of the Final EIS, the section of US 97 within the US 97 Bend North Corridor's project limits is designated as an expressway. Applying the expressway designation to the Preferred Alternative's alignment of US 97 is consistent with the current designation and with the definition of "expressway" in the Oregon Highway Plan, and with the vision and function of US 97 through north Bend. Although several commenters indicated that the expressway designation on this section of US 97 would change, on April 17, 2013 the designation of this section of US 97 as an expressway was reviewed by the OTC and the OTC decided not to change the designation. If the highway designation for this section of US 97 were to change in the future, the management of this section of the corridor would comply with the new designation.

The non-Federal, non-NEPA, Oregon state-only "Final EIS" for the existing Bend Parkway was completed in 1992. Initial project design for the existing Bend Parkway began in 1992, prior to the 1999 expressway designations and corresponding expressway design guidance, so the Bend Parkway was constructed using standards that are different from the current expressway standards identified in the OHP.

#### Topic 28 – Cooley Road design and operation

Just east of US 97 and the railroad tracks, Cooley Road is currently a two lane road, with one travel lane in each direction. With both the East DS1 and East DS2 Alternatives, Cooley Road would have a five-lane cross-section just east of US 97 and the railroad tracks. The Preferred Alternative reduces the footprint of this section of Cooley Road to a three lane cross-section; one travel lane in each direction with a center turn lane. This smaller design reduces the number of residential displacements in this area from nine to five. Traffic analysis shows that five lanes will only be needed for Cooley Road in the area around the intersection with 3rd Street, as shown in Exhibit 2-3 FEIS in the Final EIS. The additional lanes at the intersection with 3rd Street are necessary for turning and through movements. The Cooley Road improvements will include sidewalks and bicycle lanes that will connect to existing sidewalks and bicycle lanes east of US 97 to maintain safe travel routes for pedestrians and bicyclists. Further, providing crosswalks and refuge islands at the Cooley Road/3rd Street intersection, as well as grade separating the crossings of Cooley Road with the railroad and with US 97, will enhance safety for pedestrians and bicyclists, including those traveling to and from the schools located east of the project area on Cooley Road.

The traffic analysis results show that Cooley Road operates significantly better under the Preferred Alternative than under the No Build Alternative. With the Preferred Alternative, the average travel time on Cooley Road, from O.B. Riley Road to Boyd Acres Road in 2036 will be 3 minutes and 45 seconds at an average speed of 22 miles per hour. This includes the time it takes to stop at signalized intersections on US 20, Hunnell Road, and 3rd Street (Business 97). With the No Build Alternative, this same trip on Cooley Road between O.B. Riley Road and Boyd Acres Road in 2036 is expected to take 20 minutes and 15 seconds at an average speed of under 3 miles per hour. Please see Section 3.1.3 of the Final EIS and the Updated Traffic Analysis Report for more detailed traffic information.

#### **Topic 29 – Noise impacts**

For highway transportation projects with FHWA involvement, the Federal-Aid Highway Act of 1970 and the associated implementing regulations (23 CFR 772) govern the analysis and abatement of traffic noise

impacts. The regulations require that potential noise impacts in areas of frequent human use be identified during the planning and design of a highway project. The noise regulations govern noise prediction requirements, noise analyses, noise abatement approach criteria (NAAC), and requirements for informing local officials. The NAAC and substantial increase thresholds are used to determine when a noise impact would occur. The NAAC differ depending on the type of land use under analysis. For example, the NAAC for residences (67 A Weighted decibels or dBA) are lower than the NAAC for commercial areas (72 dBA). A substantial increase impact is an increase of at least 10 dBA in the design year over the existing noise level and is independent of the absolute noise level.

For the Preferred Alternative, noise impacts were studied by modeling noise levels at 197 noise receptor sites. Of these 197 noise receptor sites, 22 sites are predicted to experience traffic noise levels that exceed the NAAC limits. These 22 sites represent 67 residences, the Sun Mountain Fun Center, one cemetery (Deschutes Memorial Gardens and Chapel), two outdoor eating areas at the ODOT Region 4 offices, and outdoor areas at four businesses. Six of the 197 sites representing 31 residences would experience a substantial increase in traffic noise levels of 10 dBA or more over existing traffic noise levels. Two sites representing 13 residences would be exposed to traffic noise levels in excess of the NAAC limits and would experience a substantial increase in traffic noise levels. Please see Exhibit 3-89 FEIS and Exhibit 3-90 FEIS in the Final EIS for maps of the sites where noise levels approach or exceed the noise abatement criteria and Appendix I in the Final EIS for more detail on each noise receptor site.

Railroad noise is dominant during periods of high train traffic at sites located within approximately 600 to 800 feet of the BNSF Railway railroad tracks. ODOT is required to consider mitigation in the form of noise barriers at all sites that experience traffic noise levels that exceed the ODOT NAAC limits. ODOT analyzed all traffic noise levels equally, regardless of their proximity to railway noise. Under the Preferred Alternative, the BNSF Railway crossing of Cooley Road will be grade-separated, which avoids the need for all trains to sound their horn as is done under the current conditions.

Where predicted traffic noise levels would exceed applicable NAAC, or result in a substantial increase, mitigation measures were considered by ODOT. Fourteen noise barriers for the Preferred Alternative were evaluated for their effectiveness at abating traffic noise. However, no noise barriers were found to be feasible and reasonable for the Preferred Alternative because none met one or more of the ODOT feasibility or reasonableness criteria. Please see Section 3.16.4 in the Final EIS for more discussion of the noise mitigation analysis.

#### Topic 30 – Right of way acquisition

When improving highway facilities ODOT has the task of acquiring private property for public use. Rights of way and other real properties are obtained by ODOT's Right of Way Section under the provisions of Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 49 CFR Part 24 (Uniform Act). Oregon Revised Statutes Chapter 35 directs ODOT to comply with the Uniform Act in its acquisition program. Title III of the Uniform Act and implementing regulations ensure that owners of real property to be acquired for federal and federally assisted projects are treated fairly and consistently.

Owners of property needed for a highway project will be offered Just Compensation (estimated value of all the land and improvements within the needed area) for the required right of way. Relocation assistance is applicable when persons, businesses or personal property are required to be moved from an acquisition site. Displaced owner-occupants or tenants are also entitled to payment of their actual moving and related expenses as determined to be reasonable and necessary.

For more detail on the right of way acquisition process, please see Appendix B in the Final EIS.

#### **Topic 31 – Historic resources**

This project complies with federal and state regulations regarding historic resources, including Section 106 of the National Historic Preservation Act. Please see Section 3.7.1 in the Final EIS for a more detailed description of the regulatory setting for historic resources.

The Final EIS has been revised to disclose the extent to which the Preferred Alternative affects six historic resources in the project vicinity. Of the six historic resources, only one resource – the Nels and Lillian Andersen House – will have a Section 106 finding of adverse effect by the Preferred Alternative. The Preferred Alternative will require the relocation or removal of the Nels and Lillian Andersen House. To resolve the adverse effect to the Nels and Lillian Andersen House, ODOT met with the Bend Historic Landmarks Commission, the High Desert Museum, the Deschutes Historic Landmarks Commission, and the Nels and Lillian Andersen House owner to discuss impacts and mitigation options. As a result of the Preferred Alternative having an adverse effect on the Nels and Lillian Andersen house, FHWA and ODOT developed a Memorandum of Agreement to disclose the specific impacts and stipulate mitigation measures that will occur. This Memorandum of Agreement was signed by FHWA, ODOT, and the Oregon State Historic Preservation Officer and includes mitigation measures for the Nels and Lillian Andersen House to prepare it for relocation or removal. If no interest in relocating the house is demonstrated, ODOT will remove the house and provide research information to the Deschutes County Historical Museum. Please see Appendix D in the Final EIS, which includes a copy of the Memorandum of Agreement.

### Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative

#### **Identification of Preliminary Range of Alternatives**

From the beginning of the project, including consideration of alternatives studied in the *US 97 & US 20 Refinement Plan* (Kittelson 2007), FHWA and ODOT sought input on potential solutions to the problems identified in the project's purpose and need statement. As described more fully in Chapter 7 of the Final EIS, ODOT held public meetings and focus group meetings, and solicited ideas for solutions from many project stakeholders and agencies. ODOT met extensively with local agencies, businesses, residents, and other stakeholders throughout the project to identify issues important to the community and design potential alternatives to address these issues as much as possible.

Based on all of the input and alternatives received from the public and from participating agencies during the alternatives development phase, a preliminary range of 21 build alternatives was identified for the project located along three project corridors (west, existing and east). This preliminary range of

alternatives was diverse in terms of the scale of improvements, benefits and impacts, and costs. Partway through the development of this preliminary range, ODOT realized that more cost-effective solutions needed to be investigated and included in this preliminary range. Thus, the preliminary range of alternatives included several down-scaled versions of alternatives and included "DS" in the alternative name. These down-scaled versions focused the improvements on design elements that would more effectively address the purpose and need for the project. The existing expressway designation of this portion of US 97 was not a consideration in identifying this preliminary range of alternatives.

### Consolidating the Full Preliminary Range of Build Alternatives and Screening for the Reasonable Range of Alternatives

ODOT assessed each of the 21 alternatives in terms of engineering feasibility, environmental impacts, and economic feasibility and found that there were substantial similarities among alternatives that allowed them to condense the preliminary range of alternatives from 21 alternatives to 11 build alternatives as described in Exhibit 2-17 in Section 2.2.1 in the Final EIS. Alternatives which had smaller design footprints, would result in fewer impacts, and were less costly but achieved similar or better transportation benefits were advanced for further study. For example, the East DS1, East DS2, and East 1 Alternatives provided similar operational performance; however, the East DS1 and East DS2 Alternatives had substantially fewer impacts and were approximately 30 percent lower in cost, so the East 1 Alternative was not advanced for screening against the purpose and need.

These 11 build alternatives were evaluated against the purpose and need statement, using a three-step screening process described in Section 2.2.2 in the Final EIS, which resulted in identifying two build alternatives that achieved the purpose and need for the project. Screening criteria were developed to evaluate each alternative's ability to meet the purpose and need and included specific technical thresholds. Each screening criterion was scored pass or fail; no weighting or ranking was applied These screening criteria are summarized in Section 2.2.2 and specific measures for each criterion are listed in Exhibit 2-18 FEIS in the Final EIS. The screening criteria were vetted by the following groups: the Steering Team, which included representatives from the City of Bend, Deschutes County, ODOT, and the Citizen Advisory Committee Chair; the Citizen Advisory Committee, which included community members representing various interest groups within the area of potential impact; and the Technical Advisory Committee, which included members from the City of Bend, Deschutes County, Oregon Department of Land Conservation and Development, Bend MPO, and ODOT. Chapter 7 of the Final EIS documents all agency and public coordination throughout the National Environmental Policy Act (NEPA) process for the project.

The screening process involved evaluating each alternative against the Step 1 screening criteria, which were primarily focused on typical geometrical requirements. Scores were pass or fail. Alternatives that received a fail score were dismissed since those alternatives would not achieve the purpose and need for the project. A good faith effort was made to modify alternatives so a passing score could be given and not assign a fail score for alternatives that narrowly missed a pass score; however, in some cases, the alternative could not be modified to achieve a passing score. The alternatives that passed Step 1 were advanced for a high-level operational screening in Step 2. All alternatives screened in Step 2 were advanced to Step 3, which applied screening criteria directly linked to the project purpose statement.

Again, a good faith effort was made to modify alternatives to achieve a passing score if possible. Of the six build alternatives evaluated in Step 3, two alternatives passed and four alternatives were dismissed as these alternatives failed to meet the project purpose. Section 2.4 of the Final EIS includes a description of the alternatives that were considered and screened against the purpose and need, and provides detailed rationale for eliminating alternatives during the screening process.

Several public comments received on the Draft EIS questioned how the expressway designation for US 97 was factored into the alternatives screening process. As stated in Section 1.2 of the Final EIS, the purpose of the project includes reducing delay and congestion, and improving safety and operations on US 97 "as an expressway between the Deschutes Market Road/Tumalo Junction interchange and Empire Avenue interchange." The expressway designation was initially applied by the OTC in 1999 and was reviewed and retained by the OTC in 2013. The project's purpose and need screening criteria 1a and 3d included guidelines relating to the expressway designation. No alternative was dismissed solely on these criteria.

Similarly, several public comments on the Draft EIS asked how the cost of an alternative was considered in the screening process. As discussed in Section 1.4.1 of the Final EIS, ODOT determined a reasonable cost range for the project. Two alternatives (West 1 and Existing A) did not meet criteria 3a (cost). The West 1 Alternative also did not meet criteria 3b (fundable phases), 3e (support economic development), and 3f (maintain local street connectivity). In addition to failing to meet the 3a (cost) criterion, the Existing A Alternative did not meet 3d (expressway operations) and 3e (support economic development). Based on all of the Step 3 scoring, these two alternatives were eliminated from further consideration.

#### **Identifying the Range of Alternatives Studied in the Draft EIS**

The two alternatives (East DS1 and East DS2 Alternatives) that met the project purpose and need along with the required No Build Alternative comprised the reasonable range of alternatives that were evaluated in the Draft EIS. These three alternatives represented a reasonable range of alternatives, as required under NEPA, because the two build alternatives met the purpose and need for the project and were substantially different from each other to represent discrete concepts; the No Build Alternative is required to be advanced in the NEPA process. The East DS2 Alternative differs significantly from East DS1 Alternative in regards to the connectivity of US 97 and 3rd Street on the north end of the project, impacts to the local road system, operations of US 97, and impacts to rural lands. The other nine build alternatives were evaluated and determined to not be reasonable because they did not meet the purpose and need of the project as described in Section 2.4 of the Final EIS. Therefore, those alternatives were dismissed.

The project's goals and objectives were not used to identify the reasonable range of alternatives evaluated in the Draft EIS; however, the goals and objectives were considered in the identification of the Preferred Alternative.

#### Identification of a Preferred Alternative

In response to comments received on the Draft EIS, ODOT modified the East DS2 Alternative to minimize impacts to rural residential lands north of Cooley Road and to develop an alternative that strives to achieve the project's goals and objectives listed in Section 1.5 of the Draft and Final EIS. This resulted in the development of the East DS2 Modified Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS. The Final EIS has been updated to include this alternative and to identify it as the Preferred Alternative. As documented in Chapter 7 of the Final EIS, ODOT held a series of focus group meetings as well as an open house (June 13, 2013) to discuss the Preferred Alternative with stakeholders and the public and to gather comments and concerns related to the alternative. Overall support was expressed by the public about the design modifications that ODOT factored into the development of the Preferred Alternative, which avoided and minimized impacts that were associated with the East DS1 and East DS2 Alternatives.

#### **Topic 33 – Induced growth**

The Preferred Alternative will not induce additional growth in the northern end of Bend that is not already planned for in the local comprehensive plans. The Preferred Alternative reduces the potential for induced growth in the following ways:

- Most of the proposed transportation improvements are located within the City of Bend's UGB.
   These improvements are consistent with the City of Bend's Transportation System Plan, the
   Deschutes County Transportation System Plan, and the Bend MPO's Metropolitan Transportation Plan. These improvements also support existing local land use designations; lands adjacent to improvements are zoned Commercial General, Industrial Light, and Mixed Employment.
- While the Britta Street extension and the roundabout at Cooley Road and O. B. Riley Road will be constructed on land outside the UGB, these improvements are necessary for independent reasons. The Britta Street extension is necessary to connect Jamison Street to US 20 and Robal Road to provide an efficient and improved route for emergency services providers located in that area. The Britta Street extension will be constructed to Deschutes County (rural transportation facility) standards. The roundabout at Cooley Road and O.B. Riley Road will improve traffic flow and will also be constructed to rural transportation facility standards. These improvements do not require exceptions to Oregon's statewide planning goals.
- The Bend MPO's travel demand model also considered additional traffic (latent demand) that may result from the improvements. That model demonstrated that with improved capacity on US 97 there will be more trips on US 97, and there will be fewer trips on other roadways. Induced vehicle miles traveled (latent demand) is not associated with changes in land use or induced growth; but is the result of land uses adjacent to US 97. The adjacent land uses are consistent with the comprehensive plans designations. Please see Topic 24 Traffic Analysis.

#### **Topic 34 – Supplemental Draft EIS**

FHWA determined that preparation of a Supplemental Draft EIS was not necessary when the East DS2 Modified Alternative was developed and identified as the Preferred Alternative. The Preferred Alternative is a modified version of the East DS2 Alternative that was evaluated in the Draft EIS. FHWA

found that the environmental impacts associated with the Preferred Alternative are similar to or less than the impacts associated with either the East DS1 Alternative or East DS2 Alternative. There were no changes to the proposed action that created new environmental concerns and there were no significant new circumstances or changes in law, regulation or policy that resulted in a significant difference in the analysis of impacts of the proposed action. FHWA determined that a Supplemental Draft EIS was not necessary.

#### Topic 35 – Purpose and need; goals and objectives

Safety and congestion issues were documented in the *US 97 & US 20 Refinement Plan* (2007). The purpose of the US 97 Bend North Corridor project is separate from prior planning studies, including the *US 97 and US 20 Refinement Plan* (2007) and the *US 97 Corridor Strategy (Madras-California Border)* (1997). The US 97 Bend North Corridor purpose statement is focused on solving the congestion and safety issues on US 97. The Council of Environmental Quality, in a letter submitted May 12, 2003, states that the lead transportation agency (in this case FHWA) has the authority to define the purpose and need for a NEPA analysis. The purpose and need for the project, as defined by FHWA and ODOT, is described in Sections 1.2 and 1.3 of the Draft and Final EIS. During the development of the purpose and need statement for the project, ODOT met with the project's participating agencies (the City of Bend, Deschutes County, and DLCD) at agency scoping meetings, technical management team meetings, and steering team meetings to solicit input on the purpose and need statement. In addition, public comments on the draft purpose and need statement were solicited at public open house #1 (January 24, 2008).

Although transportation is the primary focus for FHWA and ODOT and is reflected in the purpose and need, non-transportation objectives, such as economic development, are included in the project's performance objectives (listed in Section 1.2 of the Draft and Final EIS) and goals and objectives (listed in Section 1.5 of the Draft and Final EIS). The project's performance objectives, which are part of the project's purpose statement, were considered during the third step of the purpose and need screening of alternatives. As shown in Exhibit 2-18 FEIS in the Final EIS, the specific criteria in purpose and need step 3 align with the performance objectives. The first performance objective aligns with step 3b regarding incremental improvements to reduce delay, congestion and crashes. The second performance objective aligns with steps 3c and 3d regarding the safety and operations of US 97 as an expressway. The third performance objective aligns with steps 3e and 3f regarding support for planned economic development and maintaining local street connectivity. The Preferred Alternative meets the project's purpose and need, including the performance objectives.

The project goals and objectives, listed in Section 1.5 of the Draft and Final EIS, represent desirable outcomes for the project, beyond the minimum thresholds established in the purpose and need statement, such as developing a project that fits into the context of the community. These are aspirational targets and projects rarely fulfill all of the identified goals and objectives. ODOT considered the project's goals and objectives during the identification of the Preferred Alternative.

The purpose of this project is not to solve all the transportation issues in the Bend area or to solve every problem on the north end of Bend, but rather to address safety and mobility specifically on the US 97

facility. The US 97 facility was prioritized for action because it is of statewide importance and its role as an important transportation corridor for local and regional travel. ODOT is committed to working with local agencies to pursue other projects focused on other transportation issues in Bend.

Despite the downturn in the economy and population in recent years, the project is still needed. The updated traffic analysis demonstrates that the current capacities of the Cooley Road and Robal Road intersections with US 97 are and will be exceeded. Please also see Topic 24 – Traffic analysis.

#### **Topic 36 – Transportation Planning Rule**

The Transportation Planning Rule (TPR), OAR 660-12-0060 was amended December 8, 2011 and the amendment took effect January 1, 2012. The TPR addresses plan and land use amendments and is applied when a property is developed or a rezoning occurs. The Oregon Highway Plan establishes mobility targets, including volume to capacity ratios, for US 97. Volume to capacity ratios are not set by the TPR. The TPR outlines the rules implementing traffic mitigations required to allow for the development or rezoning. A summary of the TPR amendments are outlined below:

- If a proposed rezoning is consistent with the existing comprehensive plan map designation and consistent with the acknowledged transportation system plan, then the proposed rezoning can be approved without considering the effect on the transportation system.
- Local governments can designate multi-modal mixed use areas where traffic congestion does not have to be considered when rezoning property, amending comprehensive plan designations, or amending development regulations.
- If a proposed rezoning qualifies as economic development, then it can be approved without mitigating the full effect on traffic. It allows for partial mitigation of the traffic impact.
- Allows transportation demand management measures to determine whether there is "significant effect" on the transportation system from a development.
- Allows other transportation modes, other facilities, and improvements at other locations to address a significant effect.
- If a facility is projected to fail to meet the performance standards at the planning horizon and no improvements are funded, then a proposed rezoning must avoid further degradation but is not required to provide mitigation to meet the performance standards.

The purpose of the US 97 Bend North Corridor project is to address existing transportation deficiencies on US 97 based on the current land uses and zoning. The project does not add any property development that would require traffic mitigation (or lack thereof) included in the new TPR. Therefore, this January 1, 2012, amendment did not change the purpose and need for the project, did not change the range of alternatives evaluated in the Draft EIS, and did not affect the identification of the Preferred Alternative. The Preferred Alternative provides the best combination of design elements that minimize adverse economic, social, environmental, and energy consequences, as called for in the TPR. Furthermore, the traffic modeling for the project used the Bend MPO's travel demand model (please see Topic 24 – Traffic Analysis). The purpose and need for the project can be found in Sections 1.2 and 1.3 of the Draft and Final EIS.

For complete TPR changes see the Land Conservation and Development Website as follows: http://www.oregon.gov/LCD/docs/rulemaking/2009-11/TPR/TPR Amendments-Legislative Style.pdf

# Topic 37 – Safety

In October 2011, the Oregon Transportation Commission approved the Transportation Safety Action Plan (TSAP), an element of the Oregon Transportation Plan. This document also serves as the State of Oregon's Strategic Highway Safety Plan (SHSP), a document required by federal law. The TSAP envisions a future where Oregon's transportation-related death and injury rate continues to decline. ODOT envisions a time when days, then weeks and months, pass with not a single fatal or debilitating injury occurring. Someday, ODOT envisions a level of zero annual fatalities and few injuries as the norm.

# **Data Gathered for the Safety Analysis**

ODOT analyzed various data to disclose the safety issues present on US 97 and adjacent roadways in the Draft EIS. This analysis included studying reported crashes, statewide crash rankings by location, and crash rates by facility type. Traffic volumes developed as part of the traffic analysis are integral data in analyzing crash data and other safety issues. It is important to clarify that the traffic volumes provided for the safety analysis in the Traffic Analysis Report Appendices and the projected traffic volumes reported in the Draft EIS are consistent; however, because of different methodologies used for the safety analysis and the projected traffic volumes during peak hour travel, the data may be difficult to compare. Please see Topic 24 – Traffic analysis for additional clarification on the how traffic data was analyzed for the roadway design purposes and understanding safety issues in the project area. AADT volumes, which are averaged over an entire year and include seasonal and peak/non-peak variations, are used in this safety analysis.

For the Draft EIS, ODOT gathered historical crash data to document the existing safety issues (2004–2009) in the transportation study area. The Updated Traffic Analysis Report prepared for the Final EIS includes an updated crash historical data (2006-2011).

# **Evaluating Roadway Safety with Multiple Methods**

Many factors contribute to crashes, which in turn leads to a complex set of tools to analyze the cause of crashes, determine whether a particular location is more prone to crashes, and identify strategies to reduce crashes. For this project, ODOT used multiple analyses to understand the safety issues in the project area and determine where and the type of design improvements that would reduce the identified safety problems.

**Historical Crash Type:** Of the 214 crashes that occurred on the section of US 97 in the transportation study area, nearly half (46 percent) of the crashes were concentrated at the Cooley Road and Robal Road intersections and often involved rear end and turning collisions that are typical of high speed/high volume signalized intersections. Please refer to the safety information in Section 1.3.3 of the Final EIS and the crash analysis in the Updated Traffic Analysis Report. ODOT acknowledges that there are also safety problems outside of the project area, including US 20 and local streets.

Crash Rates: Rate-based crash measures evaluate the relative safety of segments and intersections including crash rates (for roadway segments) or crashes per million entering vehicles (for intersections). As noted in the Traffic Analysis Report prepared for the Draft EIS, the 1.0 crashes per million entering vehicles is a general indicator (or "rule of thumb"). Rates-based crash measures are effective in comparing the relative safety of locations; however, the goal of ODOT's safety program is to reduce the number of crashes, particularly fatal and serious injury crashes. The weakness with rate-based crash measures is when this method is applied to locations with numerous crashes and high volumes. These locations can have crash rates that do not appear to be particularly high or can be outliers compared to the other similar facilities in the state. Furthermore, crash rates do not increase linearly with volumes. For instance, an intersection where volumes double will not likely have a doubling of crashes; crashes will increase but not double. From a rate-based perspective, the intersection would mistakenly appear safer, and any particular entering driver would be less likely to crash because the crash rate had decreased; however the overall number of crashes would actually be higher than before the traffic volumes increased. The Updated Traffic Analysis Report prepared for the Final EIS clarifies that even though the two segments of US 97 containing the Cooley Road and Robal Road intersections have lower crash rates (1.09 and 0.40 crashes per million vehicle miles, respectively) compared to comparable facilities in the state (2.52 and 0.87 crashes per million vehicle miles, respectively) other safety analyses tools show that these intersections have a history of recording a high frequency of crashes. Crash rates and frequencies are typical measures of effectiveness, but are only one metric for safety performance; thus, this single indicator does not fully represent the safety concerns at the US 97/Cooley Road and US 97/Robal Road intersections; and additional safety analyses during development of the Draft EIS and Final EIS were completed to better understand the nature of crashes at these intersections.

Safety Priority Index System (SPIS): SPIS is ODOT's primary safety management tool. Measures that incorporate frequency and severity, such as SPIS, are helpful in ensuring that safety improvements address locations where those safety improvements are most effective in reducing the number and severity of crashes. SPIS rankings are determined by evaluating crash rate, frequency, and severity history on all state highways in Oregon. ODOT uses the SPIS rankings to aid in prioritizing sites that need safety improvements relative to the entire state highway system, not just relative to ODOT Region 4. The SPIS rankings for the intersections of US 97 at Cooley Road and Robal Road are the primary indicators that these intersections on US 97 have a significant crash issue and exceed a policy threshold that requires ODOT to investigate. Safety issues on the section of US 97 that includes the intersections of Cooley Road and Robal Road are a problem that ODOT has identified for many years, and are one of the main reasons this project was undertaken. The Cooley Road and Robal Road intersections on US 97 have a history of crash problems and have been in the SPIS top 5 or 10 percent ratings at least since 2006, as shown in Exhibit 1-12 FEIS in the Final EIS. The US 97 at Robal Road intersection has consistently been in the top 5 percent of crash locations in the state, while the US 97 at Cooley Road intersection alternates between the top 10 percent and top 5 percent. When a location is in the top 5 percent, ODOT is required to investigate how the safety issues can be addressed through cost-effective safety improvements.

**Predictive crash analysis:** For the Final EIS, a predictive crash analysis was also conducted to identify safety issues on the current facility as well as evaluate whether proposed improvements would reduce the expected number of crashes on US 97. By applying the predictive equations, which require detailed data on the intersection geometrical design, traffic operations, and users, ODOT is able to estimate the predicted number of crashes that would occur at an intersection or on a roadway segment. ODOT considered the specific 2011 data for the US 97/Cooley Road and US 97/Robal Road intersections and applied the predictive equations to determine the expected crash frequencies for the No Build Alternative, and Preferred Alternative (Exhibit 5). This predictive analysis indicates there is a safety issue if the actual observed crashes are greater than the expected crash frequency. And, in the case of the US 97 Bend North Corridor project, the US 97/ Cooley Road (8 observed crashes is greater than 7.2 expected crashes) and US 97/ Robal Road (8 observed crashes is greater than 7.4 expected crashes) intersections indicate safety issues.

Exhibit 5. Expected Crash Frequencies (crashes/year)

	US 97/Robal Road Intersection US 97/Cooley Road In		ooley Road Int	US 97 Segment between ersection Robal Road and Cooley Road					
Crashes	Existing Conditions	No Build Alt	Preferred Alt	Existing Conditions	No Build Alt	Preferred Alt	Existing Conditions	No Build Alt	Preferred Alt
2011 Observed Crashes	8	n/a	n/a	8	n/a	n/a	0	n/a	n/a
Expected Crashes	7.4	8.4	6.3	7.2	8.7	6.1	0.9	1.1	0.8
				То	tals				
Total 2011 C	bserved Crash	es per Year					16	5.0	
Total 2011 E	xpected Crashe	es per Year					15	5.5	
Total 2036 E	xpected Crashe	es per Year for	the No Build A	Alternative		18.2			
Total 2036 E	xpected Crashe	es per Year for	the Preferred	Alternative		12.5			

 $n/a = not \ applicable$ 

Both the predictive crash analysis and SPIS rankings confirm significant safety issues are present at the Cooley Road and Robal Road intersections on US 97, which provide additional validation for inclusion of safety improvements in the purpose and need of the project.

# **Expected Safety Improvements with the Preferred Alternative**

The Preferred Alternative essentially provides a local route, 3rd Street, which acts similar to a frontage road for the realigned US 97 facility that provides access to the properties between Empire Avenue and Grandview Drive. Along this section of US 97, the Preferred Alternative eliminates many of the connections from local roads with slower traffic speeds to the state highway (US 97) which has faster traffic speeds. The Cooley Road and Robal Road intersections with US 97 are among those connections that are eliminated, resulting in fewer safety issues associated with crashes that occur when vehicles stop, slow, turn, and merge to/from roadways with different speeds.

Based on the predictive crash analysis conducted for the existing US 97 roadway segment from Robal Road to Cooley Road and the US 97 intersections with Robal Road and Cooley Road, under the Preferred

Alternative, the expected crash rates for this segment and intersections would total 12.5 crashes per year, which is 31 percent lower than the expected 18.2 crashes per year for the No Build Alternative (Exhibit 5). This decrease in expected crash rates result from separating and shifting regional and through trips from the existing US 97 facility to the realigned US 97 whereas local trips would likely travel along 3rd Street. As a result of the Preferred Alternative, the 6.3 expected crashes per year at the US 97/Robal Road intersection are less than the 8.4 expected crashes for the No Build Alternative. Similarly, the 6.1 expected crashes per year at the US 97/Cooley Road intersection under the Preferred Alternative are less than the No Build Alternative (8.7 expected crashes).

The following safety measures have already been implemented on US 97 at Cooley Road and Robal Road intersections since 2006: flashing signal ahead signs on southbound US 97 before the intersection with Cooley Road and on northbound US 97 before the intersection with Robal Road, additional striping for improved delineation, and adaptive signal timing. In addition, a speed display sign (displaying a vehicle's "actual" speed) is present on northbound US 97 just south of the Empire Avenue interchange. For the Preferred Alternative, the use and locations of additional flashing signal ahead signs and speed display signs will be determined during the final design phase of the project.

The Preferred Alternative does not preclude the development of projects in the future that may be studied or implemented to mitigate crashes north of the project area.

# Safety Considerations for US 20 and Local Streets

As part of the traffic analysis for this project, ODOT also conducted a thorough analysis of crash history on US 20 and local streets within the transportation study area. The analysis did not identify any specific safety deficiencies on the local street system. Since roadway improvements associated with the Preferred Alternative involve local road improvements, it is prudent to be aware of safety issues on those local streets that may receive some safety benefits as a result of this project. An auxiliary benefit of the project is that the improvements to the state highway and local streets may also improve safety on the local streets.

# **Responses to Individual Comments**

Responses to individual comments are provided in the following order.

Comment Code	Agency	Agency Representative
A1	State of Oregon Water Resources Department	Bill Fujii
A2	US Department of Interior Office of the Secretary Office of Environmental Policy and Compliance	Allison O'Brien
A3	Swalley Irrigation District	Suzanne Butterfield
A4	Bend Metropolitan Planning Organization	Tyler Deke
A5	Board of County Commissioners Deschutes County	Anthony DeBone and Alan Unger
A6	City of Bend	Jeff Eager
A7	US Environmental Protection Agency	Christine Reichgott

Comment Code	Name of Commenter
P1	Shea Reiner and John Mounts
P2	P. Jane Eilers
Р3	Mike Hicks
P4	Di Nielsen
P5	John Maxtor
P6	Jim and Dixie Fancher
P7	John Bridges
P8	David Greig
P9	Sherron Lewis
P10	Jim and Carol Stuckey
P11	Tom Angelotti
P12	Michel Bayard
P13	Floyd and Judy Bennett
P14	Kate Blake
P15	Crystal Dollhausen
P16	Bob and Fran Greenlee
P17	Rick Lloyd
P18	Don and Maxine Peters
P19	Chuck Downs and Karen Cameron
P20	Hillary Garrett

Comment	
Code	Name of Commenter
P21	Max and Juliet Robertson
P22	Josh and Holly Steele
P23	Paul and Gladys Fox
P24	Eric and Rebecca Meade
P25	Dianne Page
P26	Doug and Barb Seaman
P27	Sam Blackwell
P28	Jean Bouche
P29	Steve Bradford
P30	Nancy and Larry Green
P31	Jack Hayes
P32	John and Karine Herkner
P33	Bruce and Susan Levin
P34	John Rhetts and Tammy Bull
P35	Maureen Schlerf
P36	Elouise Mattox
P37	Brad Cox
P38	Theresa Howard
P39	Carol Johnson
P40	Gary Knight

Comment Code	Name of Commenter	
P41	Frank and Nancy McKim	
P42	Linda Miller	
P43	Richard Ettinger	
P44	George Akel	
P45	Dina Barker	
P46	Michel Bayard	
P47	Toby Bayard	
P48	James Beauchemin	
P49	Linda Blackwell	
P50	Sara Brown	
P51	Sara Brown	
P52	Paul Dewey	
P53	Crystal Dollhausen	
P54	John Dollhausen	
P55	Liz Fancher	
P56	Larry Kierulff	
P57	Seth King	
P58	Tim Larocco	
P59	Eloise Mattox	
P60	Frank McKim	
P61	George Morrison	
P62	Randy Reed	
P63	Kreg and Judy Roth	
P64	Scott Siewert	
P65	Wayne Simpson	
P66	Tim Thompson	
P67	Leonard Weitman	
P68	Ken McCormic	
P69	Jere Smith	
P70	John and Carole Hansen	
P71	Jan Pickett	
P72	Crystal Dollhausen	
P73	Ray and Anita Hasart	
P74	Ned Austin	
P75	Kate Blake	
P76	Brett Kalamen	

Comment Code	Name of Commenter
P77	Scott Siewert
P78	George Myrmo
P79	Scott Siewert
P80	Greg Smith
P81	Josh and Holly Steele
P82	Wayne Barker
P83	Sara Brown
P84	Carol Higginbotham
P85	Jon Linde
P86	Wayne Purcell
P87	John Robbins
P88	Scott Siewert
P89	Bill Smith
P90	Gene Thompson
P91	Mike Lovely
P92	Joe Owens
P93	Joe Owens
P94	Nils Eddy
P95	Michael Hall
P96	Bruce Levin
P97	The Kennedy's
P98	Norman Scott
P99	Dina Barker
P100	Duane Barker
P101	James Beauchemin
P102	Stewart Bennett
P103	C. William Boyd
P104	Neil Bryant
P105	Tim Casey
P106	Kathleen and Michael Cleavenger
P107	Paul Dewey
P108	Elizabeth Dickson
P109	David Ditz
P110	John Dollhausen
P111	Liz Fancher
P112	Cheryl Howard

Comment	Name of C
Code	Name of Commenter
P113	Larry Kierulff
P114	Seth King
P115	Roger Lee
P116	Dennis McGriff
P117	Dick Patterson
P118	Linda Perelli Wright
P119	John Robbins
P120	John Robbins
P121	John Robbins
P122	Lesley Robbins
P123	Seth King
P124	Lesley Robbins
P125	Wayne Schnur
P126	Bill Smith
P127	Sam and Lisa Sobotta
P128	Keith Spencer
P129	Leonard Weitman
P130	Bruce White
P131	Wayne Barker
P132	Michel Bayard
P133	Gary Cox
P134	Scott Siewert
P135	Scott Siewert
P136	Scott Siewert

Comment	
Code	Name of Commenter
P137	Scott Siewert
P138	Scott Siewert
P139	Larry Reed
P140	Michel Bayard
P141	Toby Bayard
P142	James Beauchemin
P143	John Dollhausen
P144	Crystal Dollhausen
P145	Tim Larocco
P146	Leonard Weitman
P147	Toby Bayard
P148	Toby Bayard
P149	Toby Bayard
P150	Toby Bayard
P151	Toby Bayard
P152	Toby Bayard
P153	Toby Bayard
P154	Toby Bayard
P155	Toby Bayard
P156	Toby Bayard
P157	Toby and Michel Bayard
P158	Toby Bayard
P159	Toby Bayard

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# A1: Bill Fujii, State of Oregon Water Resources Department

From: 8ill Fujii [mailto:fujiiwh@wrd.state.or.us]
Sent: Monday, August 08, 2011 2:11 PM
Tot amy.l.pfeiffer@odot.state.or.us; comments@us97solutions.org
Cc: Jeremy Giffin: Kyle Gorman; Ken Lite: Doug Woodcock
Subject: DEIS US 97 Bend North Corndor Project

Amy - thank you for the notice on the DEIS US 97 Bend North Corridor Project. We appreciate your efforts in keeping us informed. WRD has a field office in Bend they would be the main point of contact for WRD any actual construction issues. I've forwarded your cd to Jeremy Giffin our Watermaster in Bend his phone number is 541–388-6669, he may or may not have comments of his own regarding the DEIS.

Your document reflects that ODOT has an understanding of how important it is to protect the ground water resource. During the construction phase of your project it is important that any geotechnical holes are constructed and abandoned properly. Your crews and contractors may encounter wells within the construction area. These wells must be abandoned properly please refer to <a href="http://www.wrd.state.or.us/OWRD/PUBS/docs/Water-Well-Booklet\_2010.pdf">http://www.wrd.state.or.us/OWRD/PUBS/docs/Water-Well-Booklet\_2010.pdf</a>.

We were glad to see you had a section dealing with the irrigation districts, please let us know if there are any WRD issues related to working with districts.

Best Regards

Bill Fujii - 503 986 0887 Water Supply and Conservation Coordinator

### 001

Section 3.9.4 of the Final EIS incorporates mitigation measures regarding proper well abandonment for geotechnical boreholes, known drywells that are being closed, and unanticipated discovery of wells during construction. These mitigation measures direct ODOT to follow Oregon Water Resources Department procedures in the 2010 Water Well Owner's Handbook.

### 002

ODOT will coordinate with the Oregon Water Resources Department on issues related to working with the irrigation districts if needed during the final design and construction phases of the project. ODOT has been coordinating with the Swalley Irrigation District, Central Oregon Irrigation, and North Main Irrigation districts throughout the duration of the project. During the project all issues have been resolved through coordination directly with these irrigation districts, and no issues have needed elevation to OWRD. Any water rights acquired for the project during the final design and right of way acquisition phase through property acquisition will be returned to the respective irrigation district.

# A2: Allison O'Brien, United States Department of Interior



# United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
620 SW Main Street, Suite 201
Portland, Oregon 97205-3026

9043.1 IN REPLY REPER TO ER11/649

September 7, 2011

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, OR 97701

Dear Ms. Pfeiffer.

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) and Section 4(f) Evaluation for the US 97 Bend North Corridor Project, Deschutes County, Oregon. The Department offers the following comments for your consideration.

### SECTION 4(f) EVALUATION COMMENTS

We concur that there is no feasible or prudent alternative to the preferred alternative presented in the Draft EIS, and that all reasonable measures to minimize harm to Section 4(f) property have been identified.

## SECTION 6(f) COMMENTS

Though we agree with the DEIS determination that there are no Land and Water Conservation Fund (LWCF) sites within the area of potential impact (API), the following clarifications should be incorporated in preparing the Final EIS:

 P. 3-117, Last paragraph of Section 3.6.2, First sentence - Insert "or developed" so that the sentence reads: "There are no properties in the API that were acquired or developed with Land and Water Conservation Funds, and, therefore, there are no properties that are subject to Section 6(f) (NPS 2010).".

002

 P. 3-118, Section titled "Resources Evaluated Related to the Requirements of Section 6(f) -Insert "or developed" so that section reads: "There are no properties in the API that were acquired or developed with Land and Water Conservation Funds; therefore, there are no properties subject to Section 6(f) (NPS 2010).".

### 001

FHWA and ODOT acknowledge National Park Service concurrence.

### 002

The clarifications suggested in the comment letter have been incorporated into the Final EIS in Section 3.6.3.

# A2: Allison O'Brien, United States Department of Interior

Any properties which are developed or rehabilitated with LWCF funds are subject to the same protection and conversion requirements as those acquired with LWCF assistance.

Thank you for the opportunity to review and comment on this project. For questions regarding these comments, please contact Ms. Gloria Shinn, LWCF/UPARR Project Manager, National Park Service Pacific West Region, 909 1st Ave., Seattle, WA 98104-1060, (206) 220-4126. If you have any other questions, please contact me at (503) 326-2489.

Sincerely.

Allison O'Brien

Regional Environmental Officer



September 9, 2011

To: Oregon Department of Transportation

Re: ODOT Draft EIS - North Corridor

### Background and Statement of Interest:

Swalley Irrigation District ("SID) is local government entity established under Oregon Revised Statutes chapter 545 for the primary purpose of supplying irrigation water to roughly 4,300 acres of land located partially within and north of the Bend, Oregon urban growth boundary. SID's water rights also authorize the District to divert and/or provide water for industrial, manufacturing, recreation, nursery, pond maintenance, pollution abatement, and instream uses. In addition to its water delivery operations, SID operates the Ponderosa hydropower plant, which is an in-line generating plant located on the SID main pipeline approximately 3 miles north of the US 97/US20 junction adjacent to US 97.

SID operates and maintains over 28 miles of pipelines and open canals as part of its delivery and hydropower system. This includes the Swalley Main Canal, which in 2010 was realigned and piped throughout the entire reach from SID's Deschutes River point of diversion in Bend to the Ponderosa hydropower plant. This pipeline now serves as SID's mainline and hydropower supply pipeline. In addition, SID has many smaller pipelines and canals that branch off the mainline.

A substantial portion of the ODOT US 97 Bend North Corridor Project (the "Project") will occur within the SID jurisdictional boundaries or in areas immediately adjacent to the District boundaries where District facilities are located. SID therefore has a direct interest in the Project and the impacts that it may have on the SID irrigation and hydropower systems and the lands that SID serves. SID appreciates the opportunity to provide these comments to the July 2011 Draft Environmental Impact Statement ("DEIS") for the Project.

### General Comments:

1. Participating Agency Status. SID is a recognized local governmental entity under Oregon law. ODOT failed to meet its statutory obligation under SAFETEA-LU Section 6002 (23 USC §139) to identify and invite SID to participate in the NEPA environmental review process. As a result, the DEIS contains incomplete and inaccurate information regarding the District, its facilities, and the potential impacts the Project alternatives could have on SID and the landowners it serves. SID is committed to working with ODOT to identify and resolve these problems as early in the process as possible. SID has retained the engineering consulting firm CH2MHill to prepare technical comments to the DEIS and to work with ODOT to avoid or minimize impacts the Project may have on SID facilities. Please see the CH2M Hill comments, prepared on behalf of SID, attached. The CH2M Hill comments are part of the Swalley record of comments to ODOT.

Phone 541/388-0658 Fax 541/389-0433

64672 COOK AVENUE SUITE ONE BEND, OREGON 97701

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### 001

ODOT acknowledges the proximity of the Swalley Irrigation Facilities to the project's area of potential impact (API), and that the Swalley Irrigation District (District) is a reimbursable utility. Section 3.3.5 of the Final EIS commits ODOT to restoring the District to full function according to Federal Relocation Policy and Guidelines set forth in 23 Code of Federal Regulations 645.

The East DS2 Modified Alternative, selected as the Preferred Alternative in the Final EIS, has fewer impacts to Swalley Irrigation Facilities than the East DS1 and East DS2 Alternatives in the Draft EIS. The Swalley Irrigation Facilities that intersect the project API and the impacts resulting from the Preferred Alternative as well as the East DS1 and East DS2 Alternatives are identified in Section 3.3.3, 3.7.3 and 3.11.3 of the Final EIS.

The Preferred Alternative will include construction at or near the following locations, but will not impact Swalley Irrigation Facilities:

- Existing Swalley Main Canal Pipeline crossing at US 97, south of Empire Avenue.
- Swalley Main Canal Pipeline immediately east of US 97 and south of Empire Avenue.
- Existing Swalley Main Canal Pipeline crossings at both Cooley Road and US 97 at northern project limit (existing box and arch culverts will require replacement or extension, but pipeline itself will not be impacted).
- Existing Swalley Kotzman Lateral crossing of US 97 south of Empire Avenue.

Modifications to Swalley Irrigation Facilities may be required under the Preferred Alternative to accommodate wider or new roadway at the following locations:

- Portions of the Swalley Rogers Lateral between the vicinity of Xanthippe Lane and the BNSF Railway (possible relocation of pipe, piping of approximately 310 feet of open lateral, and one new crossing of piped lateral).
- Swalley Riley Lateral at the extension of Britta Street (new crossing of open lateral using 70 foot structure).
- Existing Swalley NC-1 Lateral crossings at three locations: Mervin Sampels Road, Third Street, and Empire Avenue (modification of existing pipe under wider roadway).

A map of these crossings is located in Section 3.11.2 and Exhibit 3-70 FEIS of the Final EIS. ODOT will coordinate with the District to obtain easements or agreements that will be required under the Preferred Alternative. If current easements for the existing crossings of Facilities require amendments, ODOT will also coordinate with the District during final design to obtain proper easement amendments.

002

### 002

Following the Draft EIS publication and public hearing, ODOT conducted additional coordination with the District on March 11, 2013 regarding the roles and responsibilities with respect to being a participating agency. The District notified ODOT on March 11, 2013, that it no longer wished to be a participating agency; this was confirmed by the District on June 24, 2013, via e-mail.

Additional coordination between ODOT and the District occurred from March 2013 to October 2013. ODOT provided GIS data and design files for the Preferred Alternative to the District in March 2013. In addition, ODOT provided reimbursement to the District for engineering expenses, including mapping of their existing facilities relative to the Preferred Alternative. As a result of this coordination, the District provided ODOT with a Technical Memorandum dated October 4, 2013 that outlined the potential impacts to the Swalley Irrigation District under the Preferred Alternative.

In addition, meetings took place on May 23, 2014 and June 20, 2014 to discuss the Preferred Alternative and impacts to Swalley Irrigation Facilities. Through this coordination, ODOT and the District have reached a common understanding of how the Preferred Alternative will impact Swalley Irrigation Facilities. ODOT is committed to continued coordination with the District throughout project design and construction.

All of the comments prepared by CH2M Hill on behalf of the District have been considered and are individually addressed on the following pages.

003

2. SID Access Needs. SID field personnel currently access SID facilities from US 97 throughout the Project area. SID requires access for operations and maintenance on a regular basis. The DEIS does not include any analysis of SID's access needs or the impacts that the Project may have on SID's ability to reach its facilities.

The EIS must analyze these impacts and provide alternatives or mitigation strategies.

004

3. SID Hydropower Operations. The DEIS largely fails to acknowledge the impacts that the Project may have on SID's mainline/hydropower supply pipeline and its capability to generate hydropower (and hydropower revenues) from its system. The EIS must analyze these impacts and provide alternatives or mitigation strategies. In the event the final design impacts the mainline/hydropower supply pipeline, ODOT is legally responsible for compensating SID for lost power revenues.

### Specific Comments Organized by DEIS Page Number:

005

**4. Page ES-13. Temporary construction impacts.** DEIS fails to analyze the impacts to SID facilities and hydropower generation.

006

5. Page ES-22. Permits and approvals. SID should be listed as an entity from which approvals will be required with regard to any facility alterations or relocations. In addition, ODOT will be required to obtain easements or licenses from SID in locations where ODOT facilities are located within SID rights of way.

007

6. Page 1-13. Access. ODOT must work with SID to identify required points of access to SID facilities. The EIS must analyze these impacts and provide alternatives or mitigation strategies.

008

7. Page 2-14. Hydropower Impacts. The Cooley Road concept appears likely to impact the SID mainline and hydropower supply pipeline. The EIS must analyze these impacts and provide alternatives or mitigation strategies. In the event that such impacts cannot be avoided, ODOT will be legally responsible for compensating SID for lost hydropower revenues.

009

**8.** Pages 2-14 and 2-18. SID mainline and hydropower supply pipeline impacts. Both design options are likely to impact the SID mainline and hydropower supply pipeline at the proposed Bowery Lane interchange.

01

9. Page 2-20. Stormwater. All stormwater must be kept out of SID facilities. SID recommends the incorporation and use of the best management practices found in DEIS Section 3.11.4 in all locations where SID facilities could be impacted.

0

10. Page 2-20. Landscaping. ODOT must coordinate with SID to design its landscaping and planting plans in a manner that does not interfere with SID facilities or SID's access to those facilities.

11. Page 2-55. Unresolved Issues. ODOT has failed to adequately consult with SID to date. Extensive coordination is required before a final EIS can be produced that adequately identifies and addresses potential project impacts on SID and the landowners it serves.

## 003

Section 2.1.2 of the Final EIS has been updated to include information about access to Swalley Irrigation Facilities. Exhibit 2-3 FEIS (Map 2) in the Final EIS depicts how the Preferred Alternative provides a new access road from the northbound US 97 on-ramp north of Empire Avenue for District maintenance personnel to access the Swalley Main Canal Pipeline east of US 97. Other existing access points from the local street network will be maintained under the Preferred Alternative.

In addition, ODOT will work closely with the District during design and construction to identify potential conflicts between the Preferred Alternative and Swalley Irrigation Facilities. In Section 3.3.5 of the Final EIS, ODOT commits to protect and maintain the District's access to its facilities, and commits that any replacement of Swalley Irrigation Facilities will be designed to meet the District's standards or obtain approval by the district's manager. If necessary, additional access can be identified and accommodated during the design phase.

## 004

The Preferred Alternative will not require new crossings of the Swalley Main Canal Pipeline, which is the mainline/hydropower supply line. Roadway improvements in close proximity to the pipeline will be engineered in such a manner as to not impact the pipeline. As a result, there will not be any impacts to the District's capability to generate hydropower. There is no expectation that hydropower revenue will be lost. ODOT discussed this avoidance of impacts with the District on March 11, 2013 and in June 2014. ODOT will reimburse the District for any impacts under the Preferred Alternative. Please also see the response to comment A3 001.

## 005

Potential temporary construction impacts to the unpiped portions of the Swalley Rogers Lateral and Swalley Riley Lateral are discussed in Sections 3.3.3 and 3.11.3 of the Final EIS. Potential temporary construction impacts were discussed with the District on March 11, 2013, and there was general agreement on the impacts that were identified. ODOT will continue to coordinate with the District throughout project design and construction. In addition, Section 3.3.5 of the Final EIS commits ODOT to performing construction on District facilities outside of irrigation periods and winter stock runs.

### 006

Prior to construction, ODOT would obtain required approvals and easements from the District. Exhibit ES-8 in the Executive Summary and Exhibit 2-31 in Chapter 2 of the Final EIS have been revised to include the required approvals and easements from the District.

## 007

ODOT is committed to maintaining access to Swalley Irrigation Facilities. Please also see the response to comment A3 003.

### 800

The Preferred Alternative will not impact the Swalley Main Canal Pipeline at its existing crossing of Cooley Road, and there is no expectation that hydropower revenue will be lost. Please also see the response to comments A3 001 and A3 004.

### 009

For the Preferred Alternative, there will be no interchange near Bowery Lane; as a result, any potential impacts to the District's hydropower generation associated with interchanges as presented in the Draft EIS are avoided under the Preferred Alternative. Please also see the response to comment A3 004.

### 010

Under the Preferred Alternative, stormwater will be routed away from Swalley Irrigation Facilities using the best management practices as discussed in Section 3.9.4, 3.9.5, and 3.11.4 of the Final EIS.

### 011

When funding becomes available for the project, ODOT will work with the District on landscaping during final design so that landscaping does not interfere with the Swalley Irrigation Facilities or access to their Facilities. Please also see the response to comment A3 003 regarding continued coordination between ODOT and the District.

### 012

As part of the preparation of the Final EIS, ODOT has met with and coordinated with the District to identify impacts. ODOT's utility manager has met with the District to address potential impacts to the Swalley Irrigation Facilities and easements, access to the Facilities, and water rights. ODOT is committed to continued coordination with the District throughout project design and construction. Please also see the response to comments A3 002 and A3 003 for more details regarding coordination.

013

014

020

- 12. Page 3-27. Noncommercial Agriculture Zone. The DEIS assumes in several locations that the agricultural landowners within the API are "hobby" farmers, based on Deschutes County zoning, which designates those lands as "noncommercial agriculture." While this is an accurate portrayal of the zoning designation, ODOT has drawn an unsupported conclusion that none of these landowners are earning a profit from the agricultural activities on these smaller parcels. As a result the DEIS may discount or undervalue the impacts that the Project may have on such lands.
- 13. Page 3-51. Rural Preservation. Oregon land use law obligates ODOT to preserve existing rural character in the API. Much of the rural character in the API exists because SID provides irrigation water to the area, which makes it a viable agricultural area. This section of the DEIS fails to recognize this connection between rural character and a functional, fiscally viable irrigation water provider.
- 14. Pages 3-52 and 3-58. Acquisitions. Section understates the Project impacts on SID facilities and ODOT's need to acquire multiple authorizations from SID in locations where such impacts will occur.
- 15. Pages 3-54 and 3-60. "Hobby Farm" Impacts. Again, this is a characterization and analysis that is based exclusively on zoning designations rather than an analysis of the actual commercial value that such lands may have. In addition, the EIS should include a qualifying statement that these impacts will be minimized, provided that all SID irrigation delivery functions are maintained during and after Project construction.
- 16. Page 3-60. Indirect Impacts on SID Access. This section needs to recognize and analyze the potential impacts that the Project could have on SID's access to its facilities.
- 17. Page 3-65. SID Facility Identification. This list of SID facilities should include the SID mainline and hydropower supply pipeline as well as all other canals, ditches, laterals, pipelines, access points, and related irrigation and hydropower infrastructure.
- 18. Page 3-69. Relocation. This should list all the SID facilities listed in comment 17 as potentially being subject to relocation.
  - 19. Page 3-71. SID Details. This discussion on utility impacts is very incomplete due to ODOT's lack of understanding about the potentially impacted SID facilities. After consultation between ODOT and SID, this section should be revised to list the likely impacts on all such SID facilities.
- 20. Page 3-71. Schedule Alternation Bullet. SID does not understand the meaning of the the final bullet on the page.
  - 21. Page 3-73. Impact Minimization. This section is incomplete and legally deficient, given ODOT's lack of knowledge about the SID facilities and the potential impacts the Project may have on those facilities and SID operations. The EIS must consider all impacted SID facilities and mitigation strategies to fully restore all function and capacity of those facilities, including the SID hydropower system.

### 013

The Preferred Alternative substantially minimizes impacts to non-commercial agricultural lands zoned Multiple Use Agriculture that are primarily located in the area north of Cooley Road. The Final EIS has been modified to replace the term "hobby agriculture" with "non-commercial agriculture." The Draft EIS was not intending to infer profitability or assign a value to the agricultural activities in non-commercial agriculture land. The Draft EIS did analyze the potential reduction in property taxes that would be collected by Deschutes County when land is converted from its current use to transportation.

# 014

Section 3.2.2 of the Final EIS has been revised to acknowledge that the infrastructure from the District contributes to the rural use of non-commercial agricultural land in the project's API.

### 015

The comment is referring to land acquisition tables in the Draft EIS. ODOT will not acquire land from the Swalley Irrigation District for this project. Prior to construction ODOT will obtain required approvals and easements from the District. Exhibit ES-8 in the Executive Summary and Exhibit 2-31 in Chapter 2 of the Final EIS have been revised to include the required approvals and easements from the District.

## 016

Section 3.11.3 of the Final EIS has been revised to acknowledge that the impacts to non-commercial agriculture will be minimized because all District irrigation delivery functions will be maintained during construction and following the completion of construction. Please also see the response to comment A3 013.

## 017

ODOT is committed to maintaining access to Swalley Irrigation Facilities. Please also see the response to comment A3 003.

### 018

The Swalley Irrigation Facilities that intersect the project API are identified in Section 3.11.2 of the Final EIS. Impacts to these Facilities are presented in Sections 3.3.3, 3.7.3, 3.9.3, and 3.11.3 of the Final EIS. Please also see the response to comment A3 001 and 002.

### 019

Please see the response to comment A3 001 for information about impacts to District Irrigation Facilities. Easements to cross these Facilities are identified in Exhibit ES-8 in the Executive Summary and Exhibit 2-31 Chapter 2.

### 020

The Final EIS has been revised to accurately disclose impacts to Swalley Irrigation Facilities that will result from the Preferred Alternative. Please see Sections 3.3.3, 3.7.3, 3.9.3, and 3.11.3 in the Final EIS as well as the updated Utility Technical Report. Please also see the response to comments A3 001 and A3 002 for more information regarding impacts to Swalley Irrigation District and additional coordination that has occurred between ODOT and the District since publication of the Draft EIS.

### 021

The text citied on page 3-71 of the Draft EIS regarding schedule alternation is revised in the Final EIS to state that the construction schedule will accommodate irrigation times and stock runs. In addition, Section 3.3.5 of the Final EIS commits ODOT to performing construction on Swalley Irrigation Facilities outside of irrigation periods and winter stock runs, unless other arrangements are made with the District. Please also see the first paragraph of the response to comment A3 001.

## 022

ODOT has coordinated with the Swalley Irrigation District to provide reimbursement for engineering expenses, including mapping their existing facilities relative to the Preferred Alternative. Section 3.3.3 of the Final EIS identifies the avoidance, minimization and/or mitigation commitments that ODOT has incorporated into the Preferred Alternative.

Please also see the response to comments A3 001 through A3 005.

22. Page 3-74. Relocation Assistance. SID expects that ODOT will bear full responsibility for working with SID and fully funding any relocation or alteration of SID facilities or mitigation necessary to accommodate SID operations as needed to restore full function to all irrigation and hydropower facilities.

23. Page 3-121. Historic Resources. Any reference to SID facilities as a historic resource is unnecessary and should be deleted, since the Swalley Main Canal was completely piped in 2010. In addition, many sections of the largest SID lateral canals have also been piped over the years.

24. Pages 3-123 through 125. Historic Resources. The section pertaining to SID needs to either be deleted from the EIS or rewritten to reflect the fact that the Swalley Main Canal is now a pipeline through the entire API.

25. Page 3-142. Stormwater. All stormwater facilities—especially ponds—must be designed in consultation with SID to minimize impacts to SID facilities and to prevent stormwater runoff into SID facilities. In addition, in all locations where construction will occur near SID facilities, SID request that ODOT contractors observe the best management practices listed in DEIS Section 3.11.4.

26. Page 3-144. Stormwater Impacts. This section should be rewritten to acknowledge that stormwater runoff from Project activities may not only increase turbidity in canals, but could also introduce other harmful pollutants.

27. Page 3-146. Impact Avoidance. The DEIS states that the alternatives have been designed to avoid impacts to irrigation facilities. This is an inaccurate statement to the extent that ODOT is not currently aware of where those facilities are located or how they may be impacted, due to ODOT's failure to consult with SID during the early design stages of the Project.

28. Pages 3-148 through 150. Since the Swalley Main Canal is now a pipeline, the discussion about that facility as a Habitat Linkage is no longer relevant.

29. Pages 3-153/154. Water Resources. The DEIS states without legal authority that "[w]ater resources include ponds, small irrigation ditches and canals." SID is unaware of any legal authority that would designate irrigation facilities in this manner. SID facilities are manmade conveyance structures that do not return water to a natural waterway. They are therefore, not considered jurisdictional waters of the state or United States.

30. Page 3-155. Impacts on Water Resources. If the references to the SID system are not removed from this section, the impacts analysis also needs to consider the potential impacts on SID's hydropower generation capacity that the Project may cause. It also needs to consider all necessary avoidance, minimization or mitigation measures related to the hydropower system.

31. Pages 3-155/156. Section 3.11.4 Stormwater BMPs. Regardless of whether SID facilities are jurisdictional waters, these stormwater management BMPs are good and should be incorporated in other portions of the final EIS.

### 023

ODOT is responsible for the costs to modify or relocate Swalley Irrigation Facilities under the Preferred Alternative. Please also see the response to comment A3 001 for ODOT's commitment to restore full function to the District.

## 024

ODOT and FHWA have complied with the requirements of Section 106 of the National Historic Preservation Act for the Preferred Alternative. On January 27, 2011, the State Historic Preservation Officer concurred with the determination that only the unpiped portions of the Swalley Main Canal and the Swalley Riley and Rogers Laterals are eligible for listing on the National Register of Historic Places (NRHP), as presented in Section 3.7.2 of the Final EIS. Most of the unpiped portions of the Swalley Irrigation Facilities are located outside of the project's API.

### 025

Section 3.7.2 of the Final EIS has incorporated the fact that the Swalley Main Canal Pipeline is completely piped in the API. On June 17, 2011, the State Historic Preservation Officer concurred that the project would have no adverse effect on the Swalley Canal with respect to Section 106 of the National Historic Preservation Act.

## 026

Since most of the Swalley Irrigation Facilities in the project's API are piped or will be piped under the Preferred Alternative, there is little to no likelihood that stormwater would enter the irrigation canal system. Stormwater will be routed away from Swalley Irrigation Facilities using the best management practices as discussed in Section 3.9.4, 3.9.5, and 3.11.4 of the Final EIS.

## 027

The Final EIS incorporates new text that addresses the potential for other pollutants to enter the canal system during construction. The best management practices referenced in Section 3.11.5 of the Final EIS are included in the avoidance, minimization and/or mitigation commitments that ODOT has incorporated into the Preferred Alternative.

### 028

The Preferred Alternative will minimize impacts to Swalley Irrigation Facilities. Please also see the response to comment A3 001, 002, and 022.

## 029

The Swalley Main Canal has been piped throughout the API, and is now named the Swalley Main Canal Pipeline. Due to the piping, the Swalley Main Canal Pipeline no longer functions as a wildlife linkage feature.

031

032

The wildlife habitat section, Section 3.10.2 of the Final EIS, has been revised to reflect the currently piped and unpiped portions of the Swalley Irrigation Facilities in the API. Within the API, wildlife linkage features that have the potential to facilitate the movement of the western grey squirrel and other wildlife species include open portions of the Swalley Riley Lateral, which traverses O.B. Riley Road east to west just north of Hardy Road in the west-central portion of the API.

### 030

ODOT requested that the US Army Corps of Engineers make a preliminary determination on the jurisdiction of the Swalley Main Canal under Section 404 of the Clean Water Act. In the May 13, 2010 letter to ODOT, the US Army Corps of Engineers made a preliminary determination of jurisdiction that the Swalley Main Canal may be jurisdictional waters of the US. ODOT provided a copy of the preliminary jurisdictional determination to the District on November 26, 2013 and on June 20, 2014. ODOT understands that the Swalley Irrigation District disagrees with the preliminary jurisdictional determination. In a meeting between ODOT and the District on June 20, 2014, the District indicated that their facilities do not return water back to the Deschutes River and that their system is not jurisdictional. Since the Preferred Alternative for this project will have no impact on the Swalley Main Canal Pipeline, ODOT will not be pursuing an approved jurisdictional determination.

The laterals from the Swalley Main Canal Pipeline, such as the Swalley Rogers Lateral, were determined to not be jurisdictional because they do not qualify as tributaries. The Final EIS has incorporated new text in Section 3.11.2 that clarifies the preliminary jurisdictional determination finding. There are no natural waterways such as rivers, streams, creeks, drainages, seeps, or springs within the project's API. The human-created features (ponds, small irrigation ditches, and canals) identified in Section 3.11.2 of the Final EIS are the only water features identified in the API.

## 031

Section 3.3.5 of the Final EIS identifies the avoidance, minimization and/or mitigation commitments that ODOT has incorporated into the Preferred Alternative including avoiding impacts to the Swalley Main Canal Pipeline, thereby avoiding impacts to the District's hydropower system. Please also see the response to comment A3 004.

### 032

The best management practices referenced in Section 3.11.4 of the Final EIS are carried over into the avoidance, minimization and/or mitigation commitments that ODOT has incorporated into the Preferred Alternative in Section 3.11.5 of the Final EIS.

- 32. Page 3-200. Noise Barrier Placement. It appears that the proposed noise barriers could interfere with SID access to its facilities. The EIS must analyze these impacts and provide alternatives or mitigation strategies.
- 33. Page 3-217. Energy Impacts. The EIS should consider the potential Project impacts on SID's renewable power generating station. The Project should not impair hydropower production.
- o35 34. Page 3-223. Hazardous Waste. ODOT must indemnify SID for any legal liability triggered by Project-related activities on or around SID property or rights of way.
- 35. Page 4-17. Cumulative Impacts on Utilities. See comments above regarding unanalyzed impacts on SID facilities and hydropower generation capacity. All such impacts should be considered in a cumulative impacts analysis as well.
- O37 36. Page 4-18. Contains a reference to the Swalley Canal as a historic structure. As discussed above this is no longer relevant and should be deleted.
  - 37. Page 4-19. Wetlands and Other Waters. DEIS contains the statement "While the proposed action would not result in additional impacts to wetland and water resources in the Deschutes Watershed, it would continue to contribute to the current impacts associated with irrigation withdrawal [sic] from the Deschutes River." SID does not believe this is an accurate or necessary statement. The proposed action will not contribute to SID's Deschutes River diversion operation in any foreseeable manner. The statement should be eliminated from the EIS.
- 38. Section 4(f) Evaluation. For reasons listed above, all discussions about the SID Main Canal as a historic resource are now moot/irrelevant. All references to the SID facilities should therefore be removed from this section.
  - 39. Page 7-4. Canal as Regulated Waterway. This section refers to SID facilities as regulated waterways under the Clean Water Act. For reasons set forth above, none of the SID facilities qualify as jurisdictional waters. This discussion is based on that incorrect assumption and should be removed from the EIS.

Sincerely,

038

040

Suzanne Butterfield

Manager

Attachment: CH2M Hill Technical Memorandum dated August 23, 2011

### 033

Noise impacts were analyzed in the Draft and Final EIS. No feasible and reasonable noise barriers were identified for the Preferred Alternative; except, one barrier remains under consideration during final project design. This noise barrier was evaluated to reduced traffic noise levels at the Hilltop and Juniper Mobile Home Parks located east of US 97. After funding is identified for construction, the noise analysis will be reviewed and a final decision on noise barriers will be made upon completion of that detailed noise abatement analysis, and will be incorporated into the final project design. Should noise abatement be incorporated into the final design, ODOT will work very closely with the District to provide access to the Swalley Irrigation Facilities.

# 034

The Swalley Main Canal Pipeline will not be impacted under the Preferred Alternative, and therefore there will not be any impacts to the District's hydroelectric operations or the associated renewable power generating station. Please also see the response to comment A3 004.

## 035

The District will not be responsible for pollution spilled by other parties. ODOT will address liability issues in specific future agreements and easements between ODOT and the District.

There are three different situations that may be encountered with regard to hazardous materials on District property:

- 1) Hazardous Materials could be spilled by the construction contractor on the District's property. According to ODOT's 2008 Specifications for Construction, Volume 1, Section 00170.72, ODOT's contractors are fully responsible for any potential damage and they are required to indemnify, defend and hold harmless ODOT against damages, losses, claims, and expenses which arise from the any accident, including spilling of hazardous materials. The contractor would be responsible for all cleanup costs associated with any hazardous materials spill.
- 2) The hazardous materials could already exist on the District's property, and would be disturbed during construction activities. If ODOT reasonably suspects that hazardous materials exist (and they are confirmed by testing) and would be disturbed by the contractor's activities, the construction contract plans and specifications will include requirements to make sure the contractor handles the materials and disposes of them correctly to prevent additional contamination or spreading the contamination. There is also a requirement that the contractor carry pollution liability insurance if there is likelihood that hazardous materials will be encountered during construction activities. This only applies to the

- materials that need to be disturbed during construction activities, and the liability for any pre-existing remaining pollution is the responsibility of the property owner and is regulated by the Oregon Department of Environmental Quality.
- 3) If hazardous materials already exist on the District's property and the construction activities are not expect to disturb them, then the pre-existing pollution remains the responsibility of the property owner and is regulated by the Oregon Department of Environmental Quality.

# 036

The Preferred Alternative will not impact the Swalley Main Canal Pipeline. As a result, there will not be any direct, indirect, or cumulative impacts to the District's hydroelectric operations. The cumulative impact analysis in Section 4.1.6 of the Final EIS has been updated to identify that a small portion of the Swalley Riley Lateral will be piped and will have minor cumulative impacts associated with the loss of open canal characteristics. Please also see the response to comment A3 004.

## 037

Please see the response to comment A3 024.

### 038

Thank you for your comment. We agree. Section 4.1.6 of the Final EIS has been revised to correct the sentence referenced in the comment.

### 039

The Final Section 4(f) Evaluation included with the Final EIS is revised and does not include discussion of the Swalley Main Canal, but discusses impacts to the Nels Andersen House. The FHWA made a Section 4(f) *de minimis* finding on the Swalley Main Canal and associated laterals on November 12, 2013, which is located in Appendix L. Section 3.7.2 of the Final EIS identifies that only the unpiped portions of the irrigation canals are eligible for listing as historic resources. Please also see the response to comment A3 024.

### 040

Please see the response to comment A3 030.

TECHNICAL MEMORANDUM

CH2MHILL

# ODOT Draft EIS - North Corridor Public Review Comments

PREPARED FOR: Suzanne Butterfield/Swalley Irrigation District

PREPARED BY: Brady Fuller/CH2M HILL

DATE: August 23, 2011
PROJECT NUMBER: 416899.A1.01.06

## **General Comments**

041

 All proposed Swalley Irrigation District facility replacement shall be designed and constructed to District Standards or as otherwise approved by District Manager.

042

2) Swalley Irrigation District delivers stock water every four weeks from December 1 to March 1 for 5 day durations. If ODOT construction interferes with the Swalley's ability to deliver water during these times, ODOT will need to pay to have water hauled to all Swalley's customers who own livestock. Swalley's 0.75 megawatt hydroelectric plant also operates during the stock water runs. Any lost hydroelectric income will also have to be reimbursed to the District.

043

3) Many Swalley Irrigation District facilities will be affected by the proposed work. Relocation and reconstruction of these facilities during non-irrigation season is an assumed approach, which is mentioned in the DEIS in several locations. The risk of late construction completion, should be recognized by ODOT, and Swalley will require assurance that Swalley and Swalley's patrons are protected from damages through ODOT's contract provisions and agreements made with ODOT prior to start of construction.

044

4) Alternative East DS1 appears to have less impact on Swalley infrastructure.

5) Alternative East DS1 appears to have a greater impact on Swalley water rights. Additional information is needed to perform this analysis. Preliminary District review of DEIS mapping information suggests that:

04

- a) East DS1 will impact tax lots in Swalley Irrigation District that have a total of 113 acres of Swalley water rights.
- East DS2 will impact tax lots in Swalley irrigation District that have a total of 66 acres of Swalley water rights.

The actual water right affected will be determined by the portion of parcels that are obtained by ODOT and locations of existing areas of beneficial use of water. District will assess ODOT the standard District water right exit fee for all water rights surrendered to District.

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### 041

Any modification to Swalley Irrigation Facilities will be designed to meet the District's standards or obtain approval by the District's manager. Please also see the response to comments A3 001 and A3 003.

### 042

ODOT will reimburse the District for any impacts under the Preferred Alternative, and will work with the District throughout project design and construction to identify potential conflicts. ODOT typically uses specifications to set work hours and work restrictions. ODOT does not expect there to be any impact to the District's operations, as construction can be performed in non-irrigation seasons, and stock runs can be accommodated. Please also see the response to comments A3 001, A3 005, and A3 021.

### 043

ODOT has construction specifications that will protect the Swalley Irrigation District from damages year round. Please also see the response to comment A3 042.

### 044

The Preferred Alternative will have fewer impacts to Swalley Irrigation Facilities than the East DS1 and East DS2 Alternatives in the Draft EIS. Please also see the response to comment A3 001.

# 045

The Preferred Alternative will have fewer impacts to Swalley Irrigation Facilities than the East DS1 and East DS2 Alternatives in the Draft EIS. ODOT understands that it is District policy to remove or transfer all the water rights on the properties ODOT will acquire (if those properties have a District water right), so the water rights can be retained within the District. Any water transfers that occur as a result of the Preferred Alternative will be done in accordance with the Swalley Irrigation District Transfer Policy, dated December 17, 2013, or as amended in the future. ODOT will pay for the costs of transferring water rights.

Please also see the responses to comments A3 001 and 002.

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6) From DEIS, Swalley can't tell how many patrons properties may be condemned, and therefore can't determine potential impact on District rate structure.

"Swalley Canal" is referred to several times. For completeness, DEIS should be modified

7) No stormwater shall drain into District easements or facilities.

to refer to the appropriate Swalley-owned facility. Acceptable choices would include: "Swalley Irrigation Facilities" when describing general irrigation facilities at various locations; "Swalley Main Canal Pipeline" when referring to said pipeline; Swalley Rogers Lateral; Swalley Riley Lateral; Swalley NCI lateral; Swalley sublaterals (ie. Rogers sublateral); other named laterals, and Private Ditches within Swalley service area. District can provide confirmation and clarity for ODOT on description of facilities. In some instances, the Main Canal is referred to within the project area as if it was not yet piped. The Main Canal piping was completed in 2010 through the entire proposed project area, using solid wall, pressure-rated high density polyethylene pipe.

9) Please provide proposed East DS1 and East DS2 alternatives in a GIS shapefile format, suitable for attachment to Swalley Irrigation District GIS system. This will help with future coordination. If provided, Swalley could load into their GIS system and overlay upon existing facility data as well as proposed project data.

10) Construction of new roadways over existing pipelines may require complete pipeline replacement, and/or installation of new pipeline in an encasement to facilitate future operations and maintenance. Examples of these locations are near Cooley Road west of US 97, Robal Road, US 97 near Bowery Lane. Exposure of HDPE pipelines to at these locations is not acceptable to District. Encasements shall be backfilled with flowable material (not grout or concrete). Swalley has previous experience with ODOT not allowing backfill in box culvert as the culvert facility was required to remain accessible for bridge inspections.

11) If new electrical services are provided to ODOT facilities, Swalley may be interested in also providing electrical service to irrigation facilities. Such installation could be coordinated during design.

12) The API (Area of Potential Impact) described in the DEIS does not necessarily cover the entire extent of irrigation facilities that may be impacted by the proposed alternatives. For instance, it is possible that to mitigate the impact of the Cooley Road undercrossing, the Swalley Main Canal Pipeline may need to be relocated/replaced beyond the limits of the API. The API should not be used to delineate the potential disturbed area as may be required to make the Swalley facilities whole. If this requires supplemental EIS work or coordination with third parties (besides Swalley), that should be planned for as part of the ongoing work.

13) Swalley Infrastructure conflicts. The following listed items were observed by District in review of the draft EIS

a) East DS1

 Rogers Lateral – substantially impacted from headgate to Jamison Street. Complete reconstruction is likely required. Vertical grade may be limited. District design standards are intended to avoid low points in pipeline.

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### 046

The Final EIS identifies properties that will be acquired with the Preferred Alternative. During final design ODOT will work with the District to identify any impacted patron properties, and ODOT will assist in the transfer of water rights during the right of way process. The indirect impact of fewer properties with water rights could affect the rate structure for the remaining patrons. However, water rights that are returned to the District could be made available by the District for redistribution. This indirect impact is discussed in Section 3.11.3 of the Final EIS. Compensation through the right of way process will be given to the patrons directly affected by acquisition. In addition, the District will be reimbursed for any loss. Please also see the commitment to restore the District to full function in A3 001. ODOT will continue to work closely with the District to provide the most up to date right of way information available so that the District can assess the impacts to their rate structure.

Please also see the response to comment A3 045.

## 047

For the Preferred Alternative, stormwater will be routed away from Swalley Irrigation Facilities using the best management practices as discussed in Section 3.9.4, 3.9.5, and 3.11.4 of the Final EIS.

### 048

The Final EIS is revised to incorporate the correct terms and names for the District's facilities as provided in this comment.

## 049

ODOT and the District shared GIS and design file data for the Preferred Alternative in March 2013. Please also see the response to comment A3 002.

# 050

Impacts from the Preferred Alternative to Swalley Irrigation Facilities are described in the response to comment A3 001. While ODOT will continue to meet Federal bridge inspection requirements, ODOT will also work with the District throughout project design to find a mutually agreeable solution for crossings of Swalley Irrigation Facilities that are part of the Preferred Alternative. Please also see the response to comment A3 003 regarding continued coordination.

## 051

ODOT will work with the District throughout project design to coordinate electrical service.

### 052

Impacts from the Preferred Alternative to Swalley Irrigation Facilities are described in the response to comment A3 001. No impacts to Swalley Irrigation Facilities outside of

the API will occur and the Swalley Main Canal Pipeline will not be relocated, including the existing Cooley Road crossing. The Preferred Alternative is a modification of the East DS2 Alternative that was analyzed in the Draft EIS. Because the Preferred Alternative has a smaller footprint than the East DS1 and East DS2 Alternatives, FHWA determined that a supplemental EIS is not necessary.

### 053

Impacts from the Preferred Alternative to Swalley Irrigation Facilities are generally described in the response to comment A3 001. Throughout the design phase of the project, ODOT will coordinate with the District to determine impacts to the Swalley Rogers Lateral in the Jamison Street area. Please also see the response to comment A3 003.

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054

ii) Private Swalley patron ditches are likely to be impacted by proposed East DS1 alternative. The main location of these private irrigation facilities appears to near the location of a new road proposed in the DESI on the north side of cemetery, on Bowery Lane west of 97, and Suzanne Lane.

055

iii) Rogers Lateral crossing Cooley Road, and Robal Road will require new undercrossings. This is example of one area where additional piping between these two segments may benefit seepage/evaporation and also avoid a "patchwork" of pipeline segments which is contrary to District's coordinated approach for implementing District piping projects.

056

iv) NC1 lateral may be affected by 3rd Street widening, and upgrades in Marvin Sampels Road. Details unclear but lateral replacement may be required.

b) East DS2

i) Rogers Lateral -same as East DS1 comments above.

iv) NC1 lateral - same as East DS1 comments above.

 Private Swalley patron ditches. Appear to be affected less than in East DS1 alternative. Bowery Lane area still is impacted.

 Rogers Lateral crossing Cooley Road and Robal Road. Same as East DS1 comments above.

- comments above.
- v) Flyover ramp east of cemetery conflicts with main canal. DEIS mapping of Main Canal Pipeline is inaccurate as this facility was relocated from the original canal alignment during the pipeline installation in 2008. Substantial coordination and relocation required for irrigation facilities in this area.

058

057

14) Swalley intends to coordinate all private ditch relocations and conflicts on behalf of its patrons assuming ODOT reimburses all Swalley costs to do so.

# Comments organized by DEIS page number

Page: ES-5

059

15) Unclear if the span over existing US 97 will be extended east, and if existing north bound off-ramp from US 97 will move east. Swalley Main Canal Pipeline is located east of existing off ramp, and west of railroad tracks at this location. Potential pipeline relocation impact with both East DS1 and East DS2 alternatives.

060

16) Existing Swalley Rogers Lateral north of Empire Avenue (which is fed water from Swalley Main Canal Pipeline west across US Hwy. 97) will require substantial reconstruction/replacement. This includes existing concrete junction box, existing undercrossing under US 97, and protection of pipe in new roadway construction footprint.

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054

The design features for the East DS1 Alternative related to Bowery Lane and Suzanne Lane will not occur under the Preferred Alternative. Compensation through the right of way process will be given to the patrons directly affected by the Preferred Alternative. As stated in Section 3.3.5 of the Final EIS, ODOT will follow District policies regarding private laterals.

### 055

The Preferred Alternative does not propose any roadway improvements at the Swalley Rogers Lateral crossings of Cooley Road and Robal Road. Please see the response to comment A3 001 for a summary of the impacts under the Preferred Alternative. Please also see the response to comments A3 002 and A3 003 regarding continued coordination between ODOT and the District.

### 056

Impacts under the Preferred Alternative are outlined in response to comment A3 001. Please also see the response to comment A3 003 for a discussion of continued coordination between ODOT and the District regarding design and access issues.

### 057

The Preferred Alternative does not include the design features for the East DS2 Alternative related to Bowery Lane, Suzanne Lane, and the flyover interchange. Please also see the response to comment A3 001.

### 058

ODOT will follow District policies regarding private laterals. Impacts to Swalley Irrigation Facilities from the project are considered reimbursable costs. Impacts to private property facilities would be compensated according to law as part of the right of way process during the design of the project. Compensation for impacts to private property facilities would be paid directly to the owners of the facilities and not through the District.

### 059

Exhibit 2-3 FEIS (Map 2) in the Final EIS depicts how, at Empire Avenue, the improvements with the Preferred Alternative will not extend east of the structure, and the northbound off ramp will not move east. As noted in the Final EIS, access to the pipeline will be from the Empire Avenue northbound on-ramp. ODOT will continue to coordinate with the District to provide access to the pipeline in this area. The Preferred Alternative will not relocate the Swalley Main Canal Pipeline. Please also see the response to comment A3 003.

## 060

Impacts to the Swalley Rogers Lateral were discussed in the meeting on May 23, 2014, and ODOT will continue to coordinate with the District throughout project design. Because the District is a reimbursable utility, ODOT has included cost estimates in the project budget to accommodate future coordination with the District as well as modification to their facilities during construction. Please also see the response to comments A3 001 and A3 003.

ODOT DRAFT EIS - NORTH CORRIDOR PUBLIC REVIEW COMMENTS

17) Cooley Road railroad undercrossing associated with both East DS1 and East DS2 will likely affect main canal pipeline. An acceptable solution to Swalley may require substantial vertical realignment compared to existing pipeline. District intended design approach for pipelines is to avoid creating new low points, or intermediate high points which cause significant maintenance issues. The existing pipeline generally avoids these high points and low points. Vertical realignment of the Main Canal Pipeline could extend many hundreds or thousands of feet downstream (north) depending on the roadway design details.

18) North of Grandview Drive, there are patron irrigation water facilities in this area, and pipeline corridor access points that may be affected. Swalley will require that any project maintain continual access to Swalley easements and facilities for construction-phase and long term operation and maintenance.

19) Swalley will not allow stormwater discharge to its facilities or easements. All stormwater facilities shall be designed to protect Swalley facilities including flooding, perched groundwater and potential for unrestrained pipe buoyancy conditions. Note that the Swalley's existing pipelines are often in shallow-bury conditions and that the Main Canal Pipeline is expected to not be capable of resisting buoyancy loads. Substantial damage to the pipeline could occur if changes in stormwater discharges are made that allow temporary or long-term ponding in Swalley easements.

### Page: ES-7

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- 20) East DS1 and East DS2 alternative. Removal of US 97 highway access will cause District staff substantial difficulty accessing the main canal pipelines. If selected, close coordination with District to allow access to 1901 Carey Act easements will be required.
- 21) All Swalley facility relocations and redesigns will require involvement and review by District management, elected officials, engineering and operations staff.

# Page: ES-11

22) Swalley will not permit public trail easements along District canal, or pipeline corridors. The DEIS should note that trail improvements on Swalley easements is inappropriate considering District's right to disallow such facilities.

### Page: ES-13

23) Each alternative will take lands upon which Swalley has water rights. Water rights shall revert to Swalley per, the owner of the water rights, per case law.

## Page: ES-16

- 24) DEIS refers to "the Swalley Canal", but not clear which facility this affects. Clarify, typical of this instance. See General Comment regarding appropriate Swalley facility references.
- 25) Swalley canals are not regulatory wetlands, so discussion of reduction in water holding areas due to piping is a moot point and should be deleted from DEIS. (This comment is still valid even if the DEIS page number is not the correct one)

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### 061

Under the Preferred Alternative, the grade of Cooley Road is not proposed to change as it crosses the Swalley Main Canal Pipeline. ODOT does not anticipate any improvements or grade changes to the Swalley Main Canal Pipeline.

### 062

The District's access to their facilities would be maintained during and after construction. ODOT will continue to coordinate with the District regarding access during project design. Please also see the response to comment A3 003.

### 063

Under the Preferred Alternative, stormwater will not be directed to Swalley Irrigation Facilities. Stormwater facilities including swales and infiltration ponds will be located during final design and will avoid the piped easements. Forty-one percent of the imperious area for the Preferred Alternative will continue to rely on diffuse infiltration that is currently occurring. Please also see the response to comment A3 003 regarding continued coordination between ODOT and the District.

### 064

ODOT is committed to maintaining access to Swalley Irrigation Facilities. Please also see the response to comment A3 003.

### 065

There was no mention of constructing public trail improvements on District easements in the Draft EIS, and none are proposed as part of the Preferred Alternative.

### 066

Agree, water rights would revert to the District. Please also see the response to comment A3 045, and the first paragraph of A3 003.

### 067

The Final EIS has been revised to refer to Swalley Irrigation Facilities using the District's naming convention.

### 068

Please see the response to comment A3 030. Water holding areas due to piping was not mentioned in the Draft EIS and is not mentioned in the Final EIS.

ODOT DRAFT EIS - NORTH CORRIDOR
PHIBLIC REVIEW COMMENTS

069

26) Habitat features, or purported habitat loss due to piping existing canals is a moot point, as piping is permitted by US Federal Court ruling. This reference should be deleted from DEIS. (This comment is still valid even if the DEIS page number is not correct.)

Page: ES-17

070

07

27) Encroachments and easements. All facility encroachments shall require an encroachment or easement agreement with Swalley. Swalley will assess a fee associated with each encroachment.

28) ODOT is advised to evaluate risk and potential consequences of all failure modes (from minor to catastrophic) of existing Swalley facilities. This could include roadway and bridge foundation damage caused by sudden or gradual pipeline rupture or leakage, localized flooding, electrical hazards for new facilities within inundation area, and potential other risks. Additionally, construction-phase fire protection measures near the HDPE pipeline may require special construction phase controls to mitigate fire damage risk to plastic pipeline.

Page: 1-13

072

073

- 29) Swalley requires access to all facility corridors on a daily basis, as well as periodic access for major maintenance which may involve excavation, installation of new facilities.
- 30) Weed abatement during construction and ongoing operation and maintenance of ODOT rights of way may affect weed abatement on Swalley main canal pipeline. Swalley intends to continue its historical practice of weed abatement within its easements.

Page: 2-12

074

31) Rogers lateral seems likely to require complete replacement with both alternatives. The existing vertical grade of Rogers lateral may not allow adequate cover for new ODOT facilities. Swalley must avoid having a low point in the system to avoid ponding water, and pipe damage due to freezing. If, a low point is ever accepted by District, it is assumed that such acceptance will indicate that appropriate facilities for draining, filling pipeline will be provided, including compensation for incremental cost of operating and maintaining such facilities.

Page: 2-14

075

32) Cooley Road concept could be interpreted to require a localized vertical grade adjustment for Swalley Main Canal Pipeline. This would likely create at least two new high points and one new low point in the pipeline which is an operations and maintenance problem for District. Substantial vertical alignment adjustments may be required, which could reach into the hundreds or thousands of feet from Cooley Road.

Page: 2-19

076

33) Removal of private driveways appears to include access to Swalley easements from Hwy 97. Access must be provided to all irrigation facilities which may include segments of pipe that may become newly inaccessible. District may consider employing remote monitoring and control facilities for some of these segments to offset the challenges of regular access. In any case, access must be provided via permanent

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### 069

Please see the response to comment A3 029 for updated information on wildlife linkage features associated with the District's facilities, and a discussion of how the Final EIS was revised to reflect the piping of much of the District's facilities in the API.

### 070

During final design, ODOT will obtain easements and agreements from the District, when necessary.

### 071

ODOT will provide access to the Swalley Irrigation Facilities for regular maintenance and emergency repairs. ODOT will continue to coordinate with the District throughout project design to evaluate the risk and potential consequences, including the evaluation of potential failure (from minor to catastrophic) of the Swalley Irrigation Facilities. ODOT Standard Specifications 00150.50 (Cooperation with Utilities) and 00170.89 (Protection of Utility Property and Services) identify the contract requirements for the construction contractor to follow in order to protect and maintain existing utilities, thereby minimizing risks and consequences of damage to the utilities.

### 072

ODOT will provide access to Swalley Irrigation Facilities and will continue to coordinate with the District throughout project design. Please also see the response to comment A3 003.

### 073

Weed abatement associated with the Preferred Alternative will not interfere with the District's established weed abatement practices. ODOT's commitments regarding the control of invasive species that are incorporated into the Preferred Alternative are presented in Section 3.14.5 of the Final EIS.

## 074

Because the District is a reimbursable utility, ODOT has cost estimates in the project budget to accommodate future coordination with the District as well as modification to their facilities during construction. Please also see the response to comment A3 003, and the first paragraph of A3 001.

#### 0/5

The grade of Cooley Road is not proposed to change where it crosses the Swalley Main Canal Pipeline. Please also see the response to comment A3 003 for a discussion of how ODOT will coordinate with the District regarding design issues.

### 076

The Preferred Alternative will have fewer driveway closures north of Cooley Road than the East DS1 and East DS2 Alternatives. ODOT is committed to maintaining access to Swalley Irrigation Facilities; please see the response to comment A3 003. Please also see the response to comment A3 001 for ODOT's commitment to restore full function to the District.

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076 cont'd. easements to allow for normal District O&M (water management, repairs) as well as periodic major maintenance.

Page: 2-35

34) Swalley is not evaluating any potential project impacts for those alternatives deleted from further consideration, though those alternatives are discussed in some detail in this DEIS. Impacts only from alternatives East DS1 and East DS2 were considered.

Page: 2-58

077

35) Swalley Irrigation District easement, encroachment, and crossing license, will likely be required for many new facilities. Work that causes other utilities (phone, potable water, power, etc) to also be relocated would also need such crossing agreements for those third party utilities. ODOT should closely manage the entire easement, encroachment process so Swalley has a single point of contact for all project relocations and easement/agreement documents.

078

36) Add Swalley easement agreements and crossing licenses to the DEIS Section 2.6 summary of Permits and Approvals needed. Swalley requirements not listed in DEIS.

Page: 3-52

079

37) Summary of easements list simply "Swalley Canal". See general comment about appropriate reference to Swalley facilities. Update as required. Swalley is available to confirm facility names. Additionally, the permission to be granted may be a crossing license, vs. an easement depending on nature of the new facility. See District to confirm.

Page: 3-65

080

38) High Density Polyethylene (HDPE) pipe is probably the intended reference (not heavy duty polyethylene pipes), so please correct DEIS with HDPE reference.

081

39) Note that relocation of power lines, or other outages (planned or unplanned) caused by Construction, may affect Swalley power production, and result in hydro electric plant revenue loss to District. Schedule outages to avoid Swalley revenue loss or otherwise compensate Swalley, and consider including consequential or liquidated damage clause in construction contracts to account for Swalley revenue loss. Actual power revenue losses could be on order of \$1000 to \$2000 per day. Note that Swalley has contractual commitments to produce minimum kilowatt hour of power per year, and that there are potential default costs associated with such inability to produce such power.

Page: 3-123

08

40) Discussion of Swalley states that "efforts are underway to pipe the canal". As elsewhere in the document, DEIS does not accurately portray those portions of Swalley Main Canal that were piped. The Main Canal Pipeline has been piped in the entire API, from the North Canal Diversion Dam to the Ponderosa Hydroelectric plant. Swalley asks that the final DEIS reflect that the Main Canal Pipeline project was completed and that the District has a water management plan that shows a range of future piping projects. Page: 3-124

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### 077

ODOT will coordinate with the District throughout the design phase of the project. The ODOT Region 4 utility specialist will be the single point of contact. During final design, a formal utility conflict letter will be distributed with a single point of contact. The conflict letter will show the conflicts, cites the law regarding easements and encroachments, identifies reimbursable costs, and provides contact information.

### 078

Exhibit ES-8 of the Executive Summary and Exhibit 2-31 of Section 2.7 of the Final EIS is updated to include the easements and crossing licenses with the District.

## 079

References to the Swalley Irrigation Facilities as well as their piping status have been updated in the Final EIS to reflect current conditions.

## 080

Thank you. The pipe type was changed to high density polyethylene (HDPE) in the Final EIS.

## 081

The Preferred Alternative does not propose to relocate power lines between the District's hydropower plant and the main power transmission line. There may be some power outages during construction in the project area, but they would be short in duration, and would meet the service agreements between Pacific Power and its customers. Section 3.3.5 of the Final EIS includes a commitment by ODOT to perform early coordination with utility providers during project design, and to identify and work with utility owners experiencing conflicts during construction. Protection of existing utilities from interruption is addressed in ODOT Standard Specifications 00150.50 (Cooperation with Utilities) and 00170.89 (Protection of Utility Property and Services), which identify the contract requirements for the construction contractor to follow in order to protect and maintain existing utilities. Please also see the first paragraph of the response to comment A3 001.

### 082

References to the Swalley Irrigation Facilities as well as their piping status have been updated in the Final EIS to reflect current conditions.

ODDT DRAFT EIS - NORTH CORRIDOR PUBLIC REVIEW COMMENTS

083

41) Photo labeled "Swalley Canal", is a photo of the Rogers Lateral ditch. Suggest that this photo is eliminated. We suggest removing all references in the DEIS to the "Swalley Canal" as that is an incorrect title. The DEIS appears not to recognize that the entire Main Canal was replaced with a pipe, completed in 2010.

Page: 3-126

084

42) Agree with statement "Swalley Canal – portions of the canal and its laterals are already or would be piped as a part of the proposed action, which would result in a no adverse effect.", however the details of the proposed piping replacement affect construction-phase and permanent O&M of the system and performance of District facilities. Seasonal construction constraints and operational issues exist for all District facilities. All facility modifications shall require consultation with District throughout design and implementation.

085

43) Note that seasonal constraints to irrigation facility modification could be overcome in some areas by using potable water to serve patrons, and/or providing temporary pumping from other irrigation facilities, water truck deliveries, or other measures. Swalley will be responsible for the cost of any temporary measures.

Page: 3-138

44) Again, reference to "Swalley Canal" is incomplete and inaccurate. See general comment on appropriate reference to Swalley facilities.

Page: 3-142

086

45) The reference to "culvert crossings" should note that upgrading culvert crossings to new District Standards will be performed, which will include appropriate sizing in consultation with District. Sizing culverts for future closed-pipe system is anticipated to be required by District standards.

Page: 3-145

087

46) Description of construction-phase erosion control should note that off-site drainage to Swalley irrigation facility easements is not allowed.

Page: 3-149

00

47) East DS1: Reference to a so-called wildlife linkage along irrigation canals is made. Swalley can modify the existing canal including piping and maintaining the easement. Swalley has not and does not operate the canal for any purported habitat values.

Page: 3-150

48) East DS2: See comment for East DS1, page 3-149.

Page: 3-153

089

49) Reference is made to wetlands, and then Swalley canal is mentioned as a waterway. Swalley can pipe these canals so reference to these waterways in context of wetlands is moot.

Page: 3-154

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### 083

The photo label in the Final EIS has been revised for the Swalley Rogers Lateral. References to the individual features of the Swalley Irrigation Facilities, as well as the piping status, have also been revised so that they are consistent with the District's naming conventions of their facilities.

### 084

ODOT will work with the District to identify construction impacts. Please also see the response to comment A3 003.

### 085

ODOT typically uses specifications to set work hours and work restrictions. In most cases the project construction can be done in non-irrigation seasons and stock runs can be accommodated. Please also see response to comment A3 021.

### 086

ODOT commits to meet District standards for modification to their facilities such as piping of laterals that are currently unpiped. ODOT will continue to coordinate with the District to resolve design issues. Please also see the response to comment A3 003.

### 087

ODOT standard specifications for erosion control (Section 00280) will be applied during construction, and off-site drainage from the project into Swalley Irrigation Facilities will not be permitted.

### 088

The wildlife habitat section, Section 3.10.2 of the Final EIS, has been revised to reflect the currently piped and unpiped portions of the Swalley Irrigation Facilities in the API. Please also see the response to comment A3 029.

### 089

All wetlands and water resources are discussed in Section 3.11 of the Final EIS. Portions of some canals in the API including the North Unit Main Canal and the North/Pilot Butte Canal are unpiped within the API. Section 3.11.2 has been revised in the Final EIS to describe the piping of the Swalley Main Canal and portions of its laterals.

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090 corr Des

50) Claim that Swalley canal returns flow to the Deschutes River is incorrect. This must be corrected in Final EIS. Swalley Irrigation District facilities return no flow to the Deschutes River except at the fish screen shared by COID and Swalley.

Page: 3-155

091

093

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096

- 51) Length of canal impact (950 feet for East DS1) has not been confirmed. ODOT CAD or GIS shapefiles are needed by District to complete analysis.
- 52) Assertions that the realignment of Swalley facilities draws conclusions from simplified statements about length and capacity. Any relocation or redesign of Swalley facilities shall be done in coordination with District. Capacity of pipelines can be inadvertently reduced by air trapping at high points, and this design approach should be avoided.
  - 53) Gagnon, 2010 is referred to as the person providing assurance of retained capacity of existing facilities. Gagnon is apparently with the Army Corps of Engineers and is unknown to Swalley. It would be appropriate to add a modifying statement to any claims made by Gagnon that consultation with Swalley Irrigation District is expected to be required to address site-specific and operational design issues related to capacity.
- 54) Check this section for appropriate references to Swalley facilities. "Main Canal" is referred to in locations where the Main Canal Pipeline has been installed.
  - 55) Note that "piping additional, unpiped sections would help" reduce seepage losses and evaporation, however moving existing piped sections wouldn't change seepage or evaporation losses.
  - 56) Swalley agrees that relocation/replacement of irrigation facilities will generally occur during the non-irrigation winter season, however this must be coordinated with stock water runs described elsewhere in these comments.

Page: 3-163

097

57) This section discusses invasive species control. DEIS should recognize that Swalley maintains an active weed control program on District easements. Swalley will require a warranty for weed control on their easements after any work on easements is complete.

Page: 3-200

- 58) It appears that a noise barrier foundation/footing will cross over existing Main Canal Pipeline. Design coordination will be required.
- 59) Footings for other highway facilities may impact Main Canal Pipeline. Design coordination will be required.

Page: 3-204

099

098

60) Cost estimates provided in the DEIS should not provided to the nearest \$20, but to a much broader rounding value like \$10,000. Following recognized cost estimating guidelines. No information provided on the basis of cost estimating. Swalley intends to follow AACE International guidelines in performing cost estimates for their facilities related to this work.

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### 090

Thank you. That text has been revised in the Final EIS. Please also see the response to comment A3 030.

### 091

ODOT provided GIS data and design files for the Preferred Alternative to the District in March 2013. ODOT will continue to coordinate with the District to collaborate on the design details that impact Swalley Irrigation Facilities. The Preferred Alternative reduces the impacts to Swalley Irrigation Facilities as compared to the East DS1 and East DS2 Alternatives.

# 092

ODOT will continue to coordinate with the District to collaborate on the design details that impact Swalley Irrigation Facilities. Please also see the response to comments A3 002 and A3 003.

### 093

Section 3.11.4 of the Final EIS has been revised to add a statement that consultation with the District will occur to address site-specific and operational design issues related to capacity.

### 094

Section 3.11 of the Final EIS has been revised to correct the names of the Swalley Irrigation Facilities.

### 095

The Final EIS has incorporated revised text to acknowledge existing piping in the API, and that modifications to piped sections would not change seepage or evaporation loss.

# 096

Please see the response to comments A3 021 and A3 085.

# 097

Weed abatement associated with the Preferred Alternative will not interfere with the District's established weed abatement practices. ODOT will comply with the terms of any easement agreement, including warranties, with the District. ODOT's commitments regarding the control of invasive species that are incorporated into the Preferred Alternative are presented in Section 3.14.5 of the Final EIS.

## 098

ODOT will coordinate with the District during project design. Please also see the response to comment A3 033.

### 099

The cost estimates are rounded to the nearest \$1,000 in the Final EIS. Based upon the Utility Technical Report, the reimbursable costs to the District from ODOT are estimated at \$1.5 million (in 2014 dollars). Costs will be identified at a higher level of detail during final design.

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Page: 3-206

61) The figure shows a noise barrier which will probably have a footing located over Swalley Main Canal Pipeline.

Page: 4-19

101

102

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105

62) Reference is made to pipeline replacement. Note that Swalley's policy is to avoid installation of short pipeline segments in adjacent areas. Where pipeline segments are proposed to be provided in existing open ditch areas, Swalley's policy will require complete piping between these segments.

63) Again, reference is made to piping portions of existing canal facilities. This may be correctly written, but DEIS doesn't always recognize that some facilities are already piped.

Page: 4(f)-2

64) Note that entire Swalley Main Canal Pipeline is piped from headworks at North Canal Dam to the Ponderosa Hydroelectric plant north of Fort Thompson Lane. The legend does not distinguish between existing canal and existing pipe.

Page: 4(f)-11

- 65) Clarify appropriate references to Swalley facilities. See general comments.
- 66) Inaccurate reference to the Main Canal Pipeline being a "Waterway" which implies open channel. The pipeline is a conduit.
- 67) The statement "...but overall access to the canal would remain generally unchanged since it would still be located within the same alignment." is misleading and not true. Access to District facilities from US Hwy 97 appears as if it will change substantially from existing conditions. New accesses from frontage roads appears to be intended.
- 68) District needs to determine whether District prefers to negotiate a permanent easement, license agreement with ODOT for location of new facilities. This will require consultation with District legal counsel and coordination with ODOT.

Page: 4(f)-12

69) Exhibit 7 inaccurately portrays open canals for the Main Canal Pipeline. Also, a portion of the Main Canal Pipeline was moved from the alignment shown on these figures (east of US 97, east of Deschutes Memorial Gardens). Swalley suggests that author of this figure contact Swalley during Final EIS preparation to confirm correct alignment and condition of pipelines/canals.

Page: 4(f)-29

70) Again, note that the Main Canal Pipeline is already piped.

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### 100

The Preferred Alternative does not include noise barriers. Please also see the response to comment A3 033.

### 101

A short segment (approximately 70 feet) of the Swalley Riley Lateral, which is currently unpiped, will need to be placed in a structure to extend Britta Street. This short segment is not adjacent to other piped sections, maintaining consistency with the Swalley Irrigation District's policy to avoid installation of short pipeline segments in adjacent areas. This piping was discussed with the District on March 11, 2013.

The meeting with the District on May 23, 2014 further discussed impacts to Swalley Irrigation Facilities. Five short open segments (totaling approximately 310 feet) of the Swalley Rogers Lateral, which is located in an urban area of the API, will need to be piped as extensions of already piped segments of the lateral. The Final EIS has been updated to reflect these impacts identified after publication of the Draft EIS. Please also see the response to comment A3 001.

## 102

The Section 4(f) evaluation included with the Draft EIS did not acknowledge the piping of the Swalley Main Canal. For the Final EIS, the discussion of the piping of the Swalley Irrigation Facilities is presented in Section 3.7.2. The Section 4(f) evaluation included with the Final EIS has been revised to only discuss the impacts to the Nels Andersen House.

### 103

Section 3.11 of the Final EIS has been revised to correct the names of the Swalley Irrigation Facilities and to remove the waterway reference.

### 104

We agree that there will be modifications to access to Swalley Irrigation Facilities. The Section 4(f) evaluation has been substantially modified from the version included with the Draft EIS. The Section 4(f) evaluation included with the Final EIS no longer includes discussion of Swalley Irrigation Facilities because those Section 4(f) impacts were considered in a Section 4(f) *de minimis* finding. Please also see the response to comment A3 003.

ODOT will continue to coordinate with the District to address access to the Swalley Irrigation Facilities.

### 105

ODOT will coordinate with the District regarding easement and agreement issues during design of the project, and will comply with the terms of any easement agreement with the District.

### 106

For the reasons discussed in the response to comment A3 104, the map being referred to in the comment is no longer included in the Section 4(f) evaluation. We appreciate that you reviewed the figures that depict the Swalley Irrigation Facilities prior to the publication of the Final EIS.

## BEND METROPOLITAN PLANNING ORGANIZATION

575 NE 15th Street, Bend, OR 97701 www.bendmpo.org

September 12, 2011

MARK CAPELL, CHAIR City of Bend Council

Amy Pfeiffer, Environmental Project Manager ODOT Region 4 63030 O.B. Riley Road Bend, OR 97701

ANTHONY DEBONE, VICE-CHAIR Deschutes County Commission

> ROBERT BRYANT ODOT Region 4

Dear Ms. Pfeiffer.

KATHIE ECKMAN City of Bend Council

Attached are Bend MPO staff comments for the US 97 Bend North Corridor Project Draft Environmental Impact Statement (DEIS) and Draft Section 4(f)

TOM GREENE City of Bend Council

Evaluation

We appreciate the opportunity to comment and look forward to future opportunities to participate in the Environmental Impact Statement (EIS) process.

TYLER DEKE Manager

JOVI ANDERSON Program Technician

001

We anticipate completion of the EIS process that identifies an alternative that is fiscally responsible, improves safety, supports the economic vitality of Bend and the greater Central Oregon region, improves access, mobility and connectivity, and is consistent with adopted local plans. To meet this goal, MPO staff strongly supports the DS1 alternative. Please see the attached comments.

Please contact me if you have any questions or need additional information.

Sincerely,

Tyler Deke, Manager

C: Bend MPO Policy Board

Bend MPO Technical Advisory Committee

### 001

ODOT acknowledges the Bend Metropolitan Planning Organization's support of the East DS1 Alternative. As described in Section 2.6.1 of the Final EIS, the East DS2 Alternative was modified to respond to public and agency comments on the Draft EIS to minimize impacts, particularly to neighborhoods east of US 97 and in the northern end of the area of potential impacts. ODOT coordinated with local agencies, including the Bend Metropolitan Planning Organization, during the development of the East DS2 Modified Alternative, as documented in Chapter 7 of the Final EIS. ODOT and FHWA identified the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

#### Alternative DS-1

MPO staff supports Alternative DS-1. The full interchange identified in DS-1 provides superior connectivity and access to the transportation system for the movements of goods, people, and emergency services. It also best meets the Federal Planning Considerations listed on page 4. As noted in the City of Bend comments, DS-1 should be amended to include a connection to the Juniper Ridge employment area consistent with the City Transportation System Plan (TSP) that has been further refined with the adopted Juniper Ridge Overlay Zone. Juniper Ridge is a significant planned employment and mixed use area with the potential to create a significant number of jobs for Central Oregon.

### **Preferred Alternative Flexibility**

The Final EIS document must allow for flexibility as the Preferred Alternative is designed and constructed. Limited funding and potentially significant changes to state and federal transportation policies (e.g. mobility and performance standards, multi-modal priorities, least cost planning, and practical design) may profoundly impact the constructed project(s). Please provide any clarification or input as to how the EIS will be flexible to policy changes.

### **EIS Process and Next Steps**

- 1) The two build alternatives being considered are "downscaled" compared to the original set of alternatives. The process used to develop the initial alternatives allowed full consideration of the full needs of the corridor. As the two downscaled alternatives are assessed, please remain cognizant of the original east alternatives. The downscaled alternatives should not preclude any of the project components considered in the original alternatives.
  - a. US 97 and US 20 connectivity. The downscaled alternatives do not provide for direct connectivity from US 20 to US 97. As noted above, the downscaled alternatives, when constructed, should not preclude future opportunities to directly connect these facilities.
  - b. Empire Avenue Interchange. The downscaled alternatives include only modest improvements to Empire Avenue and its intersections with US 97 and US 20. It may not be possible to meet mobility standards for all movements on the interchange, but the process should consider all possible solutions (e.g. minor widening, system management, ITS options) to maximize operations.
- 2) Selection of a preferred alternative. The decision making process to select a preferred alternative should consider development of weighted criteria. The Agency Coordination Committee (ACC) and Steering Team should help create the weights and be involved in the scoring of the criteria. Those groups can provide greater clarification on the relative importance of the various evaluation criteria.
- 3) The ACC should be involved in development of the work plan and schedule to develop the

### **Fiscal Constraint**

The MPO is responsible for preparing a long-range metropolitan transportation plan (MTP) for the Bend metropolitan area. The MTP is an initial step in developing the region's system of transportation facilities and services, and serves as a framework for more detailed project planning. Titles 23 and 49 of the Code of Federal Regulations require the MTP to be "fiscally constrained," meaning that the cost of projects included in the MTP cannot exceed the future capacity of the region to fund the projects. To meet this requirement, the MTP includes a

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## 002

The Preferred Alternative includes a signalized intersection that connects the new 3rd Street to US 97 within the City of Bend's urban growth boundary, rather than an interchange located outside of the urban growth boundary. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative. This alternative will not preclude such a connection in the future. When the Preferred Alternative is constructed, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

### 003

Section 2.6.2 of the Final EIS discloses how the Preferred Alternative can be flexible to phased funding and construction as well as changes in state and federal transportation policies (e.g., mobility and performance standards, multi-modal priorities, least cost planning and practical design). Final design and construction of the project will be implemented consistent with policies in place at that time.

This comment is similar to Comment A6 001 submitted by the City of Bend.

### 004

The Preferred Alternative does not preclude any project components considered in early alternatives from being pursued in the future, including direct connectivity between US 97 and US 20.

As shown in Exhibit 3-14 FEIS in Section 3.1 Transportation of the Final EIS, the intersection of US 20 and Empire Avenue will operate at a volume/capacity ratio of 0.93 in 2036 under the Preferred Alternative, which exceeds the City of Bend's operational standard of 0.75, and represents a drastic improvement over the No Build Alternative, which would operate at a volume/capacity ratio of 1.51. The intersection of Empire Avenue with the US 97 northbound ramp terminal will operate at a volume/capacity ratio of 0.54 in 2036, which is below the City's standard. The design of the Preferred Alternative incorporates a number of transportation system management and transportation demand management measures, such as ramp metering, added lanes, and signal timing, as described in Section 2.1.2 of the Final EIS.

The first paragraph of this comment is similar to Comment A6 002 submitted by the City of Bend.

### 005

ODOT worked closely with the City of Bend, Deschutes County, the Bend Metropolitan Planning Organization, and the Department of Land Conservation and Development, all of which are members of the Agency Coordination Committee and Steering Team,

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detailed analysis of existing revenues and a forecast of future revenues that can be reasonably expected over the planning period (2007-2030). Reasonably available revenue from a jurisdiction or agency is primarily from existing revenue sources. Reasonably available revenue can include increased revenue from growth in underlying factors that determine that revenue (such as increases in population that increase gasoline consumption and thus fuel taxes) and from future increases in the tax rate or fees that continue a historic trend of such increases.

The assessment of future funding from federal and state sources for capital improvements in the Bend MPO is based primarily on ODOT's Financial Assumptions for the Development of Metropolitan Transportation Plans 2005–2030 (which is referred to as ODOT's Financial Assumptions). This document provides information on trends in major federal and state funding sources, provides forecasts of statewide revenue from these sources and, and future costs for distributions to other jurisdictions, mandated set-asides, and priority needs such as preservation, safety, operations, and debt service. This forecast allows an estimate of ODOT's funding for modernization once distributions to other jurisdictions and priority needs for maintenance and other costs are taken out of total revenue. In theory, any revenue retained by ODOT that is not required for operations and maintenance (O&M) or debt service is available for modernization.

For the revenue analysis, it is assumed that ODOT will continue to be responsible for operation and maintenance of federal and state highways in the Bend MPO area. To estimate the amount of funding that is likely to be available for capital (construction) projects, future costs for O&M of the transportation system must also be projected. The starting point for this analysis is an assumption that available funding will be used first to operate the existing transportation system and maintain it at an optimal level. This implies that flexible funding (that is, funds that can be used for either capital costs or O&M) will only be used for capital projects after O&M needs are met. Capital funding will be the remainder of any flexible funds after O&M needs are met, plus any revenue that is restricted to capital projects only.

ODOT's Financial Assumptions document assessed the level of ODOT funding for modernization projects statewide. The document assumes the equivalent of an increase of the fuel tax by \$0.01 per gallon every year to fund 0&M and the equivalent of a \$15 increase in the vehicle registration fee every eight years (principally for modernization). The table below summarizes the road-related capital funding that is estimated to be reasonably available in the Bend MPO from 2007 to 2030, including estimated ODOT expenditures in the Bend MPO. It is important to note that if the state gas tax is not increased, as assumed, some of the funds otherwise used by ODOT for modernization would probably have to be diverted to O&M. Without these additional funds, ODOT's revenue would be below the level of its O&M needs, so that any modernization at all would require deferred maintenance on the state highway system.

Capital funding reasonably available to	•
ODOT in the Bend MPO area, 2007-2030	٥

	Low Scenario	High Scenario
Total	\$40.4*	\$42.2*

The current forecast shows relatively limited capital funding available in the Bend area for ODOT modernization projects. These funds will be used for projects on the entire ODOT system in Bend, including the entirety of US 97 and US 20.

US 97 Bend North Corridor Project DEIS - Bend MPO Staff Comments

and held multiple coordination meetings with these agencies as well as one-on-one meetings during the development of the Preferred Alternative, as documented in Chapter 7 of the Final EIS. As described in Section 2.6.1 of the Final EIS, based on public and agency comments received on the Draft EIS, ODOT modified the East DS2 Alternative to minimize impacts to the neighborhoods east of US 97 and to rural residential areas in the north end of the area of potential impacts to create the Preferred Alternative. Weighted criteria were not used in the selection of a Preferred Alternative. Public outreach and coordination with local, state and federal agencies is discussed in Chapter 7 of the Final EIS.

This comment is similar to Comment A6 003 submitted by the City of Bend.

### 006

Section 2.6.1 of the Final EIS discloses the process for selecting the Preferred Alternative. Public outreach and coordination with local, state and federal agencies is discussed in Chapter 7. The City of Bend, Deschutes County, the Bend Metropolitan Planning Organization, and the Department of Land Conservation and Development are all members of the Agency Coordination Committee and Steering Team. These agencies were kept up to date on the schedule of the Final EIS at coordination meetings held during the development of the Preferred Alternative. There was no work plan prepared for the development of the Final EIS.

This comment is similar to Comment A6 004 submitted by the City of Bend.

## 007

On August 15, 2013, the Bend Metropolitan Planning Organization amended the Metropolitan Transportation Plan's illustrative project list to include the Preferred Alternative. The \$42 million of funds that is referenced in this comment is what has been specifically identified as ODOT's estimated portion of the Bend MPO funding out of the total \$253.3 to \$271.7 million that is available as shown in Table 6-17 of the Bend Metropolitan Transportation Plan. Please also see Topic 16 – Funding and Topic 17 – Phasing.

This comment is similar to Comment A6 029 submitted by the City of Bend.

007 Cont.

007 Cont. As the Final EIS is developed, a phasing and funding program should be developed. The current long range revenue forecasts will only allow a small segment or phase of the selected alternative to be included in the financially constrained MTP. The remaining segments or phases will need to be included in the unfunded illustrative project list.

### **Federal Planning Considerations**

Public Law 109–59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [SAFETEA-LU]) was signed into law on August 10, 2005. Congress has extended that law through a series of extensions. The provisions of that law continue to apply today. Subsection (h) of Section 3005 lists eight distinct considerations for projects and strategies that MPOs should consider when developing their plans. Listed below are those considerations.

- (A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (B) increase the safety of the transportation system for motorized and nonmotorized users;
- (C) increase the security of the transportation system for motorized and nonmotorized users;
- (D) increase the accessibility and mobility of people and for freight;
- (E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- (F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- (G) promote efficient system management and operation; and
- (H) emphasize the preservation of the existing transportation system.

These items should receive explicit consideration as the preferred alternative is selected and the Final EIS is developed. The north end of Bend contains regional retail land uses. The area also contains significant amounts of vacant land zoned for future light industrial, commercial, and mixed employment uses. These vacant lands total over 500 acres and comprise nearly half of the City of Bend's total supply of vacant economic lands. Providing reasonable and convenient access from US 97 to these lands is very important to the economy of Bend and the greater Central Oregon region. The economic vitality of the metropolitan area and the greater region will partially depend on access to this area for consumers, employees, residents, and freight movement.

### **Traffic Analysis**

The travel demand modeling and traffic analysis for DS-1 should include the road system, particularly the 18th Street extension, included in the Juniper Ridge Special Plan Area adopted by the City of Bend. Without those transportation system improvements, the analysis shows the need to widen Cooley Road from 3 lanes to 5 lanes and displace a large number of homes along that roadway. In addition, widening Cooley Road to 5 lanes could negatively impact the elementary and middle schools located along Cooley Road by increasing traffic volumes and speeds, increasing road crossing distances for pedestrians, and creating a potentially unsafe environment for bicyclists.

Including the Special Area Plan roads in the travel demand model should improve transportation system balance, improve access for emergency services, reduce the need to widen Cooley Road and displace so many homes, and decrease the overall number of local trips on US 97.

US 97 Bend North Corridor Project DEIS – Bend MPO Staff Comments
Page 4

### 800

As described in Section 2.6.1 of the Final EIS, based on public and agency comments received on the Draft EIS, ODOT modified the East DS2 Alternative to minimize impacts to the neighborhoods east of US 97 and to rural residential areas in the north end of the area of potential impacts to create the East DS2 Modified Alternative, which is identified as the Preferred Alternative.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 3005 applies to metropolitan planning organizations, and Section 3006 applies to statewide planning processes; both of which require consideration of the same eight planning factors. The eight planning factors are incorporated into ODOT's mission and the Oregon Highway Plan, and they are considered in the development of all ODOT projects including the US 97 Bend North Corridor Project. The eight planning factors are also incorporated into the Bend Metropolitan Planning Organization's Metropolitan Transportation Plan. Appendix A of the Metropolitan Transportation Plan documents that plan's compliance with SAFETEA-LU.

The goals and objectives outlined in Section 1.5 of the Final EIS are similar to the goals listed in the Metropolitan Planning Organization's Metropolitan Transportation Plan. In addition to complying with Section 3005, compliance with Section 6002 is documented in Appendix H of the Final EIS.

Section 3.5.3 of the Final EIS discloses how the Preferred Alternative will provide access to the north end of Bend for consumers, employees, residents, and freight movement. Access to existing local businesses and residences will be the same as it is today, from 3rd Street and other roadways in the API. Under the Preferred Alternative, 3rd Street will be less congested allowing for shorter travel times, easier accessibility, preserved market area, and reduced travel time costs. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access development in the Juniper Ridge area, an area planned for future economic development. Further, the Preferred Alternative will not preclude future connections directly into Juniper Ridge.

This comment is similar to Comment A6 030 submitted by the City of Bend.

### 009

Traffic analysis for the alternatives studied in the Draft EIS and Final EIS used the Bend Metropolitan Planning Organization's travel demand model. The model assumptions only include projects listed in the Metropolitan Transportation Plan's financially constrained. The 18th Street extension is not included in the financially constrained list, so it was not included in the traffic analysis conducted for this project. The Preferred Alternative includes a signalized intersection that connects the new

008

# A4: Tyler Deke, Bend MPO

3rd Street to US 97, rather than an interchange. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but this alternative will not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development.

The Preferred Alternative retains the current Cooley Road three lane configuration just east of the railroad tracks. Traffic analysis shows that five lanes will only be needed for Cooley Road in the area around the intersection with 3rd Street. The Preferred Alternative will fill many existing gaps and provide a continuous sidewalk and bicycle lane along Cooley Road from Hunnell Road to Hunters Circle to improve safe travel routes for pedestrians and bicyclists. Further, providing crosswalks and refuge islands at the Cooley Road/3rd Street intersection, as well as constructing Cooley Road so that is passes under the existing railroad and US 97 will enhance safety for pedestrians and bicyclists including those traveling to the elementary and middle schools. See Exhibit 2-3 FEIS (Map 6) and Exhibit 2-11 FEIS in the Final EIS.

Please also see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity and Topic 24 –Traffic analysis.

# A4: Tyler Deke, Bend MPO

#### **Emergency Services**

010

DS-1 provides the highest benefit for emergency services. Specific safety benefits and potential issues are detailed in the City of Bend letter. Attention to these issues must be considered as the preferred alternative is identified and implemented.

## **Bicycle and Pedestrian Systems**

011

The Final EIS should include greater consideration of bicycle and pedestrian facilities. The Oregon Transportation Commission appears to be placing more emphasis on multi-modal options. In addition, potential changes to state and federal transportation policies (e.g. mobility standards, least cost planning, and practical design) would seem to provide greater emphasis on multi-modal options.

### **Transportation Demand Management**

Some preliminary work has been completed to assess the potential benefits of TDM activities in the study area. A full assessment of the potential benefits of TDM activities should be considered as the alternatives are evaluated to greater level of detail in the Final EIS.

# 012

Transportation System Management (TSM)

A full assessment of the potential benefits of TSM projects and Intelligent Transportation Systems technologies should be considered as the alternatives are evaluated to greater level of detail in the Final EIS.

#### Metropolitan Transportation Plan Amendments

013

ODOT will need to work with the MPO to amend the Metropolitan Transportation Plan (MTP) to include the preferred alternative and the interchange area management plans (IAMPs). While the MPO process may not be as cumbersome as that of local governments, sufficient time must be available to amend the MTP, including sufficient time for public comment.

US 97 Bend North Corridor Project DEIS – Bend MPO Staff Comments

## 010

ODOT met with emergency service providers on January 2, 2013; April 12, 2013; and August 6, 2013, during the development of the Preferred Alternative to make sure that the design of the Preferred Alternative takes their needs into account. Section 3.5.3 in the Final EIS includes an analysis of the impacts of the Preferred Alternative on emergency services. The Preferred Alternative will preserve travel routes to locations south of the Public Safety Complex, but will require travel route changes to areas in the northeast section of the API. Additional details about accommodating emergency service providers are provided in response to comments in the City of Bend's letter, comments A6 023 through A6 028.

This comment is similar to Comment A6 010 submitted by the City of Bend.

#### 011

See Topic 12 - Bicycle and pedestrian facilities.

# 012

As described in Section 2.4.4 in the Final EIS, ODOT studied a Transportation System Management/Transportation Demand Management Alternative and looked at managing either the transportation system through efficiency actions or managing transportation demand through reducing vehicle trips and/or miles traveled. This alternative, when analyzed, could not satisfy the project's purpose and need because it would not significantly reduce congestion, improve traffic flow, or improve safety. Thus, it was dismissed as a standalone alternative. Transportation system management and transportation demand management elements, however, have been incorporated into the design of the Preferred Alternative, as described in Section 2.1.2 of the Final EIS, to maximize the efficiency of the transportation system.

Please see Topic 21 – Transportation demand management and transportation system management measures.

This comment is similar to Comment A6 031 submitted by the City of Bend.

# 013

As documented in Chapter 7 of the Final EIS, ODOT coordinated with the Bend Metropolitan Planning Organization during the development of the Preferred Alternative. On August 15, 2013, the Bend Metropolitan Planning Organization's Policy Board amended the Metropolitan Transportation Plan to include portions of the Preferred Alternative in the illustrative list that were not already identified in the Financially Constrained Project List. Under the Preferred Alternative, Interchange Area Management Plans are not needed, as described further in Section 3.1.3 of the Final EIS.

Please see Topic 3 – Interchange area management plans (IAMPs) and Topic 16 - Funding.



# **Board of County Commissioners**

1300 NW Wall St., Suite 200 • Bend, OR 97701-1960 [541] 388-6570 • Fax [541] 385-3202 www.co.deschutes.or.us board@co.deschutes.or.us Temmy Beney Anthony DeBone Alan Uncer

September 12, 2011

Amy Pfeiffer, Environmental Project Manager ODOT Region 4 63030 O.B. Riley Road Bend, OR 97701

Dear Amy

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006

The Deschutes County Board of County Commissioners (Board) appreciates all the hard work and time the Oregon Department of Transportation (ODOT) has put into the "US 97 Bend North Corridor draft Environmental Impact Statement (DEIS)." While Deschutes County agrees a solution to the current and future operational and safety problems is important, we cannot support either of the proposed solutions identified in the DEIS without having a broader discussion of mobility standards, the state transportation policy, and long term funding for state highways.

The Board recognizes any planned solution is difficult given the location of the problem where two major highways almost connect, and the differing needs of rural residents, area businesses, and users of the City, County, and State roads and highways. Still, a \$250-million dollar project is inconsistent with the current levels of funding at the local, state, and federal levels. The proposed solutions need to consider all factors, not just transportation. We cannot endorse a plan that local and state governments cannot afford and as a result, stymies growth. Other important variables are economic development, context sensitive designs, neighborhood livability, and the ripple effects of highway traffic being redirected onto City and County roads.

The County encourages ODOT to consider other options such as removing the Expressway designation on this urban segment of US 97, using alternative mobility standards that more balance the needs of local traffic with through trips, and identifying interim improvements that are more financially realistic and achievable.

The DEIS shows the installation of several new local roads. Deschutes County has had a road moratorium in place since 2006 due to loss of timber revenues from federal forests. Even if ODOT constructs the new roads as part of this project, the County does not have adequate funding to maintain these new roads. Related to this issue, the two alternatives would direct traffic down existing substandard County roads, particularly Hunnell Road and Bowery Lane. As the December 21, 2010, letter stated, the County would expect ODOT as part of this project to bring affected County roads up to our current standards.

Enhancing the Lives of Citizens by Delivering Quality Services in a Cost-Effective Manner

#### 001

See Topic 16 - Funding.

See Topic 14 - Alternate mobility standards

ODOT held multiple coordination meetings with Deschutes County staff to discuss project phasing and funding, project impacts, traffic analysis including mobility standards, and the development and identification of the East DS2 Modified Alternative as the Preferred Alternative. Meetings were also held on July 25, 2011; February 15, March 5, March 21, April 24, May 24, July 18, and September 28, 2012; and April 11, 2013. In addition, ODOT met with Deschutes County staff on February 25 and April 2, 2013, to discuss whether the County's Transportation System Plan would need to be amended to include design components of the Preferred Alternative. On June 13, 2013, the County sent ODOT a letter that stated it had been determined that the County Transportation System Plan did not need to be updated because the plan already included the design components of the Preferred Alternative that are located within the jurisdiction of Deschutes County.

## 002

See Topic 16 - Funding.

#### 003

Section 3.5 Socioeconomic Analysis of the Final EIS discloses the potential direct and indirect impacts and benefits of the Preferred Alternative to economic development and community character and cohesion, which includes aspects of neighborhood livability and traffic on local roads. Section 3.1 Transportation also discloses the potential direct and indirect traffic impacts and benefits of the Preferred Alternative. Section 3.8 Visual Resources discloses the potential direct and indirect impacts and benefits of the context sensitivity of the design of the Preferred Alternative. Chapter 4 of the Final EIS discusses the potential cumulative impacts.

The Preferred Alternative minimizes the amount of traffic using arterials and collectors in the area north of Cooley Road. The Preferred Alternative will not redirect highway traffic onto city streets and county roads.

# 004

See Topic 17 - Phasing.

See Topic 27 – Expressway designation.

# 005

The Preferred Alternative has greatly reduced the improvements affecting County roads and limits these improvements to County roads at two locations: extending Britta Street north and east to connect with Robal Road and US 20, and revising the current intersection of Cooley Road and O.B. Riley Road to include a roundabout.

Through coordination between ODOT and the County that occurred in 2012-2013, the County indicated its support for the Britta Street extension to provide a route for critical emergency services. ODOT had discussions with the County regarding the roundabout at Cooley Road/O.B. Riley Road versus a signalized intersection and the County stated it preferred the roundabout. ODOT will continue to coordinate with County during final design on these or any improvements that may affect County roads, including maintenance.

# 006

As noted in the response Comment 005 above, the Preferred Alternative minimizes the impacts to County roads, and has no impacts on either Bowery Lane or Hunnell Road; therefore it is not necessary to bring these facilities to the County standards with this project. The roundabout at Cooley Road and O.B. Riley Road was based on the City of Bend's roundabout design guidelines and a US DOT roundabout design document, which County staff supported. The roundabout is outside the UGB, but has sidewalk to allow bicycles to leave the roadway. There are no sidewalks proposed outside the immediate roundabout area. The Britta Street extension will meet Deschutes County and ODOT roadway design standards. The Britta Street extension is outside the UGB as well, thus it has shoulders instead of curb/gutter/sidewalk. ODOT will continue to coordinate with County during final design regarding any improvements on County roads, including maintenance.

007

The scale of the project and its location will require ODOT to apply for land use approval from Deschutes County, including conditional use permits and possibly a goal exception. ODOT will need to satisfactorily address the County's transportation concerns regarding Hunnell Road and Bowery Lane at the time of land use.

008

Finally, while ODOT conducted a three-year refinement plan on US 97/20, followed by a three-year environmental process which resulted in a DEIS of several hundred pages with appendices of several thousand more pages, the City, County, and others only have 45-days to review the document. We request that ODOT, through the Federal Highway Administration (FHWA) allow an additional 30 days to more fully review the document, which is a 20-year plan and thus is not time sensitive.

009

011

Please enter this letter and the attached December 21, 2010, letter into the final EIS and note any changes to County roads as a result of these letters. Again, the County would support the project, provided it does not adversely affect County roads or rural residents, and there was a viable funding mechanism. However, as it stands, there needs to be a broader policy discussion and review of statewide transportation planning policies.

Sincerely,

DESCHUTES COUNTY BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Vice Chai

Alan Unger, Commissioner

## 007

See Topic 5 – Statewide goal exceptions.

As listed in Section 2.7 of the Final EIS, ODOT will obtain the necessary permits from Deschutes County. No goal exceptions or conditional use permits are required for the Preferred Alternative. Required permits are identified in Exhibit 2-31 in Chapter 2 of the Final EIS.

# 800

See Topic 2 – Request for extension of the Draft EIS comment period.

# 009

This letter and the December 21, 2010, letter have been entered into the Final EIS. The Preferred Alternative results in the following changes to County roads: the extension of Britta Street to Robal Road at US 20, addition of a traffic signal at the intersection of Cooley Road and US 20, and construction of a roundabout at the intersection of Cooley Road and O.B. Riley Road. Unlike the East DS1 and East DS2 Alternatives, the Preferred Alternative will not include the extension of Britta Street west to O.B. Riley Road.

### 010

See Topic 16 – Funding.

# 011

This project complies with statewide transportation policies as documented in Section 3.2.3 of the Final EIS. Beyond this project, broader policy discussions and a review of statewide transportation planning policies are occurring, such as through the TRIP97 project which is currently underway. In addition, in February 2013 the expressway designation of this section of US 97 was reviewed and confirmed with a "no change" action by the Oregon Transportation Commission.



# Community Development Department

Planning Division Building Safety Division Environmental Health Division

117 NW Lafoyette Avenue Bend Oregon 97701-1925 (541)388-6575 FAX (541)385-1764 http://www.co.deschutes.or.us/cdd/

December 21, 2010

Amy Pfeiffer, Environmental Project Manager ODOT Region 4 63030 O.B. Rilay Road Bend, Oregon 97701

RE: County roads that will require improvement to County standards due to ODOT 97/20 project at North End of Bend

Dear Amy,

Deschutes County appreciates the opportunity as an agency of record to comment on the alternatives for re-routing U.S. 97 in the north end of Bend. Tom Blust, Road Department Director, George Kolb, County Engineer, and myself met and discussed the proposed alternatives of East DS1 and East DS2 as shown on maps dated November 2010. We have limited our comments to County roads we feel will need to be brought up to County standards due to changes in traffic distribution and/or highway access resulting from the ODOT 97/20 project at the north end of Bend. Several of what are now local streets will begin to function more as collectors as traffic will carve out new patterns to reach the highway.

East DS-1 (full interchange north of cemetery)

Fort Thompson: Entire length. While the map indicates Fort Thompson extends south to Harris as there is a paved road it is unclear if there is dedicated right of way for that road.

Harris Way: From its terminus all the way south to Bowery Lane. Additionally, while the drawings indicate extending Harris through to Hunnell, which the County agrees makes sense, there is no dedicated right of way.

Bowery Lane. Entire length from Hunnell road east to its connection to the new Third Street and west from US 97 to the new Third Street. The County strongly suggests rather than improving Bowery Lane, that Instead ODOT look at extending Rogers Road east of Hunnell to provide a connection to the new Third Street.

Hunnell Road: From Harris Way south to Cooley with the southern portion of Hunnell realigned westward to Berg Lane beginning at about Loco. This would result in a signalized four-legged intersection at Cooley/Hunnell. The current leg of Hunnell north of Cooley to Loco could be made into a cul-de-sec.

Quality Services Performed with Pride

Rogers Road: Consider extending eastward to the new Third Street alignment.

Cooley Road: OB Riley Road east to US 20 given signalization of US 20/Cooley will draw increasing amounts of traffic.

Robal Road: OB Riley to US 20 (new roadway).

East DS2 (NB on, SB off only Interchange near cemetery)
Bowery Lane: Harris Way to east end of new roadway across US 97 and west to Hunnell Road
Again, the County would urge ODOT to consider extending Rodgers Road east, which in this
case would be to Bowery.

New Road from cemetery to Bowery Lane: entire length

Hunnell Road: Lowe Lane (approximately 4,100' north of Rodgers Road) abuth to Cooley, again with Hunnell angled westward to use Berg Lane.

Gooley Road: OB Riley to US 20 given signalization of US 20 will increase traffic on this leg.

Robal Road: OB Riley to US 20 (new roadway).

Again, we thank you for the opportunity to provide comment and look forward to continuing to work with the Oregon Department of Transportation (ODOT) and the City of Bend on solving the traffic problems in the urban-rural interface at the north end of Bend. Please let me know if you have any items you wish to discuss with us further. Thank you.

Peter Russell

Senior Transportation Planner

Tom Blust, Road Department Director George Kolb, Counly Engineer Dennis Luke, Chairman, Deschutes County Board of Commissioners



September 12, 2011

Amy Pfeiffer, Environmental Project Manager **ODOT Region 4** 63030 O.B. Riley Road

710 NW WALL STREET Bend, OR 97701 PO Box 431 BESID, OR 97701 [541] 388-5505 TEL 1541] 385-0876 FAX. Dear Ms. Pfeiffer, WWW.CLBENO.dh.UE

Attached please find the City of Bend Comments for the US 97 Bend North Corridor Project Draft Environmental Impact Statement (DEIS) and JULY LAGOR Draft Section 4(f) Evaluation.

JODIE BANKAM

Maryor

Thank you for the opportunity to comment. The City comments are divided Mayor Pro Team into summary and specific sections. The City looks forward to the on-going review periods of the Environmental Impact Statement (EIS) process.

> The goal of the City is to complete the EIS alternatives process and identify and support an alternative that is fiscally pragmatic and provides a

TOM GREEN City Councilor

KATHIE ECKMAN City Councilor high level of safe access, mobility and connectivity to regional employment

JAM CUNTON City Conscilor

MANN CAPELL

SCOTT RAMSAY City Coursoller

Elec Kine City Manager

City Councilor Please contact Nick Arnis, Transportation Manager, for any clarifications or if you need more information.

and commercial areas while minimizing impacts on residential areas. To

meet this goal the City strongly supports the DS1 alternative. Please see

Jeff Eager, Mayor

CC: City Council and Manager

the attached comments.

ODOT acknowledges the City's support of the East DS1 Alternative. Please see the response to comment A6 005.

# Memorandum

To: From: Amy Pfeiffer, Environmental Project Manager

Nick Arnis, Transportation Manager

Subject:

City of Bend Comments, US 97 Bend North Corridor Project Draft

Environmental Impact Statement and Draft Section 4(f) Evaluation

Date: September 12, 2011

Thank you for the opportunity to comment on the ODOT DEIS for the US 97 Bend North Corridor Project. The comments below are divided into two sections: summary comments and more detailed comments from the City Long Range Planning, Emergency Services, Transportation Division, and MPO staff.

# **Summary Comments**

# EIS document and alternative flexibility:

The EIS must remain flexible to changing fiscal constraints and state and federal transportation policies such as mobility and performance standards, multi modal priorities, and practical design. The intersection and roadway sections in the EIS must be allowed to be designed within the EIS footprint according to these new or modified policies. Please provide any clarification or input as to how the EIS will be flexible to policy changes.

# Process and Next Steps:

The two build alternatives being considered are "downscaled" compared to the original set of alternatives. The process used to develop the initial alternatives allowed full consideration of the full needs of the corridor. As the two downscaled alternatives are assessed, please remain cognizant of the original east alternatives. The downscaled alternatives should not preclude any of the project components considered in the original alternatives.

Selection of a preferred alternative. The decision making process to select a preferred alternative should consider development of weighted criteria. The Agency Coordination Committee (ACC) and Steering Team should help create the weights and be involved in

Page 1 of 3

# 001

This comment is similar to Comment A4 003 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

#### 002

This comment is similar to the first paragraph of Comment A4 004 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

# 003

This comment is similar to Comment A4 005 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

001

the scoring of the criteria. Those groups can provide greater clarification on the relative importance of the various evaluation criteria.

The ACC should be involved in development of the work plan and schedule to develop

#### Alternative DS-1:

City supports Alternative DS-1. The City does not support Alternative DS-2. The diamond form interchange DS-1 provides critical connectivity and access to the transportation system for the movements of goods, services, and emergency services to regional employment and commercial areas. However, DS-1 must be amended to include a connection to the Juniper Ridge employment area consistent with the City Transportation System Plan (TSP) that is further refined with the adopted Juniper Ridge Overlay Zone (see attached). Juniper Ridge is a significant planned employment and mixed use area with the potential to create thousands of jobs for Central Oregon that currently experiences over 15% unemployment rates.

#### **Emergency Services:**

DS-1 provides the highest benefit for City emergency services. The access and connectivity for emergency services will remain a priority for the City as the EIS alternative is developed and implemented.

# Alternatives Analysis and Mobility Standards

Related to the flexibility of the document alternatives analysis, if ODOT adopts alternative mobility or performance standards, the City encourages ODOT to review the screening criteria and assumptions and context for the existing corridor options particularly Existing DS1 and TSM/TDM alternatives. Please see attached August 18, 2011 ODOT memo from Michael Rock.

# MPO Fiscal Constraint and Phasing:

The preferred alternative will have to meet the fiscal constraint requirements in the Bend MPO plan consistent with FHWA and ODOT direction. Currently the modernization funding estimates in the MPO plan are about \$40million for the next 20 years. The DEIS should be consistent with the MPO estimate. Given this fiscal constraint the City recommends the DEIS alternative include a 20 year phasing strategy to meet the MPO fiscal constraint.

#### Jurisdictional Transfer:

Noting that a transfer of any portion of US 97 to the City is a long term action, however at that time ODOT should be aware the City will require an analysis of the existing ODOT facility for but not limited to safety, stormwater, utilities, and roadway maintenance conditions. The City will not be able to assume significant fiscal and legal liabilities for US 97 highway without equitable compensation.

# 004

This comment is similar to Comment A4 006 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

## 005

ODOT acknowledges the City of Bend's support of the East DS1 Alternative. As described in Section 2.6.1 of the Final EIS, the East DS2 Alternative was modified to respond to public and agency comments on the Draft EIS to minimize impacts particularly to neighborhoods east of US 97 and in the northern end of the API. ODOT coordinated with local agencies, including the City of Bend, during the development of the East DS2 Modified Alternative, as documented in Chapter 7 of the Final EIS. ODOT and FHWA identified the East DS2 Modified Alternative as the Preferred Alternative in the Final FIS.

No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but this alternative does not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development.

Please see Topic 18 – Juniper Ridge.

# 006

This comment is similar to Comment A4 010 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response

# 007

The August 18, 2011, draft memo from Michael Rock provided a status report on revisions to Policy 1F of the Oregon Highway Plan. Since then, the Oregon Transportation Commission adopted revisions to Oregon Highway Plan Policy 1F regarding highway mobility targets on December 21, 2011, as described on ODOT's website (http://www.oregon.gov/ODOT/TD/TP/Pages/OHP2011.aspx). It was not necessary for this project to review and revise the screening criteria and assumptions as referenced in your comment because in April 2013 the OTC chose not to adopt an alternate mobility standard for US 97 in the project area.

Please see Topic 14 – Alternate mobility standards, Topic 21 – Transportation demand management and transportation system management measures, and Topic 27 – Expressway designation.

## 008

Please see Topic 16 – Funding and Topic 17 – Phasing.

Page 2 of 3

#### 009

ODOT and the City of Bend will coordinate and negotiate potential jurisdictional transfers during final design of the project. ODOT recognizes that funding is limited and there are fiscal impacts associated with such transfers.

#### Bikes and Pedestrians:

Greater attention to bike and pedestrian facilities must be included in the EIS. Recent OTC and ODOT clarifications about fiscal constraint and multi modal transportation options should provide ODOT with the necessary direction to include a statement of multi modal needs in the Purpose and Need and not restrict the Purpose to solely improving safety and mobility for trucks and automobiles.

## Long Range Planning:

ODOT should not assume in this DEIS that the City will need to approve land use permits for the development of the preferred alternative. This is the responsibility of ODOT not the City. ODOT must take the lead to create, submit, and seek approval of the Interchange Area Management Plans (IAMP). However, the City does not believe it's necessary nor is it advisable to require the adoption of IAMPs as a pre - condition for a final EIS. The IAMP is an ODOT policy and not a requirement of the NEPA process for an EIS.

# Specific Comments

## Page 1-3 Purpose of the Proposed Action

ODOT may want review the opening statement, "The purpose of the proposed action is to improve safety and mobility for trucks and automobiles..." given the Oregon Transportation Commission (OTC) policy directions concerning mulit modes.

# Page ES 14 Socio economic impacts

DS-1 should be modeled with post processing with the adopted Juniper Ridge Special Area Plan. The estimated 19 residences associated with this alternative would be greatly reduced on Cooley Road if DS-1 is modeled with a connection to Juniper Ridge consistent with the Juniper Ridge Special Area Plan (SPA) that is attached.

# Page 2-25 Alternatives - Existing Corridor

Existing DS1 fails only on the mobility criteria. Please see attached memo from ODOT about the statewide mobility standard and performance measures. In the years it has taken to create alternatives for the US 97 Bend North Corridor project it appears there is now meaningful discussion about mobility standards at the state level. The discussion has just occurred and likely to take the necessary time and review to set a policy and standard. Consequently, please consider how this DEIS could be modified to reflect state mobility policy changes.

# Page ES-1 Other Actions

The master plan for Juniper Ridge is mentioned however there is a Special Plan Area adopted by the City with a street system that would link a collector road to a parallel arterial, 18<sup>th</sup> Street, and will improve balance and system connectivity which in turn decreases local trips on Highway 97 and reduces the road cross section on Cooley Road from 5 lanes to 3 lanes.

#### 010

As noted in Section 1.5 of the Final EIS, pedestrian and bicycle safety and connectivity were included in the project's goals and objectives. The Preferred Alternative was designed to provide multi-modal benefits, including those for pedestrians and bicycles. Please also see Topic 13 – Bicycle and pedestrian facilities, which includes a listing of bicycle and pedestrian facilities that are included in the Preferred Alternative.

### 011

Text clarifying that ODOT is responsible for obtaining all required permits and plan amendments from local jurisdictions has been added to Sections ES.7, 2.6, and 3.2.3 of the Final EIS.

## 012

See Topic 3 – Interchange Area Management Plans.

## 013

As noted in Section 1.5 of the Final EIS, pedestrian and bicycle safety and connectivity were included in the project's goals and objectives. The Preferred Alternative was designed to substantially improve the bicycle and pedestrian facilities within the API. For specific improvements included in the Preferred Alternative, please see Topic 12 – Bicycle and pedestrian facilities.

# 014

See Topic 24 – Traffic analysis.

Traffic analysis for the alternatives studied in the Draft and Final EIS used the Bend Metropolitan Planning Organization's travel demand model. The model assumptions only include projects listed in the Metropolitan Transportation Plan's financially constrained list. The Juniper Ridge Special Area Plan improvements are not included in this list, so they were not included in the traffic analysis conducted for this project.

The Preferred Alternative includes a signalized intersection that connects the new 3rd Street to US 97, rather than an interchange. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development.

Page 3 of 3

One of the modifications made to the design of the East DS2 Alternative in the development of the Preferred Alternative was to narrow Cooley Road to three lanes just east of the undercrossing of US 97 and the railroad tracks to minimize the footprint of this roadway and reduce the number of residential displacements to five. Traffic analysis shows that five lanes will only be needed for Cooley Road in the area around the intersection with 3rd Street.

#### 015

Please also see Topic 14 – Alternate mobility standards and Topic 15 – Separated through and local routes.

The Existing DS1 Alternative does fail on Criterion 3c: "Would the segments on US 97 have the capacity necessary to provide for the projected 20-year traffic demands?" as discussed in Section 2.4.2 of the Final EIS. As evaluated in Criterion 3c, the Existing DS1 Alternative had more roadway segments that exceeded the volume to capacity standards than any of the other build alternatives or the No Build Alternative as shown in the Updated Traffic Analysis Report Appendices on page J-217 (available upon request as noted in Appendix K of the Final EIS).

The Existing DS1 Alternative would not have provided separated through and local routes, but would have added travel lanes on existing US 97 (e.g. widening to six through lanes) to provide the needed capacity to accommodate both local and through traffic in the future, as demonstrated in the US 97 Corridor Management Strategy. Although the Existing DS1 Alternative was dismissed solely because of Criterion 3c (capacity to provide for projected 20-year traffic demands) in the purpose and need screening documented in Exhibit 2-8 in the Draft and Final EIS, following publication of the Draft EIS ODOT's review of the Metro State of Safety Report provides further support to no longer consider this alternative. The data and conclusions in the Metro State of Safety Report, prepared for the Portland area, show that there are nearly twice as many fatal/incapacitating crashes on a six-lane urban arterial facility as compared to a four-to five-lane facility. Serious pedestrian-related crash rates for six-lane facilities are more than double the rates for four-to five-lane facilities. Serious injury crashes are four times greater on urban arterial type facilities as compared to freeway or expressway type facilities. Section 2.4.2 of the Final EIS provides additional information on why the Existing DS1 Alternative (which focused on improvements within the existing alignment of US 97) was dismissed from further consideration.

The August 18, 2011, draft memo from Michael Rock provided a status report on revisions to Policy 1F of the Oregon Highway Plan. Since then, the Oregon Transportation Commission adopted revisions to Oregon Highway Plan Policy 1F regarding highway mobility targets on December 21, 2011, as described on ODOT's website (<a href="http://www.oregon.gov/ODOT/TD/TP/Pages/OHP2011.aspx">http://www.oregon.gov/ODOT/TD/TP/Pages/OHP2011.aspx</a>). These revisions would slightly change the volume-to-capacity ratios standards, but the Existing DS1 Alternative still would not pass the project's screening requirements to be evaluated in the Final EIS. Regardless of the mobility standards applied, the Existing DS1 Alternative would perform worse than the East DS1, East DS2, and Preferred Alternatives.

# 016

Please see Topic 18 – Juniper Ridge, Topic 24 – Traffic analysis, and Topic 28 – Cooley Road design and operation.

# Page 3-97-98, 3.5.3 Environmental Consequences East DS1Alternative

The DS1 Alternative assumes a 5 lane cross section that displaces 9 residences in the Boyd Acres neighborhood. This Cooley Road cross section, which is a City Street, is unnecessary and is not supported at this time by the City. Please model the DS1 Alternative with the street system in the approved Chapter 2.7.2000 Juniper Ridge Overlay Zone.

The City believes the connection with DS1 to the Juniper Ridge Overlay Zone collector and arterial system will:

- · Balance the traffic loads to an east and west parallel system
- Greatly reduce and eliminate the residential impacts in Boyd Acres Neighborhood
- Reduce local trips to US 97
- Provide enhanced emergency services connections
- Provide access and connectivity to the Juniper Ridge regional employment district.

Please note attached Final Report NE Bend Transportation Study summary findings and April 9, 2009 memo "Summary of Key Study Findings and Outcomes" for benefits to US 97.

# Page 3-97 East DS1 Alternative, Beneficial Impacts

Generally local street extensions increase connectivity and movements of goods and people and may increase pedestrian and bicycle safety, however, DS1 with the 5 lane cross section on Cooley Road will decrease safety for bikes and pedestrian because of the wider crossing distances in a residential area and near a school. The alternative will greatly improve regional movement of goods and people if the north interchange is connected to the Juniper Ridge SAP street system. Without this connection the movement of goods and people is marginal.

# Chapter 2 Alternatives- various intersection forms

There are many depictions of signalized intersection forms on City streets in the alternatives. Please include an explicit reference or clarification in these pages that all intersection forms on City streets are analyzed and evaluated according to City roundabout and intersection standards. The depiction of a signal on these plans does not require the City to construct a signalized intersection.

### Page 2-25, Criteria 1d, East DS1

It would be very important to know if the left exit off ramp in East DS1 and 2 meets the 1d screening criteria for facility design standards. Perhaps add more justification if none is provided. Also, since this is a key northbound exit to a major commercial and employment area of the region, the signing location and pattern should be reviewed in order to know if it is possible before advancing the alternative. A conceptual signing plan will indicate whether there are the appropriate "message units" to support the left exit. Please refer to NCHRP Report 687 Guidelines for Ramp and Interchange Spacing

Page 4 of 3

# 017

Please see Topic 28 – Cooley Road design and operation and Topic 18 – Juniper Ridge. The residential displacements in the Boyd Acres Neighborhood are necessary to stage and construct the US 97 and railroad bridges and lower Cooley Road to provide the necessary vertical clearance under the bridges.

As demonstrated in Section 3.2.3 of the Final EIS, the Northeast Bend Transportation Study was included in the list of plans and policies applicable to the project. Those improvements from the Northeast Bend Transportation Study that are included in the Preferred Alternative are described in Section 2.1.2 of the Final EIS. As listed in Exhibit 3-27 FEIS in the Final EIS, the Preferred Alternative is consistent with the Northeast Bend Transportation Study.

### 018

Please see Topic 18 – Juniper Ridge and Topic 28 – Cooley Road design and operation.

## 019

The Traffic Analysis Report analyzed all City facilities using the City's operational standards (volume/capacity ratio, seconds of delay) and the results are shown as such in Exhibit 3-13 FEIS and Exhibit 3-14 FEIS in the Final EIS. ODOT evaluated all City street intersections in the project area to determine if a roundabout could be used. Roundabouts were incorporated into the design of the Preferred Alternative where they could provide the needed functionality unless the impacts (right of way acquisition and displacements) were too great. ODOT's identification of providing an intersection does not preclude the City from providing a roundabout at that location in the future. ODOT coordinated this analysis with the City of Bend's Transportation Manager during this evaluation process. Section 2.1.2 of the Final EIS describes the Preferred Alternative in detail and clarifies whether a roundabout or a signal would be constructed at specific intersections. All intersections within the City of Bend limits were designed to meet City of Bend roundabout and intersection standards. Footnotes have been added to Exhibit 3-13 FEIS in the Final EIS, which reports operational performance, to clarify which intersections would have roundabouts instead of signals.

In some cases one intersection form presented clear advantages over another. In those cases, a recommendation of a specific intersection form was made. However, these intersection forms can be further refined in final design of the project. ODOT will continue to coordinate with the City of Bend's Transportation Manager throughout the final design process.

# 020

The left exit off ramp in the Preferred Alternative as well as the East DS1 and East DS2 Alternatives meet the facility design standards in screening Criterion 1d, as shown in Exhibit 2-18 in the Final EIS. Design of any ramps and exits will follow the guidelines in place at the time of final design and will include signing.

017

020 Cont.

that mentions, "A quick and simple check of sign sequencing and the number of message units should be performed in the earliest stages of concept development."

## Page 2-16-17 Design Features, last paragraphs

Existing and new county and City roads that support the alternative must be funded with this project. County and City roads will provide the system connectivity and continuity that will make the alternative successful. The City's NE Transportation Study found that parallel collectors and arterials, key overcrossings of US 97 and the railroad, strategic interchanges on US 97, and TSM and TDM programs reduces the need for local trips on US 97.

Page 4-6 (Exhibit 4.4) and Page 4-7

Please refer to the attached Chapter 2.7.2000 Juniper Ridge Overlay Zone for a more up to date plan for the future Juniper Transportation and street layout. Please add this to the Chapter 4 Cumulative Impacts.

# **Emergency Services**

Exhibit ES-4: construction of the following local road improvements is critical for emergency services access: west extension of Robal Road to OB Riley Road; extension of Britta Street to the extended Robal Road

2) Strive to maintain current access configuration at the Jamison/Hwy 20 intersection. If left turns must be prohibited, the physical improvements should be designed to allow emergency services vehicles to make left turns at Jamison/Hwy 20 (mountable medians/islands)

3) Exhibit ES-4: indicates Jamison at Empire will become RI/RO. If left turns must be prohibited, the physical improvements should be designed to allow emergency services vehicles to make left turns at Jamison/Empire (mountable medians/islands).

4) If medians are to placed on US 97 north of Cooley Road, cut-through access must be provided for emergency services vehicles. Examples of cut through access points on expressways exist on many highways throughout the US.

5) Sufficient shoulder widths must be provided on the new highway to allow parking for disabled vehicles and for law enforcement

6) Working with the various law enforcement agencies, locations for enforcement parking pads should identified along the new highway

# MPO Planning Issues Comments provided by MPO staff

#### Fiscal Constraint:

The MPO is responsible for preparing a long-range metropolitan transportation plan (MTP) for the Bend metropolitan area. The MTP is an initial step in developing the region's system of transportation facilities and services, and serves as a framework for more detailed project planning. Titles 23 and 49 of the Code of Federal Regulations require the MTP to be "fiscally constrained," meaning that the cost of projects included in the MTP cannot exceed the capacity of the region to fund the projects. To meet this requirement, the MTP includes a detailed analysis of existing revenues and a forecast of future revenues that can be reasonably expected over

029

Page 5 of 3

# 021

The Preferred Alternative will include improvements to the local street network, such as the extension of 3rd Street, a Cooley Road undercrossing of US 97 and the railroad, and Transportation System Management and Transportation Demand Management programs to reduce the need for local trips on US 97.

Please see Topic 21 – Transportation demand management and transportation system management measures.

## 022

Exhibit 4-4 FEIS in the Final EIS has been revised to incorporate the street layout shown in the City of Bend Development Code Chapter 2.7.2000 Juniper Ridge Overlay Zone, provided with this comment letter.

# 023

ODOT designed the Preferred Alternative to accommodate emergency services. See Section 3.5 Socioeconomic Analysis of the Final EIS. The Preferred Alternative includes the extension of Britta Street to the intersection of US 20 and Robal Road, providing a connection to both northbound and southbound US 20. The extension of Robal Road to O.B. Riley Road was omitted from the Preferred Alternative because of the impacts (right of way acquisition and displacements) to rural lands that would result from the road extension. ODOT met with emergency service providers on January 2, 2013, April 12, 2013, and August 6, 2013, during the development of this alternative, and these providers did not indicate that such a connection is needed, but did indicate that the Britta Street extension to US 20 will be critical.

## 024

Under the Preferred Alternative, left turns from Jamison Road onto US 20 will not be permitted. Jamison Road will be designed as right-in/right-out. The extension of Britta Street provides a connection to a signalized intersection on US 20 where emergency vehicles can safely make a left turn onto US 20.

## 025

Under the Preferred Alternative, rather than making a left turn from Jamison Street onto Empire Avenue at an unsignalized intersection, emergency vehicles leaving the Public Safety Complex would turn right onto US 20 at Xanthippe Lane and then travel south on US 20 to the signalized Empire Avenue intersection where they could make a left turn onto Empire Avenue.

## 026

ODOT met with emergency services providers on January 2, 2013, April 12, 2013, and August 6, 2013, during the development of the Preferred Alternative to discuss emergency service providers' needs. ODOT found that cut-through access points will not be geometrically feasible for providers' equipment; however, the Preferred

the planning period (2007-2030). Reasonably available revenue from a jurisdiction or agency is primarily from existing revenue sources. Reasonably available revenue can include increased revenue from growth in underlying factors that determine that revenue (such as increases in population that increase gasoline consumption and thus fuel taxes) and from future increases in the tax rate or fees that continue a historic trend of such increases.

The assessment of future funding from federal and state sources for capital improvements in the Bend MPO is based primarily on ODOT's Financial Assumptions for the Development of Metropolitan Transportation Plans 2005–2030 (which is referred to as ODOT's Financial Assumptions). This' document provides information on trends in major federal and state funding sources, provides forecasts of statewide revenue from these sources and, and future costs for distributions to other jurisdictions, mandated set-asides, and priority needs such as preservation, safety, operations, and debt service. This forecast allows an estimate of ODOT's funding for modernization once distributions to other jurisdictions and priority needs for maintenance and other costs are taken out of total revenue. In theory, any revenue retained by ODOT that is not required for operations and maintenance (O&M) or debt service is available for modernization.

For the revenue analysis, it is assumed that ODOT will continue to be responsible for operation and maintenance of federal and state highways in the Bend MPO area. To estimate the amount of funding that is likely to be available for capital (construction) projects, future costs for O&M of the transportation system must also be projected. The starting point for this analysis is an assumption that available funding will be used first to operate the existing transportation system and maintain it at an optimal level. This implies that flexible funding (that is, funds that can be used for either capital costs or O&M) will only be used for capital projects after O&M needs are met. Capital funding will be the remainder of any flexible funds after O&M needs is met, plus any revenue that is restricted to capital projects only.

ODOT's Financial Assumptions document assessed the level of ODOT funding for modernization projects statewide. The document assumes the equivalent of an increase of the fuel tax by \$0.01 per gallon every year to fund O&M and the equivalent of a \$15 increase in the vehicle registration fee every eight years (principally for modernization). The table below summarizes the road-related capital funding that is estimated to be reasonably available in the Bend MPO from 2007 to 2030, including estimated ODOT expenditures in the Bend MPO. It is important to note that if the state gas tax is not increased, as assumed, some of the funds otherwise used by ODOT for modernization would probably have to be diverted to O&M. Without these additional funds, ODOT's revenue would be below the level of its O&M needs, so that any modernization at all would require deferred maintenance on the state highway system.

Alternative provides an intersection at 3rd Street and US 97 where emergency service providers can safely turn around to change directions. ODOT will continue to coordinate with emergency service providers during final design of the project.

## 027

Shoulder widths on US 97 will be finalized during final design of the Preferred Alternative. ODOT will continue to coordinate with emergency service providers during this process to make sure that shoulder widths will accommodate parking for law enforcement and disabled vehicles.

#### 028

Law enforcement parking pads can be accommodated in the footprint of the Preferred Alternative and will be added during final design of the project. ODOT will continue to coordinate with emergency service providers during final design of the project.

# 029

This comment is similar to Comment A4 007 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

029 Cont.

# Capital funding reasonably available to ODOT in the Bend MPO area, 2007–2030

	Low	High
	Scenario	Scenario
Total	\$40.4*	\$42.2*

029 Cont.

The current forecast shows relatively limited capital funding available in the Bend area for ODOT modernization projects. These funds will be used for projects on the entire ODOT system in Bend, including the entirety of US 97 and US 20.

As the Final EIS is developed, a phasing and funding program should be developed. The current long range revenue forecasts will only allow a small segment or phase of the selected alternative to be included in the financially constrained MTP. The remaining segments or phases will need to be included in the unfunded illustrative project list.

# MPO and DEIS consistency:

Public Law 109–59 (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users [SAFETEA-LU]) was signed into law on August 10, 2005. Congress has extended that law through a series of extensions. The provisions of that law continue to apply today. Subsection (h) of Section 3005 lists eight distinct considerations for projects and strategies that MPOs should consider when developing their plans. Listed below are those considerations.

- (A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (B) increase the safety of the transportation system for motorized and nonmotorized users;
- (C) increase the security of the transportation system for motorized and nonmotorized users:
- (D) increase the accessibility and mobility of people and for freight;
- (E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- (F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- (G) promote efficient system management and operation; and
- (H) emphasize the preservation of the existing transportation system.

These items should receive explicit consideration as the preferred alternative is selected and the Final EIS is developed. The north end of Bend contains regional retail land uses. The area also contains significant amounts of vacant land zoned for future mixed employment uses and light industrial uses. These lands will constitute a large percentage of new employment growth for the Central Oregon region. Providing reasonable and convenient access from US 97 to this area is very

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#### 030

This comment is similar to Comment A4 008 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

030 Cont.

important. The economic vitality of the metropolitan area and the greater region will partially depend on access to this area for consumers, employees, residents, and freight movement.

Transportation Demand Management (TDM). Some preliminary work has been completed to assess the potential benefits of TDM activities in the study area. A full assessment of the potential benefits of TDM activities should be considered as the alternatives are evaluated to greater level of detail in the Final EIS.

031

Transportation System Management (TSM). A full assessment of the potential benefits of TSM projects and Intelligent Transportation Systems technologies should be considered as the alternatives are evaluated to greater level of detail in the Final EIS.

#### Comments about Pedestrian and Bikes

# Bicycling and Pedestrian Facilities

The U.S. 97 North Corridor Project Draft DEIS document provides a summary of impacts of the project alternatives as measured against adopted Local Plans. Largely, this document accurately depicts the review of environmental impacts, consequences and mitigation necessary to provide consistency as it relates to bicycling and sidewalk transportation goals and policies that are included within city of Bend adopted plan(s).

Outstanding concerns or issues that are not adequately addressed in the document, include; some missing trail or sidewalk segments and some missing analysis of impacts or mitigation that will ensure maximizing non automobile mobility on the local transportation system. The following is a brief summary of these issues or concerns:

032

- (a) Omission of needed sidewalks in the DS-1 Alternative along (new) Third Street, between Cooley Road and (at least) Grandview Drive (as shown in the cross-section of Alternative DS-2) compare DEIS Exhibit 2-12 to Exhibit 2-14, roadway section ❷. This area is still anticipated to develop to an urban standard and should include sidewalks.
- (b) Omission of the planned separated trail<sup>1</sup> along the west side of both build Alternatives DS-1 and DS-2, north of Empire Blvd. The trail is mentioned in the DEIS<sup>2</sup> but no accommodation is made for the facility in either build alternative.

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#### 031

This comment is similar to Comment A4 012 submitted by the Bend Metropolitan Planning Organization. Please refer to that comment response.

#### 032

Under the Preferred Alternative, as shown in Section 2.1.2 of the Final EIS, 3rd Street will include sidewalks and bicycle lanes and/or a multi-use path between Cooley Road and the intersection with US 97 to provide a safe way for pedestrians and bicyclists to travel on this section of roadway. Please also see Topic 12 – Bicycle and pedestrian facilities.

The trail referenced in part (b) is shown as the "north-south hard surface trail" on Exhibit 3-61 FEIS in the Final EIS. Exhibit 3-61D FEIS has been added to show an enlarged view of this trail alignment relative to the Preferred Alternative. Language has been added to Section 3.6.3 of the Final EIS to explain that the planned trail referenced in your comment will be accommodated by the Preferred Alternative. In coordination with the City of Bend, the Preferred Alternative will include construction of a trail crossing under US 97 to accommodate bicyclists and pedestrians on the portion of the planned north-south hard surface trail east of the Sisters loop ramp between Empire Avenue and Robal Road. The portion of this planned trail between Sisters loop ramp and Robal Road could be realigned to 3rd Street to provide the same connection between Empire Avenue and Robal Road. ODOT will work with the City of Bend to provide this connection.

<sup>&</sup>lt;sup>1</sup> The Bend Urban Area Transportation System Plan (TSP) calls for a proposed separated trail north of Empire Avenue generally located along the west side of both Alternatives DS-1 and DS-2. The alignment is illustrated on TSP Map Exhibit B: and TSP Resource Document B.2.3, NE Quadrant Map. http://www.cl.bend.or.us/eis and mapping/docs/Bike Trails TSP.pdf http://www.cl.bend.or.us/eis/community\_development/planning\_division/docs/TSP\_RD\_B\_2\_3\_ac\_Quadrant\_Map\_NE.pdf

<sup>&</sup>lt;sup>2</sup> DEIS Section 3.6.2 and illustrated on Exhibit 3-61

032 Cont

Also, It is important that this trail <u>not</u> be realigned in subsequent refinements of the ODOT project adjacent to busy arterial street corridors - this would be in conflict with trail location criteria of the TSP (TSP Section 6.9.4, Policy 3); that calls for trails "...to be locate(d) - as much as possible - away from streets..." Adding additional support to this criterion is the frequent expression of bicyclists and pedestrians to have route choice alternatives that don't direct non automobile travel next to busy and fast arterial roadways, such as state highways.

This is not to say that the arterial streets themselves shouldn't have sidewalks and bike lanes (to get to and from arterial located destinations) but that efforts should be made to provide alternate routes as sidewalk and bike lane construction are still important roadway improvement design elements to include in *any* roadway project for a variety of other reasons, 3, 4, 5

(c) Highways are commonly constructed without attention to the needs of disabled motorists. An example of this design are highways that commonly construct structures or fences constructed for other numerous reasons that make foot travel "escape" from the highway impractical (due to the length to the nearest automobile on- or off-ramp) or impossible (due to grade separation or barriers). The build alternatives, DS-1 and DS-2 are no exception to this issue, either as a result of including long sections of highway with complete access control or grade separations (such as at Empire, Blvd., Robal Lane and Cooley Road), with no apparent ease of pedestrian movement from the expressway to a local street (to seek assistance). Admittedly, this has become less of an issue with the abundance of private ownership of cellular phones but does not address the isolation of a highway from the environment that it passes for those without this convenient means of communication.

This is also the case for bicyclists that might be traveling the expressway that may have impractically long distances to travel in order to get off of the highway (northbound, north of Empire Blvd. is a prime example). A means of getting off of the expressway at Robal Lane<sup>6</sup> would provide a practical solution to this problem (see also the potentially related remedy discussed in the following section (d) ).

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#### 033

Preparation of the Final EIS included a more detailed analysis of pedestrian and bicycle needs (including potentially disabled motorists), and the Preferred Alternative was designed to address those needs. The spacing of access points along US 97 is typical for expressways. With the Preferred Alternative if a motorist becomes disabled (the vehicle breaks down) along US 97 within the project corridor a standard shoulder will be provided to allow the motorist to safely pull the vehicle out of the travel lane. If needed, the bicycle and pedestrian facilities provided with the Preferred Alternative could then be used by the motorist to exit the highway on foot to walk to a local street for assistance; such as the multi-use path adjacent to the northbound direction of US 97 north of Cooley Road and the signalized intersection of US 97 and 3rd Street, which includes crosswalks.

For northbound bicyclists along US 97 the signalized intersection of US 97 and 3rd Street will provide a way to exit the highway to local streets. In addition, the design of the Preferred Alternative will encourage pedestrians and bicyclists to use the local routes where the speeds are slower and there are more access points.

ODOT has staff dedicated to responding to emergencies and aiding disabled motorists. ODOT will continue coordinating with the City of Bend's Transportation Manager during final design to assure that needs of disabled motorists are addressed.

033

Oregon law (ORS 366.514) requires, that; "Footpaths and bicycle trails, including curb cuts or ramps as part of the project, shall be provided wherever a highway, road or street is being constructed, reconstructed or relocated." [Note: It has been interpreted that the terminology of the original bill is outdated: "footpaths and bicycle trails" should read; "walkways and bikeways."].

<sup>&</sup>lt;sup>4</sup> Americans with Disabilities Act (ADA) requires that sidewalks be constructed to meet accessibility standards and intersections be constructed with curb ramps that meet specific accessible design criteria.

<sup>&</sup>lt;sup>5</sup> See: Attachment 3 - Reasons for Highway Shoulders, and Benefits of Urban Bike Lanes to Other Road Users, source: http://library.michigantrails.org/on-road-biking/benefits-of-highway-shoulders-and-urbanbike-lanes/

Including crossing the highway possibly via a grade-separated facility.

(d) The DEIS acknowledges the presence of non automobile <u>demand from the east side of the BNRR tracks but no accommodation has been made in either build alternative to accommodate this transportation need.</u>

Currently, two locations have prominent evidence of this non automobile crossing activity; at <a href="Fred Meyer Road">Fred Meyer Road</a> (a former road crossing of the railroad, now closed) where public rights-of-way stop on both sides of the railroad tracks, and at <a href="Robal Lane">Robal Lane</a> (on the west) and <a href="Raymond Court">Raymond Court</a> (on the east). This later location is separated by privately owned (vacant) parcels on each side of the RR tracks but a well-worn path/trail is visually very evident (on site) making a connection between the two public roads. While infrequent railroad traffic makes these crossings relatively easy and safe, the build alternatives would terminate this casual connection by the construction of a new impassable highway barrier.

The local TSP does not call out this crossing of the highway as there is no highway currently in the road plan to cross. However, the local plan does contemplate the examination of a "Rails with Trails Corridor Opportunity" that would have local access from the east.

The DEIS does speak to the impacts of the highway alternatives causing diversion/detour of this movement a distance of one to one and half miles but offers no remedy. As well accepted national bicycle and pedestrian design would recommend connectivity for promoting non automobile travel at a frequency of about ¼ to ½ miles, diversion of non automobile traffic for this extreme length is deemed unacceptable to the city.

An early alternative (WS East Modified)<sup>8</sup> illustrated a grade-separated facility as one of its project elements. This facility should be included as a project element of Build Alternatives DS-1 and DS-2.

(e) Lastly, it is important to emphasize the need for planter strips (i.e., the area between the curb and the sidewalk) along all roadway construction where roadways are constructed to urban standards. Planter strips are shown in Alternative DS-1 and DS-2 road cross-sections (to vary in width from 0- to 6-feet)<sup>9</sup> but historically, in many state highway construction projects, the planter strips have been omitted (if sidewalk construction was included in a project, the sidewalks have frequently been constructed curb-tight). This is sometimes the result of inadequate rights-of-way acquisition. It is vitally important that every effort should be made to include the planter strip where sidewalks are to be constructed. The planter strip is an important "buffer" area that maximizes the comfort of sidewalk users and better ensures walkability along roadway projects is maintained.

7 Ibid, Footnote 1, Bend TSP, Map Exhibit B and ibid, Footnote 2, DEIS

8 DEIS Exhibit 2-27

034

The Preferred Alternative does not include a crossing of the railroad at this location because there are current crossings of the railroad at Empire Avenue and Cooley Road. Furthermore, there are no sidewalks or trails in the neighborhood on the east side of the railroad tracks east of Robal Road (near Raymond Court). The Preferred Alternative does not preclude the future planned trail system between the railroad tracks and US 97; a pedestrian and bicycle undercrossing of US 97 will be included east of the Sisters loop ramp near Fred Meyer Road where the comment notes that pedestrians frequently cross the existing US 97 facility.

The US 97 project will greatly enhance the safety of crossing US 97 and the railroad tracks further north at Cooley Road by providing a grade-separated undercrossing with sidewalks, bicycle lanes, and crosswalks and pedestrian refuges at the intersection with 3rd Street. Crossing the new US 97 facility and the railroad tracks at the Cooley Road undercrossing will require pedestrians in the Robal Road/Raymond Court area to travel approximately one-mile out of direction (one-half mile north to Cooley Road, and then one-half mile south back to Robal Road). The pedestrians currently using the old Fred Meyer crossing are trespassing on railroad property.

The Rails with Trails Corridor Opportunity noted in the comment, has been evaluated in Section 3.6 Parks and Recreational Facilities of the Final EIS. As noted in this section of the Final EIS, under the Preferred Alternative the conceptual alignment of this corridor will need to be refined to retain its planned connectivity, particularly with regard to the crossing with Cooley Road.

# 035

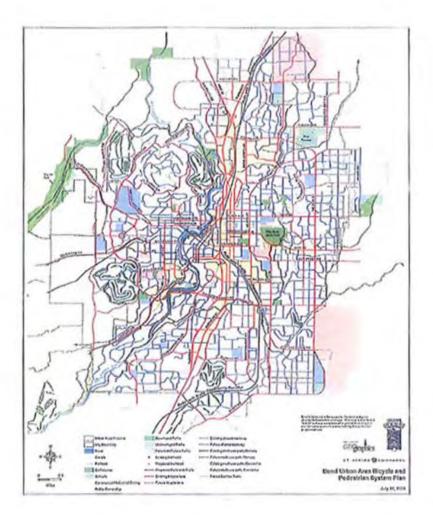
With the Preferred Alternative the proposed footprint and design for new local roads includes necessary right of way to meet city or county standards, including planter strips between the curb and along city streets, where feasible and practical. Specifically, planter strips will be provided along the entire length of 3rd Street within the project area and along segments of Empire Avenue, O.B. Riley Road, Mervin Sampels Road, Nels Anderson Road, Loco Road, Cooley Road, Robal Road, and US 20.

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034

<sup>9</sup> DEIS Exhibits 2-12 and 2-14, Road Cross-sections @

Attachment 1 Bend TSP – Map Exhibit B



Attachment 2
Bend TSP – Resource Document B.2.3, NE Quadrant Map



#### Attachment 3a

# Reasons for Highway Shoulders

Prepared by Michael Ronkin, Former Bicycle and Pedestrian Program Manager & Members of the Preliminary Design Unit Oregon Department of Transportation

Before the 1971 "Bike Bill" was passed, and the terms "shoulder bikeways" or "bike lanes" were commonly used, the Oregon Highway Division advocated (1) building paved shoulders when constructing roads and (2) adding paved shoulders to existing roads. These were often referred to as "safety shoulders." There are good reasons for this term.

The following reasons are what AASHTO has to say about the benefits of shoulders in three important areas: safety, capacity and maintenance. Most of these benefits apply to both shoulders on rural highways and to marked, on-street blke lanes on urban roadways.

Safety - highways with paved shoulders have lower accident rates, as paved shoulders:

- · Provide space to make evasive maneuvers;
- · Accommodate driver error;
- Add a recovery area to regain control of a vehicle, as well as lateral clearance to roadside
  objects such as guardrail, signs and poles (highways require a "clear zone," and paved
  shoulders give the best recoverable surface);
- · Provide space for disabled vehicles to stop or drive slowly;
- Provide increased sight distance for through vehicles and for vehicles entering the roadway (rural: in cut sections or brushy areas; <u>urban</u>: in areas with many sight obstructions);
- Contribute to driving case and reduced driver strain;
- · Reduce passing conflicts between motor vehicles and bicyclists and pedestrians;
- · Make the crossing pedestrian more visible to motorists; and
- Provide for storm water discharge farther from the travel lanes, reducing hydroplaning, splash and spray to following vehicles, pedestrians and bicyclists.

Capacity - highways with paved shoulders can carry more traffic, as paved shoulders:

- Provide more intersection and safe stopping sight distance;
- · Allow for easier exiting from travel lanes to side streets and roads (also a safety benefit);
- · Provide greater effective turning radius for trucks;
- · Provide space for off-tracking of truck's rear wheels in curved sections;
- Provide space for disabled vehicles, mail delivery and bus stops; and
- · Provide space for bicyclists to ride at their own pace;

Maintenance - highways with paved shoulders are easier to maintain, as paved shoulders:

- · Provide structural support to the pavement;
- Discharge water further from the travel lanes, reducing the undermining of the base and subgrade;
- Provide space for maintenance operations and snow storage;
- Provide space for portable maintenance signs;
- · Facilitate painting of fog lines.

#### Attachment 3a

# Benefits of Urban Bike Lanes to Other Road Users.

Urban streets have to satisfy many needs: various modes use them, and they provide local access to a community as well as mobility for through traffic. Many of the benefits of shoulders listed on the first page ("Reasons for Highway Shoulders") also apply to bike lanes in urban areas, whether they were created by restriping or by widening the road. Some street enhancements cannot be measured with numbers alone, as they offer values (e.g. trees) that simply make a community better. The following discussion should be viewed in this context. Bike lanes can provide the following benefits:

## For Pedestrians:

- Greater separation from traffic, especially in the absence of on-street parking or a
  planter strip, increasing comfort and safety. This is important to young children
  walking, playing or riding their bikes on curbside sidewalks.
- Reduced splash from vehicles passing through puddles (a total elimination of splash where puddles are completely contained within the bike lane).
- An area for people in wheelchairs to walk where there are no sidewalks, or where sidewalks are in poor repair or do not meet ADA standards.
- A space for wheelchair users to turn on and off curb cut ramps away from moving traffic.
- The opportunity to use tighter corner radii, which reduces intersection crossing distance and tends to slow turning vehicles.
- In dry climates, a reduction in dust raised by passing vehicles, as they drive further from unpayed surfaces.

#### For Motorists:

- Greater ease and more opportunities to exit from driveways (thanks to improved sight distance).
- Greater effective turning radius at corners and driveways, allowing large vehicles to turn into side streets without off-tracking onto curb.
- A buffer for parked cars, making it easier for motorists to park, enter and exit vehicles safely and efficiently. This requires a wide enough bike lane so bicyclists aren't "doored."
- Less wear and tear of the pavement, if bike lanes are restriped by moving travel lanes (heavier motor vehicles no longer travel in the same well-worn ruts).

#### For Other Modes:

- Transit: A place to pull over next to the curb out of the traffic stream.
- Delivery vehicles (including postal service); a place to stop out of the traffic stream.
- <u>Emergency vehicles</u>: Room to maneuver around stopped traffic, decreasing response time.
- <u>Bicyclists</u>: Greater acceptance of people bicycling on the road, as motorists are reminded that they are not the only roadway users;
- Non-motorized modes: An increase in use, by increasing comfort to both pedestrians and bicyclists (this could leave more space for motorists driving and parking).

### Attachment 3a

# For the Community (Livability factors):

- · A traffic calming effect when bike lanes are striped by narrowing travel lanes.
- Better definition of travel lanes where road is wide (lessens the "sea of asphalt" look).
- An improved buffer to trees, allowing greater plantings of green canopies, which also has a traffic calming effect.

# Comments from City Long Range Planning Division

# 1. UGB Expansion Remand

In November 2010, the State Land Conservation and Development Commission (LCDC) issued Order 001795, in which the Commission remanded the city's proposed UGB amendment back for further work. The City brings this to ODOT's attention for the following reasons. First, DS-1 and DS-2 may impact lands the city includes in an expanded boundary for housing and employment land. We have and will need to continue to coordinate closely on our work on the UGB. Second, ODOT will need to work with the City and Deschutes County on amending our respective comprehensive and transportation plans. The City believes that this is best accomplished in a legislative planning process that is separate from the City's work on the UGB expansion. City staff are working to obtain city and county adoption of a final UGB expansion and to submit the proposal to DLCD for review and acknowledgement by May of 2013. We cannot guarantee that ODOT could obtain some land use approvals of a preferred alternative through the process the City is engage in to determine where to expand Bend's UGB.

# 2. Required exceptions to Statewide Planning Goals

Any exceptions that ODOT concludes are necessary for the planning, development, and construction of a final alternative need to be approved by Deschutes County. These exceptions would be required if ODOT proposes to develop urban transportation facilities on rural lands outside of the Bend urban growth boundary. Deschutes County would need to review such a proposal and approve the following amendments to its Comprehensive Plan so that these exceptions would be in effect:

Amend county transportation plan map to reflect final footprint and design
of transportation improvements

#### 036

The Preferred Alternative has been designed to minimize impacts outside of the City's adopted urban growth boundary, with the extension of Robal Road and Britta Street west of US 20 as the only improvements outside the adopted urban growth boundary.

See Topic 20 – Urban growth boundary expansion. Since the comment was received from the City of Bend, the schedule for the urban growth boundary expansion has been delayed until approximately 2017. ODOT will coordinate with the City of Bend on transportation planning for the UGB expansion.

The Final EIS has been revised to reflect the current state of the urban growth boundary amendment process. Section 2.5.4 of the Final EIS, outlines how ODOT coordinated with the City of Bend, Deschutes County, and Bend Metropolitan Planning Organization regarding amendments to their respective transportation system plans to incorporate the Preferred Alternative. The City of Bend's Bend Urban Area Transportation System Plan was amended on March 5, 2014, to include the Preferred Alternative. In June 2013, Deschutes County determined that the elements of the Preferred Alternative that are within the jurisdiction of Deschutes County do not require an amendment to the Deschutes County Transportation System Plan or the associated Comprehensive Plan. Please also see Topic 16 – Funding.

## 037

Please see Topic 5 – Statewide goal exceptions.

In June 2013, it was determined that the elements of the Preferred Alternative that are within the jurisdiction of Deschutes County do not require an amendment to the Deschutes County Transportation System Plan or the associated Comprehensive Plan. The extension of Britta Street and the modification of the Cooley Road/O.B. Riley Road intersection to construct a roundabout are addressed in the Deschutes County Transportation System Plan.

036

#### Attachment 3a

7 Cont.

 Amend text of county comprehensive plan to include a new exception statement for the North US 97 Corridor

These amendments would be legislative land uses decisions that would need to be made by Deschutes County, after review and public hearing by its Planning Commission and Board of County Commissioners.

# 3. Amendments to local city and county transportation system plans.

038

The DEIS states (See ES20, 2-56) – that the city and the county will need to approve land use permits for development of the preferred alternative. This is not accurate. ODOT will need to submit proposals to each jurisdiction to amend their respective comprehensive plans and transportation system plans to reflect the preferred alternative. ODOT has no authority to compel the city to do this work; ODOT will need to submit applications for legislative amendments to the text of the City's General Plan and Transportation System Plan to reflect the alignment of the preferred alternative, including associated changes to the city's road network, to the city for review and approval.

# 4. Interchange Area Management Plan (See 2-55 to 2-56)

039

The DEIS states that IMAPs will be developed to protect the function of the existing US 97 interchange at Empire Avenue and for a future interchange at US 97 at the northern portion of the API. The DEIS goes on to state that the City of Bend would adopt policies and ordinances necessary to implement the IAMP prior to publication of the final EIS. The DEIS is silent on how the final IAMP process would occur, whether ODOT would be the lead agency, and which jurisdiction — City or ODOT — would take the lead on a public process for amending the Bend Area General Plan to adopt policies necessary to implement the IAMP. This section of the DEIS cites no legal authority upon which ODOT can compel the city to begin and complete these actions.

The City is engaged in a multi-year process to update the Bend Area General Plan (BAGP) to ensure 20-year supplies of buildable land for housing and employment, including an expansion of the Bend urban growth boundary. The City is working to fulfill the requirements of a remand order from the Land Conservation and Development Commission (LCDC)

## 5. Alternative DS-1, Economic benefits of DS-1

The DEIS does not fully evaluate and acknowledge potential economic benefits of DS-1.

- Proximity to city's Juniper Ridge property
- DEIS does not address entitlement of special planned area (SPA) for Juniper Ridge

# 038

Thank you for the correction. Sections ES.7, 2.7, and 3.2.3 of the Final EIS have been revised to clarify that ODOT is responsible for obtaining all required permits and plan amendments from local jurisdictions. Permits will include grading, land use, noise variance, demolition, and utility permits, as listed in Exhibit 2-31 in the Final EIS.

# 039

See Topic 3 – Interchange area management plans (IAMPs).

#### 040

As described in Section 1.2 of the Draft and Final EIS, part of the purpose of the project is to support economic development. Support of economic development was included as Criterion 3e in the purpose and need screening of alternatives, as demonstrated in Exhibit 2-18 in the Final EIS. This criterion evaluated whether an alternative would avoid bisecting or otherwise removing critical large developable and/or economically important lands and whether the project would result in other significant impacts that would jeopardize the economic viability of existing critical employment lands. All of the alternatives were evaluated using the same criterion. As shown in Exhibit 2-18, the East DS1 Alternative passed Criterion 3e, as did the Preferred Alternative.

It is not the purpose of the project to facilitate development of Juniper Ridge through zoning changes, permitting, or development of the planned Juniper Ridge street network, but rather to develop a transportation system that can support planned economic development (including Juniper Ridge) in the future. The congestion relief and additional capacity provided by the Preferred Alternative will benefit traffic traveling to and from Juniper Ridge. Please see Topic 18 – Juniper Ridge.

040

#### Attachment 3a

041

 DEIS does not address impact of DS-2 on Cooley Road and how this impact is alleviated or mitigate through the interchange proposed through DS-1.

# 6. Quality of the agricultural land and soils affected by the Build Alternatives.

Both alternatives DS-1 and DS-2 affect rural lands outside the Bend UGB under the jurisdiction of Deschutes County. These lands are designated under the County's Comprehensive Plan as Agriculture and have a zoning designation of either Exclusive Farm Use-Tumalo/Redmond/Bend (EFUTRB) or Exclusive Farm Use Alfalfa (EFUAL) Subzone.

Exhibit 3-20 of the DEIS shows that six (6) acres of EFU zoned land, or about two (2) percent of the land area in the API, would be affected by one of the build alternatives. This is an important point because the land area potentially affected by the build alternatives does not include commercial farm operations that are in production to sale marketable farm commodities on the open market.

In addition, Exhibits 3-24 and 3-25 show the quality of the agriculturally zoned soils is very poor. The mapped soil classes, according to the NRCS are:

Deskamp Loamy Sand, 0 to 3 % slopes

Deskamp-Gosney Complex, 0 − 8 % slopes

Gosney-Rock outcrop- Deskamp Complex, 0 – 15% slopes

Basing the selection of a preferred alternative should not rest on the quality of the soils. The soils are poor for commercial agriculture. The areas through which the improvements proposed under the build alternatives would go are not engaged in commercial agriculture resulting in marketable farm commodities.

# 7. Final Comments and Questions on Land Use

04

042

1) What are the assumptions for acres of future land uses and their corresponding trip generation rates for land directly adjacent to the API (depicted on Exhibits 3-18, 3-21, etc.)? The land inside the Bend UGB adjacent to the API is widely viewed as some of the best situated land for large scale retail, mixed employment, and industrial uses in the region. The API is directly adjacent to over four hundred acres of vacant industrial land inside Juniper Ridge (portion inside the current Bend UGB), the 50-acre mixed employment Gumpert property (tax lot 171217A000100), plus approximately 90 acres of vacant commercial, industrial, and mixed employment plan-designated land in the vicinity. Given these properties make up approximately 550 acres of vacant employment land, and that this is nearly half of the city's total supply of economic lands (see page 3-41), it is critical that assumptions about the these lands be explicit and

## 041

Please also see Topic 28 – Cooley Road design and operation and Topic 3 – Interchange area management plans (IAMPs).

# 042

Exhibits 3-20 FEIS and 3-21 FEIS in the Final EIS show that there are lands zoned Exclusive Farm Use within the API.

The Preferred Alternative has been designed to further minimize impacts in the area north of Cooley Road and will not result in impacts to lands zoned Exclusive Farm Use, as demonstrated in Section 3.2.3 and in Exhibit 3-32 FEIS of the Final EIS. As described in Section 2.6.1, the Preferred Alternative was developed in response to comments received on the Draft EIS in an attempt to minimize impacts to a number of resources, including high quality soils in areas zoned as Exclusive Farm Use lands.

#### 043

Section 3.1.2 of the Final EIS discusses how the Bend Metropolitan Planning Organization's (MPO) travel demand model has been used to estimate future traffic volumes, so all assumptions included in that model have been applied to this project. Traffic projections for the No Build Alternative and the Preferred Alternative are based on the latest version of the Bend Metropolitan Planning Organization's travel demand model. Staff from the Bend Metropolitan Planning Organization, the City of Bend, Deschutes County, ODOT, and the Oregon Department of Land Conservation and Development worked together to develop assumptions incorporated into the Bend MPO travel demand model.

Land use assumptions included in the Bend Metropolitan Planning Organization's travel demand model are based on the City of Bend's Bend Area General Plan and include the following:

- Based on the City of Bend's Bend Area General Plan land use designations, staff
  determined that a percentage of future population and employment growth
  could not be allocated within the existing UGB. The land use assignment process
  did consider redevelopment plans, including the Central Area Plan. Staff from
  the Bend MPO, ODOT, DLCD, the city of Bend and Deschutes County worked
  together to allocate a percentage of projected 2030 population and
  employment outside the existing UGB.
- Future single family residential densities were based on more current development patterns (seven units per acre) as opposed to historical development patterns (four units per acre). Some medium and high residential was also assumed.
- The employment forecast used a set of employee-per-acre ratios that are a combination of the employee-per-acre ratio figures used in the Medford Metropolitan Transportation Planning Organization area and employee per acre examples from other areas, to convert the number of forecast new jobs into commercial and industrial acres.

Please also see Topic 18 – Juniper Ridge.

## Attachment 3a

accurate. Once these are known or clarified, it will be possible to answer the following questions:

- a) Are vacant lands in the API and adjacent to the API assumed to stay vacant, or assumed to be developed to a reasonable level in the 20-year planning period as is done by the City of Bend's UGB expansion? What is the level of development assumed and what is the rationale for the assumption?
- b) Are land uses and build-out assumptions based on the current City of. Bend Zoning designation or the City of Bend General Plan designation? What were the assumptions for land uses and trip generation for land with a current zoning designation of Urban Area Reserve (UAR)? If it is based on the current zoning designation it may not take into account the City's adopted Development Code contains provisions (see Chapter 4.2.200.F. Approval Criteria for Site Plans and 4.3.300.E. Approval Criteria for Subdivisions) requiring all development and land divisions to be consistent with uses allowed in BOTH designations. This may effectively prevent areas zoned UAR with General Plan designations of industrial, commercial, and mixed employment to build at any low-intensity use that is not allowed by the underlying General Plan designation.
- c) What is the overall intensity of development assumed for the API and lands directly adjacent to the API? The City's adopted, but unacknowledged, 2008 Employment Opportunities Analysis, assumes a near complete build-out of all employment lands inside the current UGB by year 2028 at observable employment densities ranging from 10.7 employees/net acre for lands with a General Plan designation of IL, 11.6 employees/net acre for Mixed Employment, and 13.0 employees/net acre for Commercial General.
- 2) Should the alternatives be analyzed according to their ability to accommodate a future 225-acre university site at Juniper Ridge as a social and economic consideration? The Bend UGB expansion successfully demonstrated the need for a 225-acre university in conjunction with the industrial, commercial, and residential development at Juniper Ridge. The Bend UGB Remand Order will require the City to explain why this land need cannot reasonably be accommodated inside the current UGB. One likely outcome of the UGB expansion will be reserving 225 acres for a future university site, likely at or near Juniper Ridge. Was this specific use considered and which alternative best serves this future land use?
- 3) ES-14. Do wait times and congestion consider only through trips on the state system, or all wait and delay combined as a result of the entire network in the vicinity of the project? Are PM Peak Traffic conditions on the local road connections serving the proposed alternatives considered? If not, why?

  3) Pages ES-17 and 18. Do the air quality, noise, and energy consequences of the three alternatives consider wait times, delay, and idling, as well as VMT? Idling creates air pollution, wastes energy, and creates noise, so if these are not

#### 044

See Topic 18 – Juniper Ridge.

See Topic 24 – Traffic analysis.

The traffic analysis for the Preferred Alternative used the latest version of the Bend Metropolitan Planning Organization's travel demand model. ODOT did not specifically consider the needs and/or location of a future university in Juniper Ridge or elsewhere in Bend. As discussed in Chapter 4, Sections 4.1.3 and 4.1.4 of the Draft and Final EIS, the Juniper Ridge area as a whole was considered in the cumulative impact analysis.

## 045

The entire network is considered in the study area for the delay and congestion statistics, including Exhibit ES-7 of the Final EIS. Delay is the additional travel time spent by a driver or pedestrian when compared to normal travel time over a corridor which is result of slower or stopped traffic that can be contributed to traffic congestion, traffic signals, or stop signs. Yes, the PM peak traffic conditions on the local road connections serving the Preferred Alternative are considered and are illustrated in Exhibit ES-7.

#### 046

The air quality analysis follows the Federal Highway Administration's and ODOT's methodology. The project is located in an area which has not been designated by the US Environmental Protection Agency for non-attainment for any criteria pollutants; therefore, localized or "hot spot" analyses using wait times, delay, or idling are not required. Criteria air pollutant concentrations are, and would continue to be, below the National Ambient Air Quality Standards in the API. Mobile Source Air Toxic emissions were qualitatively assessed using Federal Highway Administration's guidance and vehicle miles traveled.

The Federal Highway Administration Traffic Noise Model considers the starting and stopping of traffic at intersections. In general, the noise associated with the free flow movement of traffic is louder than that of idling traffic. Peak hour or "loudest hour" traffic volumes for the design year are used to predict future traffic noise levels and assess impacts.

The long-term energy impacts were assessed on a broad level by multiplying the daily vehicle miles traveled by a fuel consumption rate for each transportation link, broken down by automobiles and trucks, and then summing each link by alternative, including the No Build Alternative. The fuel consumption rates were taken from Oregon's fuel consumption rate estimates. The energy analysis in Section 3.17 of the Final EIS follows ODOT's methodology.

43 Cont.

044

045

046

## Attachment 3a

046 Cont.

being considered the analysis may not reflect the true environmental impacts associated with the alternatives.

047

4) ES-19 and ES-20. Please clarify if the City of Bend and Deschutes County would adopt policies and ordinances necessary to implement the IAMP prior to the publication of the Final EIS, but adopting the preferred alternative into the Bend Area General Plan, Bend TSP, Deschutes County Comprehensive Plan, and Deschutes County TSP would wait until after publication of the DEIS?

041

5) Page 3-41. Exhibit 3-23 and the definition of unconstrained land are somewhat misleading and the context of the planned land use section (page 3-41) is not clear. The picture that should be clear is that much of the vacant employment land in Bend faces some degree of development constraint in terms of its ability to be served with adequate infrastructure such as roads, water, sewer, and others. For example, the majority of the 662 acres of vacant Industrial Light is present in only the north end of Bend at Juniper Ridge. This land is not available until it is adequately served by utilities such as transportation. The City recommends this section be revised to discuss how a large portion of the City's vacant industrial land as well as other land types depend directly on the proposed solution to the north corridor. Alternatives should be evaluated to examine how they encourage economic development by unlocking the potential of vacant employment lands rather than a descriptive inventory.

/DPS/BTR

### 047

See Topic 3 – Interchange area management plans (IAMPs).

As discussed in Sections ES.7, 2.5.4, and 3.2.3 of the Final EIS the Bend Metropolitan Planning Organization's Metropolitan Transportation Plan and the Bend Urban Area Transportation System Plan, which is part of the Bend Area General Plan, have been amended to include the Preferred Alternative. In June 2013, it was determined that no amendments to the Deschutes County Comprehensive Plan and Deschutes County Transportation System Plan are needed for the Preferred Alternative.

#### 048

The Draft and Final EIS used the definition of unconstrained land as it is provided in the City of Bend's current (2008) Buildable Lands Inventory. As noted in Exhibit 3-23 FEIS in the Final EIS, the Buildable Lands Inventory does not identify the location of the vacant lands, so it is not possible to assess which areas are within the project's API.

As described in Section 1.2 of the Draft and Final EIS, part of the purpose of the project is to support economic development. Support of economic development was included as Criterion 3e in the purpose and need screening of alternatives, as demonstrated in Exhibit 2-18 FEIS in the Final EIS. This criterion evaluated whether an alternative would avoid bisecting or otherwise removing critical large developable and/or economically important lands and whether the project would result in other significant impacts that would jeopardize the economic viability of existing critical employment lands. All of the alternatives were evaluated using the same criterion. As shown in Exhibit 2-18 FEIS, the East DS1 Alternative passed Criterion 3e, as does the Preferred Alternative.

While it is not the purpose of the project to specifically facilitate development of Juniper Ridge or other vacant lands, the purpose of the project does include development of a transportation system that can support planned economic development (including Juniper Ridge) in the future, as stated in Section 1.2 of the Final EIS. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but this alternative will not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development. The congestion relief and additional capacity provided by the Preferred Alternative will benefit traffic traveling to and from Juniper Ridge.

See Topic 18 – Juniper Ridge.

# 2.7.2000 Juniper Ridge Overlay Zone

#### Sections:

2.7.2010 Purpose
2.7.2020 Implementation
2.7.2030 Employment Sub-District
2.7.2040 Town Center Sub-District - reserved
2.7.2050 Educational Sub-District - reserved
2.7.2060 Residential Sub-District - reserved

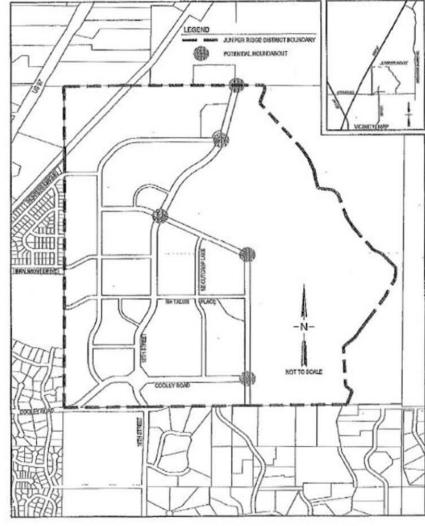
# 2.7.2010 Purpose

This chapter applies to all development within the Juniper Ridge Overlay Zone. The purpose of the Juniper Ridge Overlay Zone is to promote economical, sustainable, and reasonable growth in Juniper Ridge by creating unique overlay zoning sub-districts for residential, commercial, educational and industrial uses.

## 2.7.2020 Implementation

 The Juniper Ridge Overlay Zone consists of the area within the dashed line shown on Figure 2.7.2020 - Juniper Ridge District Map.

# FIGURE 2.7.2020 JUNIPER RIDGE DISTRICT MAP



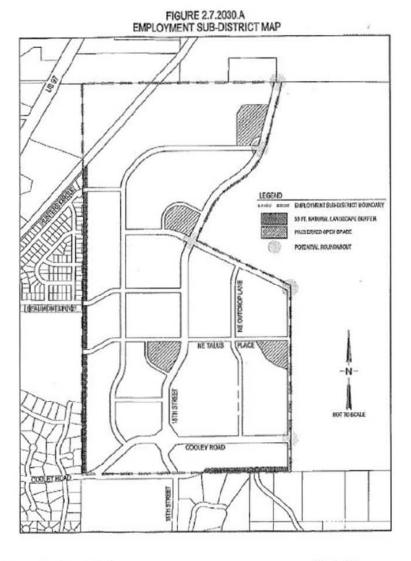
City of Bend Development Code

Chapter 2.7

City of Bend Development Code

## 2.7.2030 Employment Sub-District

- A. Purpose. The Juniper Ridge Employment Sub-District is a 306 acre area that is intended to promote economical, sustainable, and reasonable growth by allowing a mix of light industrial uses, offices for research and development, corporate and regional headquarters and accessory uses to serve the needs of these primary uses. The Employment Sub-District will:
  - Provide a variety of employment opportunities
  - · Promote efficient use of the land
  - Promote pedestrian and other multi-modal transportation options
  - . Ensure compatibility of uses within the development and with the surrounding areas
  - Create an efficient, interconnected system of streets with standards appropriate to the intensity and type of adjacent use
  - Create safe and attractive streetscapes that will meet emergency vehicle access requirements and enhance pedestrian and bicycle access
- B. Applicability. The Employment Sub-District Overlay shall apply to all lands that are zoned Industrial Light (IL) and within the boundaries of the Juniper Ridge Overlay Zone depicted in Figure 2.7.2030.A. The standards of this section shall supersede those of the underlying zone unless no special standards within the sub-district are provided.
- C. Infrastructure Implementation. Development within the Employment Sub-District shall not occur unless adequate public facilities are in place to serve the property prior to occupancy.
- D. Transportation Management Association (TMA). A TMA organized to operate in a manner that is consistent with the Transportation Demand Management goals and policies in the City's Transportation System Plan and Section 4.7.500 will be developed for the Employment Sub-District. All site development review applications within the Employment Sub-District that are subject to review under Chapter 4.2 shall demonstrate conformance with Employment Sub-District TMA program requirements.
- E. Permitted and Conditional Uses. The land uses listed in Table 2.7.2030.A are allowed in the Employment Sub District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.7.2030.A, and land uses that are approved as "similar" to those in Table 2.7.2030.A may be allowed.
- F. Limitations on Permitted Uses. Small scale personal and professional service uses shall be limited to an aggregate area total within the Employment Sub-district not to exceed 30,000 square feet.
- G. <u>Determination of Similar Land Uses</u>. Similar use determinations shall be made in conformance with the procedures in Chapter 4.1.1400, Declaratory Ruling.



City of Bend Development Code

Chapter 2.7

City of Bend Development Code

#### Table 2.7.2030.A Permitted Land Uses

Land Use	Employment Sub-District	
Light manufacturing, fabrication, assembly and repair with incidental sales associated with a permitted use	P	
Heavy manufacturing, assembly and processing of raw materials and recycling	С	
Wholesale Distribution, Warehousing and Storage	P	
Research and development facilities	P	
Production Office (e.g., IT support centers, biotechnology, software/hardware development, broadcast and production studios/facilities.)	P	
Wholesale processing uses (e.g., dry cleaning, laundry)	C	
Food and beverage processing and packaging	P	
Medical and dental laboratories	P	
Small-scale personal and professional services  • Within a freestanding or multi-tenant building, up to 2,500 square feet of gross floor area (e.g., coffee shop / deli, dry cleaners, barber shops and salons, copy centers, banks, financial institutions, and similar uses)* shall be allowed  • Within a freestanding or multi-tenant building, up to 10,000 square feet for child care, fitness center and similar uses shall be allowed when a site has frontage and/or direct access to an Arterial or Collector street	P	
Corporate Headquarters/Regional Corporate Office	P	
Trade, vocational technical, professional, business schools including university programs serving industrial needs	P	
Professional consulting services.	P	
Industrial and professional equipment and supply sales	P	
Professional office accessory to a primary use, in the same building, up to 30% of the floor area of the primary use.	P	
*Utilities (above ground)	P	
Public Park and Recreation Facility (not including private Open Space)	C	
Wireless and Broadcast Communication Facilities	See Chapter 3.7	

#### **Key to Permitted Uses**

P = Permitted

C =Conditional Use

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H. <u>Vehicle Trip Limit</u>. Development within the Employment Sub-District shall be limited to a maximum of 2,220 PM peak-hour vehicles trips that will be allocated consistent with the terms of Intergovernmental Agreement No. 27115 and phased in accordance with the following Mitigation Table:

Table 2.7.2030.B Mitigation Improvements

PHASE	PM PEAK HOUR TRIPS	MITIGATION IMPROVEMENT	
1	700	Empire Avenue / 18 <sup>th</sup> Street Roundabout	
		Empire Avenue / US-97 Northbound Ramp Terminal	
		Empire Avenue / US-97 Southbound Ramp Terminal Third Street to US-97	
2	600	US-97 Improvements between Nels Anderson & Bowery Lane	
3	580	18 <sup>th</sup> Street Corridor Improvements Cooley Road to Empire Avenue	
	340	US-97 Southbound Improvements Empire Avenue to Butler Market Road	
4		Purcell Street Extension Cooley Road to Yeoman Road	

- The Vehicle Trip Limit shall be the considered the Employment Sub-District Transportation
  Mitigation Plan and shall apply to all land use applications that propose development that will
  generate peak hour vehicle trips. A PM Peak Hour trip is defined as a trip occurring between
  4:00 PM and 6:00 PM, as further defined by the Institute of Transportation Engineers Trip
  Generation Manual.
- No land use application shall be deemed complete unless it includes a Traffic Impact Analysis (TIA) that complies with the City of Bend standards for preparing a TIA identified in Chapter 4.7, and includes an evaluation of Transportation Demand Management Measures (TDM) that will minimize peak hour vehicle trips generated by the proposed development.
- The City shall provide written notification to ODOT when a land use application is deemed complete at least 20 days before a decision is issued.
- Peak hour vehicle trip allocations are committed upon City approval of the proposed land use action and will expire consistent with Section 4.1.1310B of this Code.
- 5. Land use applications in any phase that propose development that will generate peak hour trips that (f) exceed the peak hour trip thresholds identified in Table 2.7.2030.8 Mitigation Improvements prior to the construction of local street improvements, or (ii) prior to the execution of a Cooperative Improvement Agreement for the construction of improvements on state highway facilities, or (iii) exceed the cumulative total vested peak hour vehicle trips for the

City of Bend Development Code

<sup>&</sup>lt;sup>1</sup>\* In conformance with Section 2.4.800, Special Development Standards

phase in which the application is submitted, may be approved only if they meet the requirements of OAR 660-012-0060.

The City shall not grant site plan approval for any development proposal that exceeds a cumulative site total of 2,050 peak hour trips until all Phase 4 mitigation improvements identified in the above. Table 2.7.2030.B Mitigation Improvements are constructed or agreed to be constructed in Cooperative Improvement Agreement(s) or Development Agreement(s).

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#### I. Development Standards

#### Table 2.7.2030.B Development Standards

Maximum Building Height	65 feet
Minimum Front Yard Setback	10 feet
Maximum Front Setback on Primary Street Frontage	30 feet
Minimum Primary Street Frontage	50 feet
Minimum Side Yard Setback	10 feet (100 feet when abutting a Residential Zone)
Minimum Rear Yard Setback	15 feet (100 feet when abutting a Residential Zone)
Maximum Building Coverage	50 percent of total lot area

## J. Additional Development Standards

- Off-Street Parking and Loading. Off-street parking and loading spaces shall be provided as required in Chapter 3.3, Vehicle and Bicycle Perking. All off-street parking or loading areas and access drives shall be paved and continually maintained.
- 2. <u>Block Length and Perimeter</u>. Figure 2.7.2030.B depicts the interconnected, multi-modal transportation network for the Employment Sub-District. Therefore, the block length and perimeter standards of Section 3.1.200 are not applicable in the Employment Sub-District. If during development review it is determined that the street alignments shown in Figure 2.7.2030.B cannot be met due to topography, natural features or other development-related barriers, any development approval for such areas shall provide walkways or acways in conformance with the provisions of Section 3.1.300, Pedestrian Access and Circulation.
- 3. Parking and Loading Setback. Where the Employment Sub-District abuts a residential zone, any off-street parking and loading areas shall be set back at least 30 feet from the abutting residential property line and the setback area shall be landscaped a minimum of 30 feet to provide a buffer along the adjoining residential property. Landscaping shall be maintained by the property owner and shall conform to the standards in Sections 3.2.200, Landscape Conservation and 3.2.300, New Landscaping.
- Maintenance of Undeveloped Property. All undeveloped property on a developed site shall be either left in a natural state, or landscaped and continually maintained according to the requirements and standards in Sections 3.2.200, Landscape Conservation and 3.2.300, New Landscaping.
- Prohibition of Nuisance Activities. All development shall be designed and constructed so
  that operation of the uses on the property will not create a nulsance or hazard on any adjacent
  property or right of way from noise, vibration, heat, glare, dust, or odorous, toxic or noxious
  matter.
- Parking and Circulation. No vehicle circulation or parking except for access driveways shall be permitted within any minimum front yard setback area.
- 7. Corner Lots and Through Lots. For buildings on lots with more than one street frontage or through lots, the minimum front yard selback standards in Table 2.2.2030.B shall be applied to all street frontages. The maximum setback standard shall be applied to only one of the frontages. Where the abutting streets are of different classifications, the maximum setback standard shall be applied to the higher classification of street.

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#### 8. Fencing and screening.

- Perimeter Fencing: Lot perimeter fencing is only permitted within the Employment Sub-District under the conditions set forth in Table 2.7.2030.C, Fencing and Screening Conditions.
- b. <u>Standard Fencing</u>; Standard non-decorative fencing may be installed in areas not visible from street rights of way or adjoining properties within the Employment Subdistrict. Standard fencing also may be used as specified in Table 2.7.2030.C. A minimum quality of standard fencing shall be black vinvi-coated chain link.
- c. <u>Upgraded Fencing</u>: Upgraded fencing shall be provided as specified in Table 2.7.2030.C. Upgraded fencing is Intended to provide limited security, discourage trespass, and provide an informative demarcation between uses (e.g., public / private, institutional / private / public, etc.). Design considerations for upgraded fencing shall include:
  - · Simplicity as opposed to excessive ornamentation.
  - Low maintenance / ease of landscape maintenance on each side.
  - Respect for the design theme of established development on adjacent parcels.
  - A clear relationship to the building's architecture.
  - Consideration of a standard design where a large property shares a common boundary with several smaller properties.
- d. <u>Architectural Screen Walls</u>: Architectural screen walls shall be used to screen service and loading areas; above-ground utilities such as transformers and generators, exterior material and equipment storage areas, work yards, and trash and/or recycling areas. Architectural screen walls may be used to screen other on-site amenities such as private patios and employee break areas. Architectural screen walls shall be integrated into the overall building architectural statement, employing materials and colors drawn from the building design palette. The size of an area enclosed by an architectural screen wall shall be the minimum necessary to accommodate the facility or operation that is to be screened.
- e. <u>Fencing and Screening on Steep Slopes:</u> Properties with more extreme variations in topography (e.g., substantial slopes adjacent to relatively flat areas) shall employ fencing and/or screening design approaches that are thoughtfully integrated with the site's unique characteristics while fulfilling the overall functional intent of these features. Stair-step fence profiles shall be avoided.

Table 2.7.2030.D Fencing and Screening Conditions

Condition	Subcondition	Required Treatment (Minimum Standard)
Property line adjacent to a Public	Improved right of way	Upgraded Fencing
Right of Way	Unimproved right of way	No requirement prior to development
Property line adjacent to the railroad line across the northwest corner of the site		Standard Fencing
Property line on the west and south perimeter of Juniper Ridge	Adjacent to Residential zoned property	Standard Fencing
Employment Subdistrict	Adjacent to Commercial zoned property	Upgraded Fencing
	Adjacent to permanent open space	Upgraded Fencing
	Adjacent to Public Facility zoned property	Standard Fencing
Property line shared between two abutting lots	When properties share a common property line	No fencing allowed if it interferes with shared access/parking; Upgraded Fencing if it does not interfere with shared access/parking; Architectural Screen Wall if exterior loading or storage
Property line adjacent to a park or open space		Upgraded Fencing
Property line on the east perimeter of the Employment Sub-District	Adjacent to Residential or mixed use	Upgraded Fencing
	Adjacent to higher education land uses	Upgraded Fencing
Fencing/Screening around a	Visible from right of way	Architectural Screen Wall
Loading or Exterior Storage area	Not visible from right of way	Standard Fencing
Screening around a trash and/or recycling enclosure or exterior storage		Architectural Screen Wall
Fencing around a secure parking lot	Visible from right of way	Upgraded Fencing
	Not visible from right of way	Standard Fencing

- K. Employment Sub-District Street Alignments. Figure 2.7.2030.B, the Juniper Ridge Employment Sub-District Transportation Plan Map, depicts the conceptual alignment of the Sub-District transportation network. Precise street alignments shall be determined through the development review process. Alternate alignments may be approved in accordance with 2.7.2030.L2, or if it is demonstrated through the development review process that equivalent or improved safety and circulation will be achieved. The final multi-use path alignment shall be established prior to either the associated land division or Site Development Review, whichever occurs first. To ensure consistency, amendments to street classifications in the TSP, are incorporated into Figure 2.7.2030.B, i.e. If the TSP is amended to reclassify a collector street as an arterial, Figure 2.7.2030.B is equally amended.
- L. Employment Sub-District Street Cross Sections. Figures 2.7.2030.C.1 and 2.7.2030.C.2 depict the typical street cross-sections in the Employment Sub-District. Alternative cross sections that respond to site-specific circumstances may be approved by the City Engineer through the development review process.

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M. Employment Sub-District Access Standards. Due to large block sizes and large lot sizes, multiple access points to each lot in the Employment Sub-District will be permitted, including accesses to higher order transportation facilities, as long as the standards of this section are met. The following access standards supersede the vehicular access management standards of Chapter 3.1.

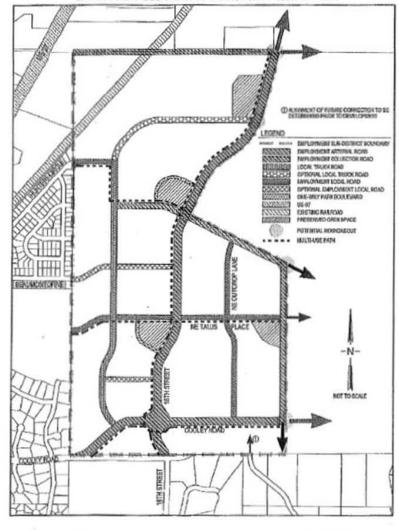
## 1) Minimum Access Spacing

- Access points on local streets shall be a minimum of ten feet (10') apart as measured from edge of driveway to edge of driveway.
- Access points on Collector Streets shall be a minimum of three hundred feet (300") apart as measured from centerline of access to centerline of access.
- Access points on Arterial Streets shall be a minimum of three hundred feet (300') apart as measured from centerline of access to centerline of access.

#### 2) Additional Access Standards

- Driveways onto arterials and collectors may have directional restrictions (i.e. right-in/rightout only) depending on the roadway's characteristics, including number of lanes, queuing at nearby intersections/driveways, and locations of signals or roundabouts, and locations of conflicting accesses.
- Directional restrictions will be determined by the City Engineer after a review of the Transportation Impact Analysis provided by the applicant.
- c. Crossing of the multi-use path by driveways shall not be allowed unless there are no other access options for the site. If allowed, a driveway access crossing a multi-use path shall be constructed to provide shared access to adjacent property, when applicable.
- d. Driveways shall not be located within 300 feet of an Intersection.
- Only one access is permitted per street frontage (including shared access), however lots
  may have multiple street access points, so long as minimum access spacing requirements
  are met.
- f. The centerlines of driveways are required to align across arterials and collectors to minimize conflicting turning movements and allow for adequate turn storage.
- g. Shared access may be required, in order to comply with these access requirements. All access driveways on Local Truck Roads shall provide shared access to adjacent property to the extent practicable.
- Exceptions to the Access Standards of this Section. Alternate access may be approved by the City Engineer if all of the following criteria are met:
  - a. The minimum access spacing standards of this section cannot be met.
  - b. Shared access with an adjoining property cannot be established.
  - Access to the roadway at the proposed location is critical to the function of the development on the property.
  - d. Operations and safety of the public road system is maintained for a minimum analysis period of 15 years as demonstrated in a Transportation Impact Analysis, including an assessment for the 95% queue. The queuing between the proposed driveway and an intersection shall not overlap.
  - e. On arterial and collector streets, directional turn restrictions are applied.
  - AASHTO intersection sight distances are available at the proposed access point.

FIGURE 2.7.2030,B
EMPLOYMENT SUB-DISTRICT TRANSPORTATION PLAN MAP



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Figure 2.7.2030.C.1 Employment Sub-District Street Cross Sections 120' PROPOSEO R-O-W 33" PAVEMENT 32 PANSABET RAISED **WORK** WOR MEDIAN. LSDP DIAMIL SHILL 12" BRANEL LANE TRAVEL JUNPER ROGE EMPLOYMENT BUS DISTRICT EMPLOYMENT ARTERIAL ROAD (FIVE LANE) 100" PROPOSED B-O-W RAISED MEDIANI/ 20 PAVENERS LSCP\* 20" PANEMINE HTON 15.5' LSOP\*/ 15.5° LSQP+/ 12' 12' TRAVEL LANE TRANTL LAN JUMPER PIDGE ENFLOYMENT SUB-DISTRICT EMPLOYMENT ARTERIAL ROAD (THREE LAME) 15.5" LSOP\*/ BBE 2.0" ADO'S EASTREAT MULTI-USE PATH ON EMPLOYNERT ARTERIAL ROAD \*LSCP = LANDSCAPE AREAS

Employment Sub-District Street Cross Sections ST ADD'S. AMPER NOGE EMPLOYMENT SUB-DISTRICT OF LIGHT FUPLOWNEXT LOCAL ROAD RESIRICT PARKING NEAR INTERSECTIONS TO PROVIDE ADEQUATE TRUCK TURNING AREAS MULTI-USE PATHON EMPLOYMENT LOCAL HOAD 86' FROPOSZD R-O-W HISCOPIA LANE TRAVE. ADVICENCE, IS PATHETIS BAY/COMB PATRONG BAY/CURB TIGHT SW JUMPER RIDGE EMPLOYMENT SUB-DISTRICT EMPLOYMENT COLLECTOR ROAD "ANY PHICPOSED OPTIONAL PARKING MUSTI BE STAGGERED SO PARKING BAYS ARE LOCATED ONE SIDE OF ROAD ONLY. \*\*LSOP - LANDSCAPE AREAS

Figure 2.7.2030.C.2

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Employment Sub-District Street Cross Sections 42' PHOPOSED R-O-W-TRAVEL PARIONG S' 150000 JUNIPER RIDGE EMPLOYMENT SUB-DISTRICT ONE-WAY PARK BOULEVARD RESTRICT PARKING NEAR INTERSECTIONS TO PROVIDE ADEQUATE TRUCK TURNING AREAS 72' PROPOSED R-O-W-14.5 LISCO "CPTICHAL &" POPTICHAL 8" PARKING PARIONS BAY/CURE BAY/CURB JUNIPER RIDGE EMPLOYMENT SUB-DISTRICT

LOCAL THUCK ROAD

Figure 2.7.2030.C.3

N. Employment Sub-District Natural Resource Areas Heritage trees, significant rock outcrops, preserved open spaces and natural landscape buffers within the Employment Sub-District are identified in Figure 2.7.2030.D, Employment Sub-District Natural Resource Identification Map. Open space areas are required to be retained and no development will be allowed in them. Natural landscape buffers are required to be maintained with native landscaping or, if they are disturbed by adjacent site development, to be revegetated with native landscaping. Heritage trees and significant rock outcrops are defined in the Juniper Ridge Dasign Guidelines, Chapter 1.1, Key Site Altributes and identified in Figure 2.7.2030.D. They are mapped solely with the intention of providing guidance to site design and site development, with the overall goal of preserving as many of these resources as is practicable. The City may allow one or more of the exceptions to development standards listed in Section 3.2.200.D, Landscape Conservation, if heritage trees and/or significant rock outcrops identified in Figure 2.7.2030.D are preserved by a proposed development. The identification of heritage trees in Figure 2.7.2030.D is based upon the Phase I: Juniper Ridge Ecological Site Assessment – Summent Report and Maps, prepared by Gene Hickman and Matt Shinderman, 2007.

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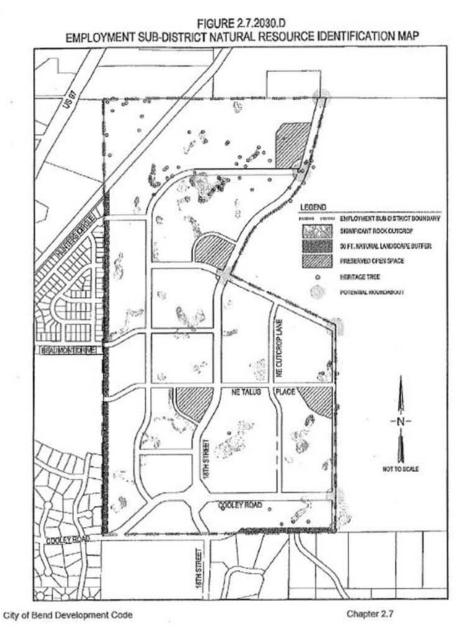
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MULTI-USE PATH ON LOCAL TRUCK HOAD

\*ANY PROPOSED OPTIONAL PARKING HUST BE STAGGERED SO PARKING HAYS ARE LOCATED ONE SIDE OF ROAD ONLY.

\*\*LSCP = LANDSCAPE AREAS



### 2.7.2040 Town Center Sub-District - reserved for future

(This subsection shall be developed and codified at a future date to be determined)

## 2.7.2050 Educational Sub-District - reserved for future

(This subsection shall be developed and codified at a future date to be determined)

2.7.2060 Residential Sub-District – reserved for future (This subsection shall be developed and codified at a future date to be determined)

[2.7.2000 Juniper Ridge Overlay adopted by Ord. NS-2134, November 18, 2009, amended by Ord. NS-2152, November 17, 2010]

[Table 2.7.530 and 2.7.1000 and 2.7.2030 amended by Ord. NS-2158, passed April 20, 2011]

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Department of Transportation Transportation Development Division

> Mill Creek Office Building 555 13th Street NE. Suite 2 Salem, OR 97301-4178

DATE:

August 18, 2011

TO:

TPR Rules Advisory Committee

FROM:

Michael Rock, ODOT Staff

SUBJECT: Status Report on Draft Oregon Highway Plan (OHP) Policy 1F Revisions

Attached is a track changes version of draft revisions to OHP Policy 1F (Highway Mobility Standards), which has been the focus of ODOT's work implementing the recommendations of the Joint Subcommittee on the TPR and OHP and Senate Bill 795. This memo provides an overview of the project's progress and a summary of key policy elements that we plan to highlight at the August 29th TPR Rules Advisory Committee (RAC) Meeting. Please note that this document is still a work in progress and you may notice issues with formatting, structure and location of some text. However, the main policy elements have been fleshed out for further conversation. The draft policy is based on the "Draft Framework for OHP Policy Revisions" (Matrix) that was discussed at the June RAC Meeting.

#### Summary of Key Elements in Draft OHP Policy Revisions

- The OHP serves as the document establishing state highway planning targets and objectives that not only implement other OHP policies, but also considers the policy objectives in the multimodal Oregon Transportation Plan (OTP). (Provides a Framework to Address Joint Subcommittee Recommendations)
- Draft policy language being considered changes the term "mobility standards" to "mobility targets" as a way to enhance the conversation and mind set around flexibility of the mobility policies and balancing other state, regional and local objectives. (Provides a Framework for Enhanced Flexibility in Policy)
- Mobility targets are considered the start of the discussion rather than a required end result or solution during system and facility planning efforts. (Provides a Framework for Enhanced Flexibility in Policy)
- · Policies incorporate OHP Policy Intent Statements previously initiated by the Department (and shared with the RAC) that provide less stringent requirements for plan amendments that have a small increase in traffic where a facility is already operating over mobility targets and that expand flexibility for determining mitigation requirements in some TPR applications. (Addresses Joint Subcommittee Item B1 - Small Increase in Traffic)
- · Policy changes call for consideration of "planned development," consistent with the community's comprehensive plan, rather than "full development" assumptions. Coordination

TPR Rules Advisory Committee August 18, 2011

> with TPR work may be needed to address this issue further (Addresses Joint Subcommittee Item B2 - Average Trip Generation)

- Policies begin to streamline development of alternative mobility targets and require further streamlining efforts as a specific action item. ODOT is considering other streamlining concepts outside of policy revisions. (Addresses Joint Subcommittee Item B3 - Streamlining Alternative Mobility Standard Development)
- While the initial mobility targets remain volume to capacity ratio (v/c) based, policy revisions allow consideration of measures outside of v/c, encourage broader consideration of mobility across modes, and more clearly allow corridor or area mobility targets. This is in addition to options for changing v/c-based target levels and/or methodologies such as changing hour of the day measured or considering multiple hour measures. (Addresses Joint Subcommittee Item B4 - Corridor and Area Mobility Standards and Item B5 - Policy Framework for Measures Outside of V/C)
- . OHP mobility targets continue to play a role in transportation system planning, plan amendment and development review analyses, and guiding operational decisions, although this role will evolve to consider mobility more broadly. Refined policies and new action statements clarify the roles and applicability of OHP mobility targets across different application areas. (Carries Policy Direction Across Application Areas)
- Policies enhance coordination and consistency between planning and design expectations and incorporate practical design principles. (Carries Policy Direction Across Application Areas)

# Project Schedule and Outreach

Initial draft OHP policies will be revised through the beginning of September. The proposed policy amendments will be reviewed by the Oregon Transportation Commission (OTC) in September and ODOT plans to request the Commission release the policies for a formal public review and outreach period at that time. A public hearing before the OTC is likely in November. Ultimately the Department expects to request the Commission adopt the revised changes based on public input in December.

During the public review period, ODOT will make the draft policies available for broad public input. Some of the efforts will be focused on Area Commissions on Transportation and other OTC-appointed advisory committees with interest in this policy area. ODOT will also provide information to other key regional groups, local government interests and stakeholder advisory groups.

# Comments and Project Contact Information

ODOT plans to provide a summary of this work at the August 29th RAC Meeting; although time constraints will keep us from discussing many of the items in great detail. Committee members who are interested in additional detail on the OHP work or who would like to provide detailed comments on the draft policy are encouraged to send information to me directly. Additional

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opportunities for comments and input will be available throughout the formal public review period this Fall.

Michael Rock ODOT, Transportation Development Division Michael.D.Rock@odot.state.or.us (503) 986-3179

Project Website: http://www.orcgon.gov/ODOT/TD/TP/OHP2011.shtml

## Policy 1F Proposed Revisions August 16, 2011 DRAFT

## 1999 OREGON HIGHWAY PLAN

# HIGHWAY MOBILITY STANDARDSPOLICY

## Background

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Several policies in the Highway Plan establish general mobility objectives and approaches for maintaining mobility.

- 11 Policy 1A (State Highway Classification System) describes in general the 12 functions and objectives for several categories of state highways. Greater mobility 13 is expected on Interstate and Statewide Highways than on Regional and District Highways. 14
- 16 Policy 1B (Land Use and Transportation) has an objective of coordinating land 17 use and transportation decisions to maintain the mobility of the highway system. 18 The policy identifies several land use types and describes in general the levels 19 of mobility objectives appropriate for each. 20
  - Policy 1C (State Highway Freight System) has an objective of maintaining efficient through movement on major truck Freight Routes. The policy identifies the highways that are Freight Routes.
  - Policy 1G (Major Improvements) has the purpose of maintaining highway performance and improving highway safety by improving system efficiency and management before adding capacity.

Although each of these policies addresses mobility, none specifically identifies provide measures by which to what levels of describe and understand levels of mobility-are acceptable and evaluate what is acceptable for facilities that make up the state highway system.

35 The Highway Mobility Standards-Policy establishes standards for identifies how the State measures mobility and establishes performance targets that are reasonable and consistent with the directions of the Oregon Transportation Plan (OTP) and other Highway Plan policies. This policy carries out the directions of Policies 1A and 1C by establishing performance targets higher mobility-standards for Interstate Highways, Freight Routes and other Statewide Highways that reflect the expectation that these facilities-maintain a level of mobility to safely and efficiently support statewide economic growth while balancing available financial resources, than for Regional or District Highways It carries

out Policy IB by establishing acknowledging that lower mobility standards forin Special Transportation Areas (STAs) and more-highly developed urban areas than in less developed areas and rural areas is the expectation and assigns a performance target that accepts a higher level of congestion in these situations. The targets set for The lowest standards for mobility are for Regional and District Highways in STAs and highly urbanized areas, allow for-lower vehicular mobility to better balance other objectives, including a multimodal system. In these areas Here-traffic congestion will be allowed toregularly reach levels where peak hour traffic flow is highly unstable and traffic queues will form greater traffic congestion will occur, on a regular basis. The levels of mobility established for Statewide Highways in STAs will avoid high levels of traffic instability (except-where-necidents or other incidents disrupt traffic). A larger cushion of reserve capacity is established for In order to better support state and local economic activity, targets for Freight Routes are set to provide for less congestion than would be acceptable for other Sstatewide Hhighways to provide steady flow conditions, although traffic will be slowed in STAs to accommodate pedestrians. (Interstate Highways and Expressways are incompatible with slower traffic and higher level of vehicular congestion and therefore, will not be incorporated into an STA designations will not be applied to these highway classifications.) For these types of Interstate and Expressway facilities it will be important to manage congestion to support regional and state economic activity.

The mobility standards performance targets are contained in Tables 6 and 7 and in Actions 1F.1-and 1F.5. Tables 6 and 7 refer only to vehicle mobility on the state highway system. At the same time, it is recognized that other transportation modes and regional and local planning objectives need to be considered and balanced when evaluating the performance, operation and improvements to the state highway system. Implementation of the Highway Mobility Policy will require state, regional and local agencies to assess performance targets and balance resulting actions within the context of multiple technical and policy objectives. While the mobility targets are important tools for assessing the transportation condition of the system, mobility is only one of a number of factors that will be considered when developing transportation solutions.

The policy identifies three uses for the highway mobility standardsperformance targets are used in three distinct ways:

- Transportation System Planning: Mobility performance targets identifying
  state highway mobility performance expectations and provide the principal
  measure by which the existing and future performance of the (vehicular)
  transportation system can be evaluated. for planning and pPlan development
  may necessitate adopting methodologies and targets that deviate from adopted
  state targets in order to reflect regional and local performance expectations.
- Plan Amendments and Development Review: Mobility performance targets are used to Review of amendments to comprehensive plans and land use regulations pursuant to the Transportation Planning Rule to assess if the proposed changes are consistent maintaining consistency between with the

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desired highway-performance and the type-offend use development; andof significantly affected state highway facilities.

 Operations: -Mobility performance targets assist in Mmaking traffic operations decisions such as managing access and traffic control systems to maintain acceptable highway performance.

The Highway Mobility Standards-Policy applies primarily to transportation and land use planning decisions. By defining acceptable levels of highway system mobility, the policy provides direction for identifying highway system deficiencies. The policy does not, however, determine what actions should be taken to address the deficiencies. Mobility The highway mobility standards in the policy is measured using a (volume to capacity ratio or v/c.) This policy also provides opportunities to seek OTC approval for alternative performance targets that are not v/c-based.

It is also important to note that regardless of the performance measure, v/c or other, the Highway Mobility Policy recognizes the importance of considering the performance of other modes of travel. While the policy does not prescribe targets of performance for other modes of travel it does allow and encourage ODOT and local jurisdictions to consider mobility broadly—through multimodal measures or within the context of regional or local land use objectives. Providing for better multi-modal operations is a legitimate justification for developing alternatives to OHP mobility performance targets are neutral regarding, whether solutions to mobility deficiencies should be addressed by actions that reduce highway volumes or increase highway espacities. The Major Improvements Policy establishes priorities for actions to address deficiencies.

The Highway Mobility Standards-Policy will primarily-affect land use decisions through the requirements of the Transportation-Planning Rule (TPR). The TPR requires that regional and local transportation system plans be consistent with plans adopted by the OTC reasportation Commission. The TPR also requires that local governments ensure that comprehensive plan amendments, and—zone changeszone changes and amendments to land use regulations which that significantly affect a transportation facility be are consistent with the adopted-jentified function, capacity and performance measures-of-for the affected state facility. The Highway Mobility Standards-Policy establishes ODOT's mobility performance measures targets for state highways as the standards for determining compliance with the TPR (OAR 660-012-0060).

Policy IF does not apply to highway design. Separate design standards are contained in ODOT's Highway Design Manual (HDM). While HDM design standards and OHP mobility targets in Policy IF are not the same, ODOT's intention is to continue to balance statewide mobility and economic objectives with community mobility, livability and economic development objectives through coordination between planning and design. Where the OTC adopts alternative mobility targets in accordance with this policy, they are establishing an agreement with the local jurisdiction to manage, maintain and develop the state system to the expected and planned levels of performance, consistent with the jurisdiction's underlying planning objectives (as set out in local comprehensive plan

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policy and land use regulations). Mobility performance standards for highway design are generally equal to or higher than the standards contained in this policy to provide an adequate operating life for highway improvements. In some circumstances, highway improvements may be designed to meet the highway mobility standards in this policy where necessary to avoid adverse environmental, land use or other effects.

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ODOT's intention is that the highway mobility standards-performance targets be used to identify system constraints not be exceeded over the course of a reasonable planning horizon. The planning horizon shall be:

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At least 20 years for the development of state, regional and local transportation plans, including ODOT's corridor plans; and

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The greater of 15 years or the planning horizon of the applicable local and regional transportation system plans for amendments to transportation plans, comprehensive plans or land use regulations.

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In the 1991 Highway Plan, levels of service were defined by a letter grade from A.F., with each-grade representing a range of volume to capacity ratios. A level of service of A represented virtually free-flow traffic with few or no interruptions while level of service F indicated bumper to bumper, stop and go traffic. However, each letter grade actually represented a range of traffic conditions, which made the policy difficult to implement. This Highway Plan maintains a similar concept for measuring highway performance, but represents levels of service by specific volume to capacity ratios to improve clarity and ease of implementation.

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A volume to capacity ratio (v/e) is the peak hour traffic volume (vehicles/hour) on a highway section divided by the maximum volume that the highway section can handle. For example, when v/e equals 0.85, peak hour traffic uses 85 percent of a highway's capacity; 15 percent of the capacity is not used. If the traffic volume entering a highway section exceeds the section's capacity, traffic queues will form and lengthen for as long as there is excessive demand. When v/e is less than but close to 1.0 (e.g., 0.95), traffic flow becomes very unstable. Small disruptions can cause traffic flow to break down and long traffic queues to form. This is a particular concern for freeways because the capacity of a freeway under stop and go traffic conditions is lower than the especity when traffic is flowing smoothly.

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ODOT measures vehicular highway mobility performance through v/c ratios. The v/c ratio was selected after an extensive analysis of highway performance measures prior to adoption of the 1999 Highway Plan. The review included the effectiveness of the measure to achieving other highway plan policies (particularly OHP Policy 1B, Land Use and Transportation), implications for growth patterns, how specifically should ODOT policy consider land use, flexibility for modifying targets, and the effects of Portland metro area standards on the major state highways in the region. V/C based standards were chosen for reasons of application consistency and flexibility, manageable data requirements, forecasting accuracy, and the ability to aggregate into area-wide standards

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that are fairly easy to understand and specify. In addition, since the measure is responsive to changes in demand as well as in capacity, it reflects the results of demand management, land use, and multimodal policies. However, it is recognized that there are limitations in applying v/c, especially in highly congested conditions and in a multimodal environment. OHP policies will allow options for other measures to be considered.

The Department and Transportation Commission are concerned that mMobility

functionality of a facility and are used to plan for system improvements. These

performance targets are shown in Table 6 and vary, depending on the category of

highway, the location of the facility - within a STA, MPO, UGB, unincorporated

Policy 1B (Land Use and Transportation) and the State's commitment to support

community, or rural lands - and the posted speed of the facility. Table 6 also reflects

increased density and development activities in urban areas. Through the adoption of

higher v/c ratios or other alternative targets the State acknowledges that it is appropriate

and anticipated that certain areas will have more traffic congestion because of the land

policy, may have the unintended effect of discouraging development in downtowns and

use pattern that a region or local jurisdiction has committed to through adopted local

encouraging development in urban fringe areas. This may occur where highways in

highway capacity to support more intense use. By contrast, highway facilities in

Furthermore, the policy in Action 17.3 allows alternate standards to be adopted in

metropolitan areas, Special Transportation Areas (STAs) and constrained areas.

development and multi-modal transportation options;

radial freeway corridors serving the central city:

mobility standards by type of area, as shown by Table 6.

downtowns and central business districts are near capacity. Plan amendments to allow

more development in such areas are generally discouraged because there is inadequate

urbanizable areas may have excess capacity that allow land-use plan amendments that

increase development. The plan attempts to offset this unintended offset by varying the

Alternate Sstandards Separate performance targets for the Portland metropolitan area have

A logally enforceable regional plan prescribing minimum densities, mixed use

Primary reliance on high capacity transit to provide additional capacity in the

Implementation of an Advanced Traffic Management System including freeway

ramp meters, real time traffic monitoring and incident response to maintain

been included in the policy (Table 7). These targets standards have been adopted with an

understanding of the unique context and policy choices that have been made by local

performance targets standards are the measure by which the state assesses the

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> 33 governments in that area including: 34 35 36

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adequate traffic flow; and An air quality attainment/maintenance plan that relies heavily on reducing auto

trips through land use changes and increases in transit service. 8/16/11 DRAFT

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The alternativePortland Metro-standards targets are granted to have been adopted specifically for the Portland metropolitan area with a mutual understanding that reduced these mobility standards-targets will-result-inbetter reflect the congestion that already exists within the constraints of the metro area's transportation system and which will not be reduced-alleviated by state highway improvements. The standards-targets contained in Table 7 are meant to be anfor interim standard-use only, tThe OTC expects the Portland Metro area to work with ODOT to develop and propose an Aglternative standard targets that best reflect the multiple transportation, land use and economic objectives of the region and seek OTC adoption within the next few years, s-may also be approved for other metropolitan areas or portions thereof to support integrated land use and transportation plans for promoting compact development.

The performance targets included in the Highway Mobility Policy must be used for the initial deficiency analysis of state highways. However, where it can be shown that it is infeasible or impractical to provide an adequate road network to serve planned development, local governments may work with ODOT to consider and evaluate alternatives to the performance targets in Tables 6 and 7. Any variance from the targets in Tables 6 and 7 will require OTC adoption. the tsIncreasingly, urban and urbanizing areas are facing traffic and land use pressures due to population growth, aging infrastructure, and reduced revenues for roadway and related infrastructure projects. With significant capacity investments becoming less frequent, system management solutions and enhancement of alternative modes of travel, rather than major improvements, will be relied upon to minimize congestion issues. Developing performance targets that are tailored to specific facility needs, consistent with local expectations, values and land use context will need to be part of the "solution" for some highway locations. Furthermore, certain urban areas may need area-specific targets to better balance local policies pertaining to land use and economic development. Examples where local conditions may not match state performance targets include metropolitan areas, STAs, areas with high seasonal traffic, and areas constrained by the existing built or natural environment.

Alternatives to Although non-metropolitan areas do not face the same magnitude of traffic and land use pressures as do metropolitan areas, they may include Special Transportation Areas or may face environmental or land use constraints that make it infeasible to provide an adequate road network to serve planned development. For example, in a number of coastal cities, highway and other road improvements are severely limited by the presence of unstable terrain and the coast, sensitive wetlands and endangered plants and animals. In these places it may not be feasible to improve the transportation system to the degree necessary to accommodate the reasonable use of properties in accordance with acknowledged comprehensive plans. In such circumstances, the standards in Table 6 might also preclude comprehensive plan-changes that carry out the Land Use and Transportation Policy (1B) such as compact development in a Special Transportation Area. Therefore, 4 the performance targets and methodologies in the tables, must be adopted through an amendment to the OHP. The Oregon Transportation Commission (OTC) must may adopt alternate the new standardstargets supported by findings that explain and justify the supporting methodology, to accommodate development where practical difficulties make conformance with the highway mobility standards infeasible.

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Local-governments-may adopt higher operating standards if desired, but the standards in Tables 6 and 7 must be used for deficiency analyses of state highways.

The policy also anticipates that there will be instances where the standards are exceeded and the deficiencies are correctable but the necessary transportation improvements are not planned. This may be due to environmental or land use constraints or to a lack of adequate funding. In these circumstances, the Department of Transportation's objective is to improve highway performance as much as possible and to avoid further degradation of performance where improvements are not possible. Action 1F.5 gives examples of notions that may be undertaken to improve performance.

Policy 1F is not the only transportation policy that influences how the state assesses the adequacy of a highway facility and vehicle mobility is not the only objective. Facilitating economic development, enhancing livability for Oregon's communities, and encouraging multiple modes are also important policy areas that guide state transportation investment and planning. Policy 1B recognizes that the state will coordinate land use and transportation decisions to efficiently use public infrastructure investments to enhance economic competitiveness. Economic viability considerations help define when to make major transportation investments (Policy 1G). Goal 4, Travel Alternatives, articulates the state's goal to maintain a well-coordinated and integrated multimodal system that accommodates efficient inter-modal connections for people and promotes appropriate multi-modal choices. Making decisions about the appropriate level of mobility for any given part of the statewide highway system must be balanced by these, and other relevant OTP and OHP policies.

## Policy 1F: Highway Mobility StandardsPolicy

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It is the policy of the State of Oregon to use highway mobility standards to maintain acceptable and reliable levels of mobility on the state highway system, consistent with the expectations for each facility type, location and functional objectives. Highway mobility performance targets will be the initial tool to identify deficiencies and consider solutions for vehicular mobility on the state system. Specifically, These standards performance targets shall be used for:

- Identifying state highway mobility performance expectations for planning and plan implementation;
- Evaluating the impacts on state highways of amendments to transportation plans, acknowledged comprehensive plans and land use regulations pursuant to the Transportation Planning Rule (OAR 660-12-0060); and
- 44 . Guiding operationsal decisions such as managing occess and traffic control systems to maintain acceptable highway performance.

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Where it is not feasible or practical to meet the performance targets, "acceptable and reliable" levels of mobility for a specific facility, corridor or area will be determined through an efficient, collaborative process between the ODOT and the local jurisdiction(s) with land use authority. The resulting targets will reflect the balance between relevant objectives related to land use, economic development, social equity, and mobility and safety for all modes of transportation. Alternative mobility targets for the specific facility shall be adopted by the OTC as part of the OHP.

Development of alternative mobility targets and exemptions to traffic mobility

Development of alternative mobility targets and exemptions to traffic mobility considerations under the OHP and TPR should be considered with a mutual understanding between ODOT and local governments that state highway improvements will not alleviate traffic mobility issues in the area.

## Action IF.1

Mobility performance targets are the measure by which the state assesses the existing or forecasted functionality of a facility and, as such, are a key component ODOT uses to plan for system improvements. These performance targets are shown in Table 6 and Table 7, For purposes of assessing state highway performance;

Apply Use the highway mobility standards targets below and in Table 6 to when
initially assessing the functionality of all state highway sections located outside of
the Portland metropolitan area urban growth boundary, and

Use the standards highway mobility targets below and in Table 7 to when initially
assessing the functionality of all state highway sections located within the
Portland metropolitan area urban growth boundary.

On For portions of highways segments where there are no intersections, achieving
the volume to capacity ratios in Tables 6 and 7 shall not be exceeded for either
direction of travel on the highway demonstrates that state mobility objectives are
being met.

At For unsignalized intersections and road approaches, achieving the volume to capacity ratios in Tables 6 and 7 shall not be exceeded for either of the state highway approaches that are not stopped indicates that state mobility expectations are being met. In order to maintain safe operation of the intersection and all of its approaches. Anon-state highway approaches at which traffic must stop, or otherwise yield the right of way, shall be operated are expected to meet or not to exceed to maintain safe operation of the intersection and all of its approaches and shall not exceed the volume to capacity ratios for District/Local Interest Roads in Table 6 and Table 7 within urban growth boundaries or a v/c of 0.80 outside of urban growth boundaries.

At signalized intersections other than erossroads of freeway rampsramp terminals (see below), the total-volume to capacity ratio for the intersection considering all

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eritical movements the overall intersection v/c ratio shall not exceed the volume to capacity ratios in Tables 6 and 7. Where two state highways of different classifications intersect Tables 6 and 7 v/c ratios differ by legs of the intersection, the lower more restrictive of the volume to capacity ratios in the tables shall apply. Where a state highway intersects with a local road or street, the volume to capacity ratio for the state highway shall apply.

Although an freeway interchange serves both the freeway mainline and the crossroad to which it connects, it is important that the interchange be managed to maintain safe and efficient operation of the freeway-mainline through the interchange area. The main problem objective is to avoid is the formation of traffic queues on freeway-off-ramps which back up into the portions of the ramps needed for safe deceleration from freeway-mainline speeds or onto the mainline itself. This is a significant traffic safety concern. The primary cause of traffic queuing at freeway-off-ramps is inadequate capacity at the intersections of the freewey ramps with the crossroad. These intersections are referred to as ramp terminals. In many instances where ramp terminals connect with another state highway, the volume to capacity standard-performance target for the connecting highway will generally be adequatesignify that to avoid traffic backups onto the freeway mainline can be avoided. However, in some instances where the crossroad is another state highway or a local road, the standards-performance target will not be sufficient to avoid this a good indicator of possible future queuing problems. Therefore, the better indication is a maximum volume to capacity ratio for the ramp terminals of interchange ramps shall be that is the smaller of the values of themore restrictive volume to capacity ratio for the crossroad, or 0.85.

At an interchange within an <u>urban</u> metropolitan area where a majority of the interchange access management area (Policy 3C) of the interchange is developed; the performance indicator used maximum volume to capacity ratio may be increased to as much as 0.90 <u>v/c</u>, but no higher than the standard for the crossroad, if:

- It can be determined, with a probability equal to or greater than 95 percent, that vehicle queues would not extend onto the mainline or into the portion of the ramp needed to accommodate deceleration from freeway mainline speed; and
- An adopted Interchange Area Management Plan (IAMP) is present, or as
  part of an IAMP adoption process, which must be approved by the OTC.
  The interchange access-management area is retrofitted to comply, as much
  as possible, with the standards contained in Policy 3C of this plans

For the purposes of this policy, the portion of the freeway-ramp needed to accommodate deceleration shall be the distance, along the centerline of the ramp, needed to bring a

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vehicle to a full stop from the posted freeway mainline speed at a deceleration rate of 6.5
 feet/second (two meters/second).

- Because the freeway ramps serve as an area where vehicles accelerate or decelerate to or from freeway mainline speeds, the maximum volume to capacity ratioperformance target for the interchange ramps exclusive of the crossroad terminals shall be the standardis the same as that for the freewaymainline, with the following exception. For Metered freeway-on-ramps, where entering traffic is metered managed to maintain efficient operation of the freeway-mainline through the interchange area, may allow for greaterthe maximum-volume to capacity ratios maybe higher.
- The Director of the Department of Transportation or his/her dologate shall have the authority to adopt methods for calculating and applying the volume to capacity ratio standards in this policy or any alternative standards adopted pursuant to this policy.

Action 1F.2

- Apply the highway mobility standards-performance targets over a at least a 20year planning horizon when developing state, regional or local transportation system plans, including ODOT's corridor plans.
- When evaluating highway mobility for amendments to transportation system plans, acknowledged comprehensive plans and land use regulations, use the planning horizons in adopted local and regional transportation system plans or a planning horizon of 15 years from the proposed date of amendment adoption, whichever is greater. To determine the effect that an amendment to an transportation system plan, acknowledged comprehensive plan or land use regulation has on a state facility, the capacity analysis shall include the forecasted growth of traffic on the state highway due to regional and intercity travel and to full-reasonable levels of planned development according to the applicable acknowledged comprehensive plan over the planning period. Planned development, for the purposes of this policy, means the amount of population and employment growth and associated travel anticipated by the community's acknowledged comprehensive plan over the planning period. The OTC encourages communities to consider and adopt land use plan amendments that would reallocate expected population and employment growth to designated community centers to reduce reliance on state highways.

u.Full development, for the purposes of this policy, means the amount of population and employment growth and associated travel anticipated by the community's acknowledged comprehensive plan over the planning period. The Transportation Commission encourages communities to consider and adopt land use plan emendments that would reallocate expected population and employment growth to designated community centers to reduce reliance on state highways.

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### Action IF.3

Where it is infeasible or not practical to meet the existing performance targets through the development of transportation system plans or ODOT facility plans, it would be infeasible to meet the standards in this policy, ODOT and local jurisdictions may explore different target levels, methodologies and measures for assessing mobility and consider adopting alternate highway mobility standards targets for the facility. While v/o remains the initial methodology to measure system performance, measures other than those based on v/c may only be developed through a multi-modal transportation system planning process that seeks to optimize the overall transportation system efficiency and balance multiple objectives within the area being addressed.

Examples of where state performance targets may not match local expectations for a specific facility or may not reflect the surrounding land use, environmental or financial conditions include:

- Metropolitan areas or portions thereof where mobility expectations cannot be
   <u>achieved</u> and where they are in conflict with to support an adopted integrated land
   use and transportation plan for promoting compact development, reducing the use
   of automobiles and increasing the use of other modes of transportation, promoting
   efficient use of transportation infrastructure, and improving air quality and
   <u>supporting greenhouse gas objectives</u>;
- When financial considerations or limitations preclude the opportunity to provide a
  planned system improvement within the planning horizon;
  - When other locally adopted policies must be balanced with vehicular mobility and
    it can be shown that these policies are consistent with the goals and objectives of
    the OTP and OHP policy.

12 This policy does not prescribe minimum or maximum sizes for portions of metropolitan areas that would qualify for alternative standards. Nevertheless, the area must be of the size necessary to support compact development, reduce the use of entomobiles and increase the use of other modes of transportation, promote officient use of transportation infrastructure, and improve air quality.

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Special Transportation Areas (STAs); and

Areas where severe environmental or land use constraints make infeasible or impractical the transportation improvements necessary to accommodate planned land uses (reasonable use of properties in necordance with acknowledged comprehensive plans) or to accommodate comprehensive plan changes that carry out the Land Use and Transportation Policy (1B).

The alternative-Any proposed standards standard that deviates from the mobility performance targets shall be clear and objective and shall provide clear standardized procedures to ensure consistent application of the selected measure, be related to v/e (e.g., corridor average v/e, network-average v/e, and the ratio of average daily traffic and hourly capacity (adt/e)). The standards alternative performance target(s) shall be adopted by the OTC as an amendment to the OHP. It is also expected that the participating local jurisdiction will acknowledge the target for the state highway facility as part of a regional and/or local transportation system plan.—Findings shall demonstrate why the particular target is necessary, including the finding that it is infeasible or impractical to meet the highway mobility performance targets in this policy. If alternative targets cannot be established through the system planning process prior to adoption, they should be identified as necessary and committed to as a future work item with an associated timeframe for adoption. The plan shall demonstrate that it would be infeasible to meet the highway mobility standards in this policy. In addition

n Examples of severe environmental and land use constraints include endangered species, sensitive wetlands, areas with severe or unstable slopes, river or bay crossings, and historic districts. See Chapter 3 of the 2007 Oregon Highway Plan Mobility Standards Guidelines for more examples.

Modifications to the performance targets could include changing the hour measured from the 30th highest hour, using multiple hour measures, or considering weekday or seasonal adjustments. Development of corridor or area mobility standards is also allowed.

ODOT's policy is to utilize a w/e based standard and methodology as the initial option, as this will simplify implementation issues throughout the state. Where w/e based approaches may not meet all needs and objectives, alternative targets may also be pursued.

In support of the alternate target, the plan shall include all-feasible actions for:

- Providing a network of local streets, collectors and arterials to relieve traffic demand on state highways and to provide convenient pedestrian and bicycle ways;
- Managing access and traffic operations to minimize traffic accidents, avoid traffic backups on freeway ramps, accommodate freight vehicles and make the most efficient use of existing and planned highway capacity;
- Managing traffic demand and incorporating transportation system management tools and information, where feasible, to manage peak hour traffic loads on state highways;
- Providing and enhancing multiple elternative-modes of transportation; and
- Managing land use to limit vehicular demand on state highways consistent with the Land Use and Transportation Policy (1B).

The plan shall include a financially feasible implementation program and shall demonstrate that the proposed target(s) are consistent with and support locally adopted land use, economic development, and multimedal transportation policy and objectives. In addition, the plan shall demonstrate strong public and private commitment to carry out the identified improvements and other actions.

Outside of metropolitan areas, proposed highway mobility targets require adoption by the OTC before they are effective. In metropolitan areas, the alternate proposed highway mobility standards targets need concurrence by the MPO and adoption by the OTC. approval and adoption will become effective only after the standards have been approved by both the metropolitan planning organization and adopted by the Transpertation Commission OTC.

Outside of metropolitan areas, the alternate highway-mobility will become offective only after the Transportation Commission has adopted them in a corridor plan or in a portion of a corridor plan.

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ODOT understands that in certain areas of the state, achieving OHP targets will be difficult and that regional and local policies may take precedence over transportation system performance. ODOT is committed to work with MPOs and local jurisdictions on system-level analysis of alternate mobility targets and to participate in public policy-level discussions where balancing mobility and other community objectives must be adequately addressed. In developing and applying alternate mobility methodology for facilities throughout the state, ODOT will consider tools and methods that have been successfully used previously

for a particular facility and/or within a specific metropolitan area or region. It is State policy to move towards consistency in the selection and application of methodologies over time, as they are applied to a specific facility, or to facilities within a region.

OODT will provide guidance documents and will work with local jurisdictions and others to apply best practices that streamline development of alternate mobility standards,

## Action 1F.4

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Develop corridor plans for Interstate Highways, other freeways and designated highway Freight Routes in the Portland metropolitan area that are important for through travel. Develop standards for those routes to provide adequate levels of highway mobility.

### Action 1F.5

For purposes of preparing planning documents such as corridor plans and transportation system plans, in situations where the volume to capacity ratio for a highway segment is above the standards in Table 6 or Table 7, or those otherwise approved by the Commission, and transportation improvements are not planned within the planning horizon to bring performance to standard because of severe environmental, land use or financial constraints, the performance standard for the highway segment shall be to improve performance as much as feasible and to avoid further degradation of performance where no performance improvements are feasible. Examples of actions that might improve performance include the following:

Reconfigure highway and side-street accesses to minimize traffic conflicts at-intersections;

Limit parking near signalized intersections to increase intersection capacity;

Coordinate and operate traffic signals to improve traffic progression;

Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street-capacity is limited in order to optimize traffic progression on the state highway;

 Improve turning-radii at intersections that are heavily used by trucks to avoid lane blockages;

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2 Install raised medians to reduce traffic conflicts: 3 4 Improve accesses so that traffic can enter or exit the highway-with minimal 5 disruptions of flow; and 6 Manago land uses to favor types of uses that generate less truffic or traffic peaks which do not coincide with traffic peaks on the highway. This could be done by making appropriate plan amendments or changes to zoning ordinances. 10 H Local governments may also request that the Transportation Commission adopt alternate 12 standards in accordance with Action 1F.3. 13 14 15 Action 1F.64 16 17 For purposes of evaluating amendments to transportation system plans, acknowledged comprehensive plans and land use regulations subject to OAR 660-12-0060, in situations 18 where the volume to capacity ratio or alternate target for a highway segment, intersection or interchange is above the targets standards in Table 6 or Table 7, or those otherwise 20 approved by the Commission, and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard target is 23 to avoid further degradation. If an amendment to a transportation system plan, acknowledged comprehensive plan or land use regulation increases the volume to capacity ratio further, or degrades and adopted target, it will significantly affect the 25 facility. In addition to the capacity increasing improvements that may be required as a 27 condition of approval, other performance improving actions include, but are not limited 28 to: 29 30 Reconfigure highway and side-street accesses to minimize traffic conflicts 31 at intersections; 32 33 Improve local street network and traffic circulation; 34 35 Limit parking near signalized intersections to increase intersection capacity; 36

- Coordinate and operate traffic signals to improve traffic progression;
- Relocate driveways and improve local road connections to direct traffic away from overburdened intersections and intersections where side-street capacity is limited in order to optimize traffic progression on the state highway;
- Improve turning-radii at intersections that are used by trucks or other large vehicles to avoid lane blockages;

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- Improve accesses so that traffic can enter or exit the highway with minimal disruptions of flow; and
- Manage land uses to favor types of uses that generate less traffic or traffic peaks which do not coincide with traffic peaks on the highway. This could be done by making appropriate plan amendments or changes to zoning ordinances.

In applying "Avoid Further Degradation" established in this Action for state highway facilities already operating above the existing standard when evaluating amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660-12-0060, a small increase in traffic does not cause "further degradation" of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in average daily trip volumes as follows:

- Any proposed amendment that does not increase the average daily trips by more than 400.
- Any proposed amendment that increases the average daily trips by more than 400 but less than 1001 for state facilities where;
  - o The annual average daily traffic is less than 5,000 for a two-lane highway
  - The annual average daily traffic is less than 15,000 for a three-lane highway
  - The annual average daily traffic is less than 10,000 for a four-lane highway
  - The annual average daily traffic is less than 25,000 for a five-lane highway
- If the increase in traffic between the existing plan and the proposed amendment is
  more than 1000 average daily trips, then it is not considered a small increase in
  traffic and the amendment causes further degradation of the facility and would
  follow existing processes for resolution.

In applying OPH mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over the planning horizon. In applying the targets after negotiation reasonable levels of mitigation for actions required under OAR 660-012-00060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted target in the OHP to be considered in compliance with the target. It is not the intent of the agency to consider variation within modest levels of uncertainty in violation of OHP mobility targets for reasonable mitigation. The specific OHP mobility target still applies for determining significant affect under OAR 660-01200060.

Amendments to local comprehensive plans and land use regulations (including zone changes) necessary to accommodate an economic development project that will

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significantly affect the state highway system can be made pursuant to OAR 731-107-0010.

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Action 1F.5

Consider OHP mobility targets when evaluating proposed development applications that do not trigger Section 0060 of the Transportation Planning Rule. When making recommendations to local governments on approval of development permits and potential actions for mitigation related to local development proposals, consider and balance the following:

OHP mobility targets;

- Community livability objectives;
- State and local economic development objectives;
- Safety for all modes of travel;
- Mitigation actions that consider system level enhancements for all modes of travel equally with highway infrastructure; and
- Local approval criteria.

Action 1F.6

Consider OHP mobility targets as guidance to ODCT's highway access management program when balancing economic development objectives of properties abutting state highways with transportation safety and access management objectives of state highways in a manner consistent with local transportation system plans and the land uses permitted in acknowledged local comprehensive plans.

When evaluating OHP mobility targets in access management decisions consider the following:

- The highest priority for OHP mobility targets in guiding access management practices is for addressing traffic movements on and from state highway facilities themselves.
- When evaluating traffic movements from an approach onto a state highway, the
  priority is to consider safety of the movements. While a v/c ratio for a specific
  movement greater than 1.0 is an indication of a capacity problem, it does not
  necessarily mean the traffic movement is unsafe. Apply engineering practices and
  disciplines in the design of highway approaches to ensure traffic movements meet
  safety objectives for the program.
- Consult OAR 734-051 for detailed application of mobility and other considerations in ODOT's access management program.

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Action 1F.7

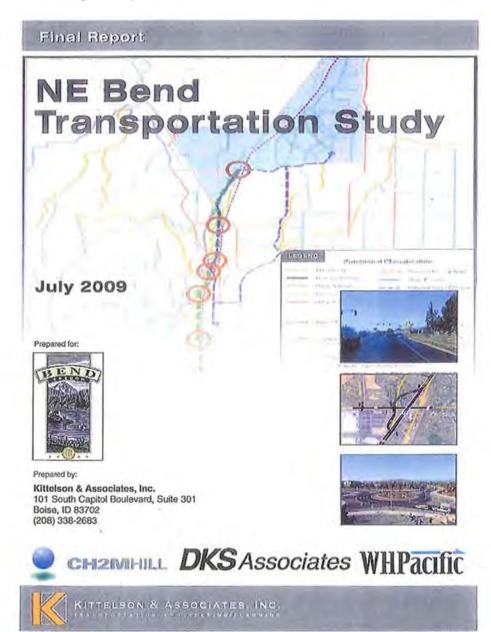
Consider OHP mobility targets for implementing operational improvements to the state highway system. The OHP mobility targets are meant to be used as a guide and to compare the relative benefits of potential operational solutions rather than as a firm target to be met. The main goal of operational projects is to improve system performance from current or projected conditions.

Action 1F.8

Enhance coordination and consistency between planning and project design decisions whenever possible. Ensure that future planned system levels of performance are a key factor in modernization project designs. Ensure that project development processes and design decisions take into account statewide mobility and economic objectives, including design targets, while balancing community mobility, livability and economic development objectives and expectations. Ensure practical design principles that take a systematic approach to transportation solutions are considered in planning and project development processes. Practical design principles strive to deliver the broadest benefits to the transportation system possible within existing resources.

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## 1.0 STUDY PURPOSE

The NE Bend Transportation Study is an umbrella effort to coordinate transportation system planning, land use planning, and project development work underway in the north-east part of the City of Bend. The study was initiated by specific direction given from the City of Bend City Council and the Oregon Transportation Commission (OTC) to investigate strategies that support better use of the local (i.e., non-highway) transportation system for shorter distance travel and decrease local trip reliance on the state highways.

There are four key transportation agencies in the area (City of Bend, Oregon Department of Transportation, Deschutes County, and the Bend Metropolitan Planning Organization), each of which are leading different transportation studies and initiatives. This study aimed to provide a high level of coordination between the on-going efforts to ensure collaboration, consistency, and interrelation between the various outcomes and recommendations. The study was completed between April 2008 and March 2009 with four primary objectives:

- Foster a high level of coordination and collaboration between the interrelated projects underway in the area by the City, County, ODOT, and the Bend MPO
- Investigate if there are transportation strategies that;
  - o Provide a more robust local (i.e., non-highway) system
  - o Better accommodate local trips off of the state highways
  - Compliment the anticipated future highway improvements being investigated by ODOT
- Provide guidance to other on-going efforts as to which transportation strategies should be investigated for further study as enhancements to augment that work
- Prioritize planning-level improvements to achieve development goals and complement other planned system improvements

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# 2.0 STUDY & REPORT INTENT

The NE Bend Transportation Study is a transportation planning guidance document. The study was a high level, technical exercise intended to provide a forum for coordination and direction on the question raised by the Bend City Council and the OTC as to what strategies are available to decrease local trip reliance on the state highways. The study is not intended to be adopted as policy or create a list of definitive projects. Rather it provided an initial forum for input to develop guidelines that will be feed into on-going and future efforts regarding transportation planning and policy.

The study was primarily an interagency technical effort to review and evaluate a wide range of alternatives and outline those that should be moved forward for further study. The work has not included a public decision-making process, has not been adopted by any participating agencies, nor was it intended to determine final details of specific transportation projects for implementation. As discussed in later sections of this report, the recommendations from this work are to be refined and taken through a public-process as part of other on-going implementation vehicles. Those efforts will provide a more detailed analysis and decision-making process to formalize and refine the study's findings and support adoption of projects into the City's Transportation System Plan (TSP).

This report is intended to be a high-level summary of the work completed as part of the NE Bend Transportation Study and it provides the reader with the key conclusions and strategies that resulted from the work, as well as the key action items that are planned to move these strategies forward by the various agencies. The report itself purposefully does not contain the full extent of technical analysis and detail that was completed as part of the study. Detailed information regarding the technical analysis and evaluation work can be found in the supporting Appendixes.

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NE Bend Transportation Study

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## 3.0 STUDY CONTEXT

Currently and through the course of this study, the Oregon Department of Transportation (ODOT), Deschutes County, the Bend MPO, and the City of Bend have active planning projects that affect the NE Bend region. A summary of these projects is provided in Table 1.

Table 1
Summary of On-Going & Previous Projects in NE Bend Area

Lead Agency	On-going & Previous Projects
City of Bend	City of Band Transportation System Plan (TSP) Updates Bend UGB Expansion Study Juniper Ridge Master Plan US 97/Cooley Road Mid-Term Improvement Study Juniper Ridge Employment District Special Planned Area (SPA) & TPR Analysis
ОООТ	US 97 & US 20 Refinement Plan US 97 North Corridor Study
Deschutes County	Deschules County TSP
Bend Melropolitan Planning Organization (MPO)	MPO updates to the Regional Transportation Plan

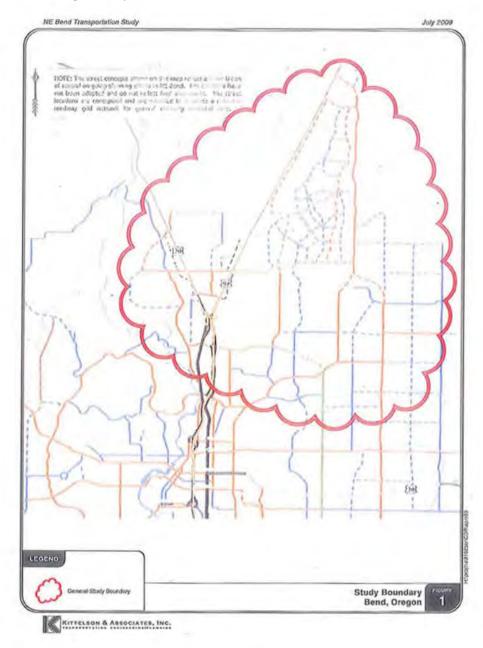
Figure 1 provides a graphical illustration of the overall study area included in this work.

The NE Bend Transportation Study is a transportation planning guidance document. The study was primarily an interagency technical effort to review and evaluate a wide range of alternatives and outline those that should be moved forward for further study. The work has not included a public decision-making process, has not been adopted by any participating agencies, nor was it intended to determine final details of specific transportation projects for implementation. As discussed in later sections of this report, the recommendations from this work are to be refined and taken through a public-process as part of other on-going implementation vehicles. Those efforts will provide a more detailed analysis and decision-making process to formalize and refine the study's findings and support adoption of projects into the City's Transportation System Plan (TSP).

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## 4.0 AGENCY COORDINATION

The study was led by the City of Bend and was coordinated with review by a Technical Advisory Committee (TAC) that included staff from the City of Bend, ODOT Region 4, ODOT Transportation Planning Analysis Unit (TPAU), Deschutes County, and the Bend MPO. The study focused on reviewing the related work being completed through previous and on-going efforts by the multiple jurisdictions. The NE Bend Transportation Study provided a forum to help coordinate the efforts of each agency, connect gaps in the analyses between these projects, and test potential local transportation strategies and roadway improvements in the area. Throughout the study, the TAC served to:

- . Provide input on study purpose and goals
- Develop evaluation criteria.
- Attend meetings and comment on study materials
- · Raise concerns early in the process
- Serve as a liaison between this TAC and the work being completed on the projects led by
  their agency (providing up-to-date information from those processes, identifying concerns
  or challenges on-going in those processes, identifying overlap and inconsistencies between
  the NE Bend work and the other processes, communicating the work conducted as part of
  the NE Bend Study back to the other groups)
- · Serve as a liaison between this project and other agency staff and decision makers

The City of Bend recognizes the transportation system within and around NE Bend is owned and managed by various jurisdictions. Each agency will plan for improvements, and should continue proactive coordination between the jurisdictions in terms of demand modeling, system connectivity and project prioritization. The City of Bend, Deschutes County and ODOT are engaged in planning projects in NE Bend. These planning processes need to be built from the same assumptions for the project outcomes to be successfully implemented in the future.

Providing a high-level of coordination between previous and multiple on-going projects was a key purpose of the NE Bend Transportation Study. The coordination consisted of two key elements: communication and technical.

- · Communication Coordination:
  - Timely exchange of information between this project and other on-going efforts
  - o Providing up-to-date information from those processes
  - o Identifying concerns or challenges on-going in those processes
  - Identifying overlap and inconsistencies between the NE Bend work and the other processes

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- Communicating the work conducted as part of the NE Bend Study back to the other groups
- Working together in a collaborative manner
- · Technical Coordination:
  - Developing a shared set of key assumptions that will be consistent between the various processes (i.e., land use scenarios and assumed roadway improvements)
  - o Working from a consistent transportation demand model
  - Developing consistent timeframe assumptions for key transportation projects and land use developments
  - Incorporating the work and recommendations from other processes as they become available
  - Developing consistent or non-exclusive project goals and objectives

This coordination resulted in all agencies being better informed of each other's on-going efforts, developing a common understanding of the assumptions that were being used in the various technical evaluations, understanding the key goals and objectives of each agency's efforts, and collectively reviewing how individual study results were affecting the work being done by others.

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## 5.0 STUDY PROCESS

To complete the NE Bend Transportation Study, the TAC and project team established and worked through the following process:

- Outlined the study purpose and objectives
- Developed a common set of transportation planning principles, context assumptions, and evaluation criteria
- Developed a range of transportation system alternatives
- Evaluated the range of alternatives by the evaluation criteria using the regional transportation model and other tools, as appropriate
- Developed a list of key conclusions and recommendations resulting from the evaluation

Again, the NE Bend Transportation Study was intended to provide transportation planning guidance. It was high level, technical exercise intended to provide a forum for coordination and direction on the question raised by the Bend City Council and the OTC as to what strategies are available to decrease local trip reliance on the state highways. The study was (and is) not intended to be adopted as policy or create a list of definitive projects. Rather it provided an initial forum for input to develop guidelines that will be feed into on-going and future efforts regarding transportation planning and policy.

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## 6.0 TRANSPORTATION PLANNING PRINCIPLES

A fundamental first step in the study was establishing a consistent set of transportation planning principles to guide both the development and evaluation of alternatives. Using materials from past and on-going work, the TAC and project team developed the following set transportation planning principles to guide this effort:

- · Route choice the system should provide optional circulation choices for longer distance trips off the highway system
- Connectivity the system should provide an adequate arterial and collector grid pattern
- Balanced system flow the system should work to balance flow across all available facilities and work to improve the utilization of under-capacity roadways
- Reasonable system hierarchy they system should provide logical and reasonable connections and routes between roadways of varying function and the uses they support
- Multimodal system the system should provide adequate facilities and connectivity for non-auto modes
- Do not preclude network choices and project decisions should be considered within the long-term planning framework to be sure near-term improvements build upon each other and do not preclude the possibility for long-range improvements in the future
- Maximize investment value near term improvements may be identified that provide unique value and independent utility during their forecast lifespan
- Respect the constraints in the community, natural, and financial environment consider transportation projects in relation to whether the improvement outweighs the potential impacts and is justified given the costs

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## 7.0 EVALUATION FRAMEWORK

The Technical Advisory Committee agreed on the planning principles listed in the previous section as the expressed goals for the transportation system in NE Bend. The TAC also developed evaluation criteria so that alternatives could be evaluated as to how well they achieved the goals of each planning principle. The evaluation criteria included both qualitative and travel demand model-driven quantitative measures. The TAC used the results of the evaluation to identify "most promising strategies" that should be investigated further and included in other on-going or future efforts. Table 2 summarizes the transportation planning principles used for this effort and their associated evaluation criteria.

Transportation Planning Principles & Evaluation Criteria

Transportation Planning Principle	NE Bend Context Assumptions	Evaluation Griteria
Route Choices The City recognizes that route choices allow users of all modes to select methods and directions of travel to adapt to changing	The street network in NE Bend does not provide optional circulation choices for longer distance trips off the highway system.	<ul> <li>Project reduces VMT on state highways for local trips (i.e. trips with both an origin and destination in the City)</li> </ul>
traffic fluctuations and user needs. These fluctuations may occur seasonelly, by peak period, or by incidents along the network. Route choices allow each user to select a travel path that best meets their needs under	are ingrindy system.	<ul> <li>Project increases the number of routes available for key Origin- Uestination pairs (e.g., Juniper Ridge to Downtown Bend)</li> </ul>
changing network conditions.		<ul> <li>Project decreases travel time for various routes available for key O- D pairs</li> </ul>
		<ul> <li>Project balances VMT between highway and other street classifications and between trip types (local, City-wide, regional)</li> </ul>
Connectivity  Connectivity goes hand-in-hand with route chalces. Creating subtle and (seemingly) minor connections can provide significant	The existing street network in NE Bend does not provide an adequate arterial/collector grid pattern.	<ul> <li>Project improves the arterial/collector framework within the NE Bond area for all user types</li> </ul>
relief at various nodes and segments. Connectivity can be instrumental in supporting non-auto mode choices, allowing		<ul> <li>Project completes a connectivity gap in the existing system</li> </ul>
those users to remain on facilities that are consistent with their desired travel environment.		<ul> <li>Project works lowerds city, county and ODOT street specing standards</li> </ul>
	N	Project reduces the average trip length (VMT per trip) for zones within NE Bend
Balanced System Flow	Portions of the NE area are	Project better balances tho
A balanced system flow means that each segment and component of the network is sarying its weight and making the sprporpriate contribution to area mobility. An neomolete network or over-refigure on flow	especially congested white other segments operate below capacity.	number of system lane miles across V/C bins for both state and local system (e.g., >1.0, 1.0-0.9, 0.9-0.8, atc.)
network elements can result in congested		<ul> <li>Project reduces hours of</li> </ul>

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segments or nodes in some areas and relatively light usage in other areas. Achieving a balanced system flow is an economically responsible way to ensure specific links and nodes are not overbuilt and promote careful investment in locations that are in concert with overall travel needs.		congestion in the study area (t spot identification)					
Reseanable System Hierarchy System hierarchy allows each component in the network to perform its necessary task and centribute to balancing access and mobility within the surrounding land uses. It	Existing and planned land uses rely on higher- classification readways for direct access and circulation.	<ul> <li>Project priorilizes longer distance trips on arteriels and highway system and facilitates use of non- highway roads for shorter distance trips</li> </ul>					
is often impossible to achieving an ideal hierarchy because of geologic or geographical features, transportation		<ul> <li>Project increases the length of trips using US 97</li> </ul>					
elements (rail roads or expressways), or land development petterns. However, attaining a reasonable system hierarchy that optimizes network connections with appropriate form and function of the facility types can help facilitate mobility while being compatible with existing and programmed land uses.		<ul> <li>Project develops a system that provides logical connections and progression of system hierarchy (i.e., local street – collector street – arterial street – highway and not local street – highway)</li> </ul>					
		<ul> <li>Roadway form and function is appropriate within the contaxt of surrounding land uses and planned land uses</li> </ul>					
Multi-modal System A diverse and healthy land-use pattern	The existing readway and trail network in NE Bend	<ul> <li>Project improves padestrian connectivity to transit routes</li> </ul>					
generates a variety of user needs. Motor vehicle and freight mobility are critical components of a successful community. However, a well planned network must serve non-auto users to the highest extent	does not provide adequate facilities and connectivity for non-auto modes.	Project Improves the grid system for pedestrian/bioycle travel (e.g. 1/8 <sup>th</sup> mile grid for circulation and crossing of major roadways)					
possible. This means proactively achieving connectivity, considering how non-auto users can travel through the system (i.e., at intersections or wide readway segments).		<ul> <li>Project Improves mode split (relative change) by TAZ or by study area</li> </ul>					
and generally considering the design elements that promote a high quelity of comfort and service on all facilities.		<ul> <li>Project provides routes for pedestrian and bicycle travel on appropriate facility types (pedibike travel experience)</li> </ul>					
2.		<ul> <li>Project provides efficient transit corridors</li> </ul>					
Do Not "Preclude"  An Ideal network is challenging to ettain, it may evolve over time in a phased approach related to funding availability or be expedited	Funding is not likely to be available to fund all of the currently planned projects in NE Bend in the short-term.	<ul> <li>Project can be logically constructed in phases with each phase providing unique and independent value</li> </ul>					
by near-term decisions such as an impending land-uso action, in either case, network choices and decisions should be considered in the long-term plenning fremework to be sure near-term improvements build upon each other to	Improvements identified by the NE Bend Transportation Study and the other related projects are also likely to be constructed over time along with development or as City	<ul> <li>Project can be implemented incrementally or sequentially so as to not preclude or minimize the flexibility of implementing future or subsequent improvements.</li> </ul>					
achieve the long term goals. The decisions the City makes now (or in the short term) should ideally "not preclude" choices and options for the future.	funds ere available.	<ul> <li>Project comploments or reduce reliance on major long-term system improvements</li> </ul>					
Maximize Investment Value	Funding is not likely to be	<ul> <li>Project facilitates either short-term</li> </ul>					

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Near term improvements may be identified that provide unique value and independent	available to fund all of the ourrently planned projects or	or long-term economic development or policy objectives
utility. These improvements may be inconsistent with planned improvements and could require modification or removel. Even so, the projects may provide distinct value	the ultimate configuration of projects in the short-term. Improvements identified by the NE Bend Transportation	<ul> <li>Project addresses existing or future safety concerns or considerations</li> </ul>
and worth during their forecast lifespan. At face value, these improvement could be considered "threw away"; but at a breader inspection they may provide explicit bonellia until subsequent planned improvements can be implemented.	Study and the other related projects are also likely to be constructed over firms along with development or as interior needs as City hunds are available.	<ul> <li>Project provides needed natwork capacity or linkages until long term projects can be implemented</li> </ul>
Respects constraints in the community, natural and financial environment.	NE Bond is a unique community with natural and	<ul> <li>Project minimizes potential community impacts</li> </ul>
Each transportation improvement will have impacts on the community and natural savironment and will require funding from	neighborhood features that affect the selection and design of projects.	Project minimizes potential natura anvironment constraints
atthough the state of the state	Respecting the community and natural environment and solicting projects that can be implamented is important to achieving the NE Bend Transportation Study's objectives.	<ul> <li>Likely that project can be funded in existing financial unvironment.</li> </ul>

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## 8.0 SCENARIO TESTING

The planning principles helped guide the formation of alternative strategies that were selected for testing and analysis. As discussed previously, the NE Bend Study was intended to be a broad look at numerous transportation strategies. As such, the TAC developed transportation improvement "scenarios" to test against the planning principles and evaluation criteria. Rather than analyzing every individual improvement project separately, various improvements were combined into alternatives and grouped by strategies for evaluation. This allowed for testing the effects of a large number of potential improvement projects to determine which combination of strategies would best meet the study objectives. Each scenario included a unique improvement strategy (as opposed to one specific improvement project), as described below, to allow a comparative evaluation to determine which types of improvement strategies were most likely to benefit the overall NE Bend transportation system.

The alternative scenarios that were developed to test and evaluate were:

- Basic City Street Grid (shown in Figure 2)
- Enhanced State Highway & Railroad Crossings (shown in Figure 3)
- Enhanced State Highway Connections (shown in Figure 4)
- Enhanced City Street (Non Highway) Extensions (shown in Figure 5)
- Enhanced City Street (Non Highway) Corridors (shown in Figure 6)
- Enhanced Transportation Demand & Transportation System Management Strategies (shown in Figure 7)

The specifics shown in these figures were not projects or recommendations and were only components of an overall scenario that was developed to test through the evaluation process. The maps were created in the spring of 2008, to a basic level of detail consistent with the high level nature of this study, and were representative of the overall concept scenario at that time. It is recognized that specifics within the study area may have evolved and changed somewhat by ongoing work, however, not the extent that would significantly impact the work completed as part of this effort.

The intent of this work was not to seek approval or definitive support of any specific projects at this time. The alternatives considered are conceptual strategies and the purpose of the work was to look beyond jurisdictional, physical, or stakeholder-opinion constraints to determine which of these strategies seem to be most promising in optimizing the local system to reduce reliance on US 97 and warrant further investigation (including public involvement and more detailed analysis).

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### BASIC CITY STREET GRID

This alternative, illustrated in Figure 2, focused on creating an arterial and collector grid in NE Bend to facilitate local circulation as development occurs in the area. The additional street system would be located primarily in the Juniper Ridge area and east of NE 27th Street. New roadway extensions in developed areas are limited. The collection of new roadways included in this alternative is also included in each of the other alternatives considered, as the basic grid is the minimum roadway network needed to access developable lands.

### **ENHANCED STATE HIGHWAY & RAILROAD CROSSINGS**

This alternative, illustrated in Figure 3, included constructing new grade separated crossings of regional facilities to promote local trip circulation off of the state highway system. The grade separated crossings included crossings over US 97, US 20, and the railroad, as well as a tunnel connecting Hunnel Road to 3<sup>rd</sup> Street in the vicinity of Empire Road.

#### **ENHANCED STATE HIGHWAY CONNECTIONS**

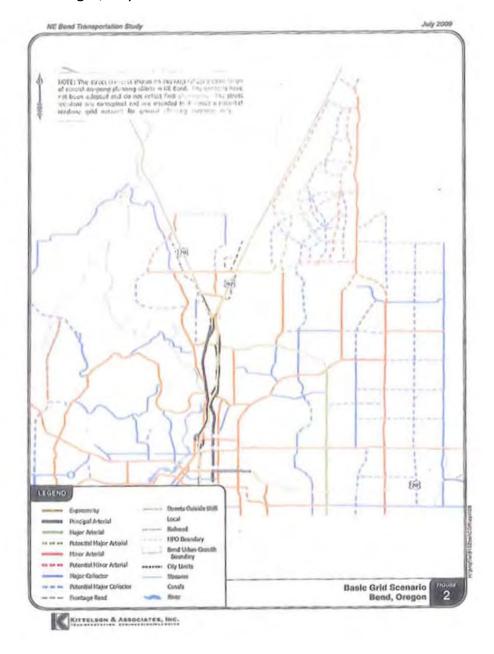
This alternative, illustrated in Figure 4, combined key arterial corridor enhancements with improved access to US 97 and US 20. Full interchange access was included on US 97 at Empire Avenue, Cooley Road, a new northern interchange location, and at Deschutes Market Road. To accommodate the interchanges, other at-grade intersections (e.g. Robal Road) were assumed to be closed to US 97. It is not recommended at this time hat the US 97/Robal Road intersection be closed but it was assumed that it would be for the testing of this particular scenario based on the results of previous work efforts. They have indicated that, if there is a grade separated interchange at US 97/Cooley Road, the spacing between that interchange's ramp locations and the Robal Road intersection would be too short to maintain safe geometry and operational conditions for a Robal Road traffic signal. On US 20, a full interchange was included at Cooley Road, which would have frontage road connections to a grade-separated Robal Road. The strategy with this alternative was to test how providing additional high-capacity connections could reallocate demand that is anticipated on the state highway system.

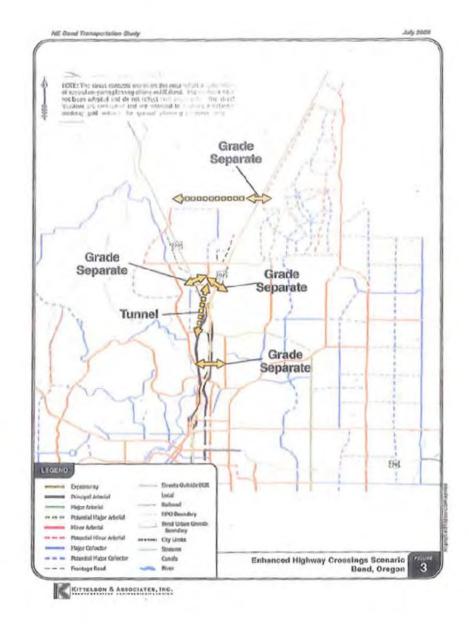
This study did not attempt to determine specific details for the location of grade separations. The improvement strategies in the study are reflective of general interchange and grade separated crossing spacing concepts, and how those connections tie to the surrounding transportation system. Potential locations (e.g., a grade separation of Robal Road over US 97 and the railroad) were selected through a work session with the TAC as representative projects for a particular strategy. This evaluation helped the study to identify the general benefit that particular spacing and connection strategies could have for the overall transportation system. The details of the actual location of the various crossings and connections will be determined through multi-agency coordination as part of future implementation mechanisms.

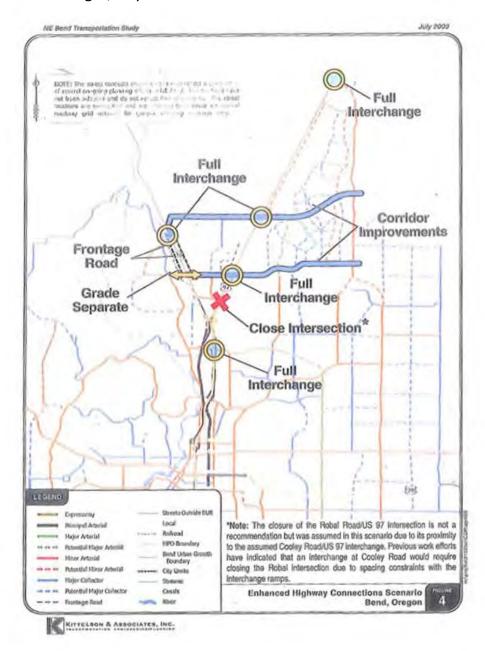
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## **ENHANCED CITY STREET EXTENSIONS**

This alternative, illustrated in Figure 5, focused on new local system extensions to cross barriers and provide new circulation options around the state highway system. The primary improvement in this alternative was extending Cooley Road over the Deschutes River to connect with Skyline Ranch Road. The other improvements included connections along Deschutes Market Road and the US 97 frontage road to disperse Juniper Ridge traffic.

### **ENHANCED CITY STREET CORRIDORS**

This scenario, illustrated in Figure 6, focused on improving the capacity and speed of local collector and arterial corridors to test if that would attract longer-distance local trips away from the state highways. Some of the primary corridors that were improved included:

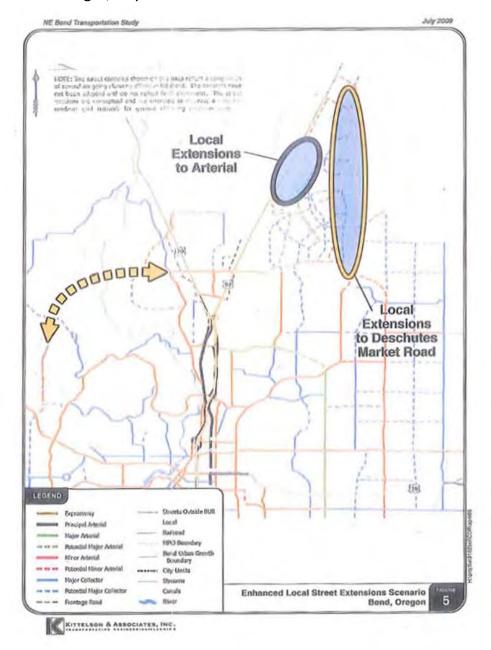
- Deschutes Market Road-Hamehock Road from US 20 to US 97 (#1 on Figure 6),
- 8th St-Butler Market Rd from Olney Avenue to Deschutes Market Road (#2 on Figure 6).
- 18th Avenue from Butler Market Road to Cooley Road (#3 on Figure 6),
- Cooley Road from Deschutes Market Road to US 97 (#4 on Figure 6), and
- OB Riley Road from Old Bend Redmond Highway to US 20 (#5 on Figure 6).

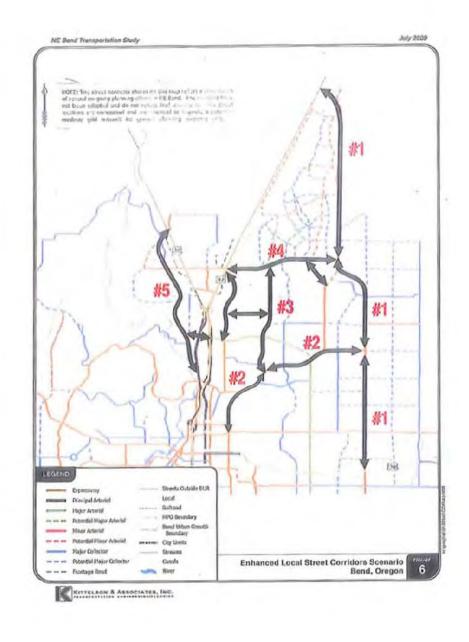
### **ENHANCED TDM & TSM**

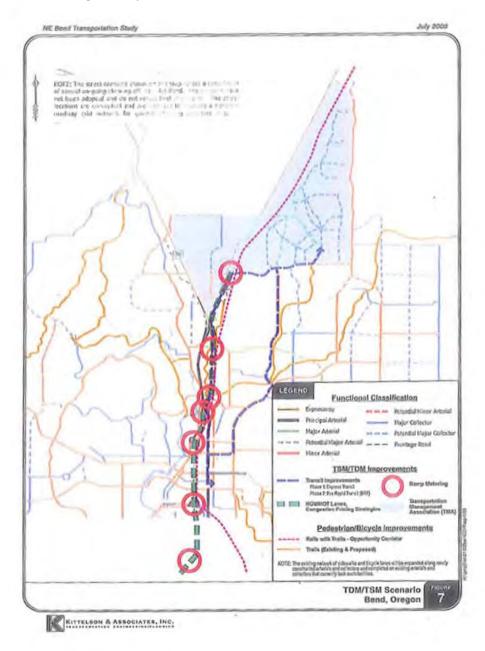
The Transportation Demand Management and Transportation System Management (TDM/ISM) alternative, illustrated in Figure 7, considered investment in travel demand reductions and system operations enhancements to maximize performance of the infrastructure. While ultimate strategy components could consist of a wide range of items (such as future trail systems, ramp metering on US 97, congestion pricing strategies, and transit improvements), the effects of many of these strategies are difficult to quickly quantify in a traditional travel demand model. For this reason, only transit ridership due to transit improvements along the 18th Street Corridor and single occupancy vehicle (SOV) trip reductions due to the creation of a transportation management association (TMA) were incorporated into the model for a conservative approach. The effects of each of these measures were analyzed by manually reducing vehicle trips in target TAZs in the model. Employment-based trips in targeted TMA areas were reduced by 10-percent and vehicle trips within a 14 mile of proposed transit routes were reduced by 3.5-percent. The result was a reduction of approximately 500 PM peak hour trips for the NE Bend area zones.

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Each of these alternatives scenarios was evaluated across the range of qualitative and quantitative evaluation criteria listed in Table 2. The details of the evaluation are provided as Appendix A of this report.

### **EVALUATION APPROACH**

The fundamental approach in evaluating scenarios as part of the NE Bend Transportation Study was to view the transportation system and operational results in a holistic manner. Alternatives developed and evaluation completed as part of other on-going work had to, by design, focus on limited components of the transportation system (for example, Just the US 97 corridor). By taking a system-wide and holistic "big picture" view, the evaluation completed as part of this study was able to identify how various strategies would impact both regional and local facilities and how they would influence travel throughout the broad NE Bend study area.

To accomplish this broad look, transportation improvement strategy "scenarios" (not specific projects) were developed to test against the planning principles and evaluation criteria. In reviewing analysis results, the objective was to identify positive trends in performance measures (such as overall system delay, travel time for key origin-destination pairs, and trip length on regional facilities) to nerrow down the broad scenarios to a set of combined improvement strategies that are most likely to benefit the overall NE Bend transportation system.

Each of the scenarios outlined above were modeling assuming a 2000 land use build-out consistent with the Bend MPO adopted model. The specific details of the modeling evaluation can be found in Appendix A of this report.

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## 9.0 KEY EVALUATION RESULTS

This study provided an opportunity to test a wide range of strategies in an unconstrained environment. This allowed for the determination of the possible benefit of each strategy without constraint to what might be predetermined as unlikely or politically unfeasible. Some of the strategies tested showed very limited benefit based on the established evaluation criteria even if they could be implemented. Others did show benefit that the project team and TAC believed warrants further investigation despite the known community sensitivity to such improvements. Those strategies that showed benefit from this conceptual testing are the ones that the study recommends move forward for further investigation (as described in Section 11). Through the implementation mechanism identified, the feasibility, benefits, and constraints for each strategy will be further evaluated and refined.

The detailed description and results of the scenario testing (methodology, analysis, evaluation criteria, and model testing results) are provided as Appendix A of this report. From the detailed evaluation and direction from the TAC, the following key evaluation results were summarized:

### Appropriate Trips on Appropriate Facilities

- The Enhanced Highway Crossings and Enhanced Highway Connections scenarios demonstrated the largest reduction in the percentage of local trips on the State Highway system and the largest increase in the percentage of local trips that stay on the City street system
  - o Highway Crossings:
    - 23% of local trips use the highway system (compared to 27% in the 2030 Base Case)
    - 77% of local trips stay on the City system (compared to 73% in the 2030 Base Case)
  - Highway Connections
    - 24% of local trips use the highway system (compared to 27% in the 2030 Base Case)
    - 76% of local trips use the City system (compared to 73% in the 2030 Base Case)
- The Enhanced Highway Crossings and Enhanced Highway Connections scenarios demonstrate the largest benefit in keeping shorter distance trips off of the highways
  - The percentage of short trips (less than 3 miles) on US 97 in these scenarios decreases to 5% (compared to 9% in the 2030 Base Case)
- The Enhanced Highway Crossings and the Enhanced Highway Connections scenarios provided the highest average trip length on US 97
  - Average trip length increased 5% to 8% in these scenarios compared to the 2030 Base Case

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 The Enhanced State Highway Connections appears to attract longer distance trips to the State Highway System, which encourages local trips to avoid congested interchange areas and utilize the local roadway system

### Minimizing Congestion

- Complementing Enhanced Highway Crossings and Enhanced Highway Connections with improvements to the City roadway system has the greatest effect on reducing overall VMT
- The Enhanced Highway Crossings scenario provides the most benefit in reducing the number of lane miles of congestion (v/c> 0.85) on the highway system
  - This scenario reduces the percentage of congested highway lane miles to 18% (compared to 25% in the 2030 Base Case)
- The Enhanced City Street Corridors and the Enhanced City Street Extensions provide the most reduction in travel times, with reductions for each origin-destination pair analyzed
- The Enhanced Highway Crossings and Enhanced Highway Connections scenarios provided similar travel time benefits except for impacts between the retail triangle and downtown, which experienced increased travel time due to limited access
- The Enhanced Highway Crossings, Enhanced City Street Extensions, and Enhanced City Street Corridors provided the most congestion benefit, with reductions of 55% to 60% in the study area and 30% to 35% in the overall MPO area

### Connectivity & Travel Options

- The Enhanced City Street Corridors and Enhanced City Street Extensions provided the most reduction in average trip length for study area trips, which is consistent with the intent of improving the City street grid system within the study area
- In isolation, the Enhanced Highway Connections scenario increased average trip length for the study area, as vehicles were found to travel out of direction to reach the improved access to the higher speed state highway system
- In general, the results showed that creating highway connections to key local corridors at approximately 1 mile intervals, combined with highway crossings between these and complementary City system improvements, will provide the most complete and efficient overall transportation system for NE Bend
- If implemented strategically, TDM and TSM elements (such as those shown in Figure 7) plus
  public transit service will provide benefit to reducing overall travel demand in the northeast area.

Based on these results, the City, Bend MPO, and ODOT intend to undertake additional coordinated efforts to model and complete refined evaluation of transportation strategies. Essential with this upcoming work will be the continued review of holistic performance measures for the entire transportation system (such as travel times, connectivity, and local system performance) in addition to volume-to-capacity ratios on US 97.

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## 10.0 EVALUATION CONCLUSIONS

Based on the above results, the following conclusions were developed by the project team and the TAC:

- There are transportation strategies that are successful in shifting local, shorter distance traffic from the state highways to the local streets and providing a more robust local (i.e., non-highway) system.
- This benefit is not provided by a single project. Rather it is provided by combining highway
  and non-highway strategies that will provide the most complete and complementary
  system.
- The package of "most promising" strategies includes:
  - Identifying and committing to feasible Transportation Demand Management and Transportation System Management policies at a regional level.
  - Enhancing local roadways to provide attractive alternatives to highway routes for local trips. Two strategies that showed benefit at this high level included:
    - . Enhancing those local roadways that connect to and parallel the highways
    - Identifying a new north-south arterial corridor through NE Bend (in the general vicinity of 18th Street)
      - To have benefit, the N-S arterial needs to tie to US 97 at an northern interchange location and be further west than Deschutes Market Road (as that is too far east to draw a lot of traffic from US 97)
      - There is the potential that this connection could be created using 18th Street but it doesn't have to be restricted to that alignment if subsequent detailed work shows another location is preferable
      - Developing two parallel corridors (such as 18th Street and Purcell Boulevard) is another possible option for creating this connection
        - Two parallel corridors could provide redundancy in the system and allow for two smaller roads as opposed to one larger road
      - Further details about location and character of the connection (or connections) will be evaluated as part of the Juniper Ridge TPR work that is upcoming and associated efforts
  - Providing additional east-west crossings of the highways at strategic locations to complement interchange locations.
  - Providing strategic connections from the local system to the state highways that are spaced at about one mile intervals and connect to key non-highway routes.

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## MEMORANDUM

Delist April 9, 2009

Project #: 910Z

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Nick Arnis, City of Bend

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NE Bend Transportation Study

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Summary of Key Study Findings & Outcomes

The NE Bend Transportation Study is an umbrella effort to coordinate transportation system planning, land use planning, and project development work underway in the north-east part of the City of Bend by the four key transportation agencies in the area (City of Bend, Oregon Department of Transportation, Deschutes County, and the Bend Metropolitan Planning, Organization). The study was initiated to provide a high level of coordination between the ongoing efforts to ensure collaboration, consistency, and inter-relation between the various recommendations, outcomes, and implementation strategies. A primary focus of the study was to investigate if there are transportation strategies that would provide a more robust local (i.e., non-highway) system that compliment the anticipated future highway improvements being investigated by ODOT and provide guidance for which improvements should be studied further. This memorandum provides a condensed summary of the key study findings and outcomes from the NE Bend Transportation Study. The details behind these findings can be found in the full study report.

### **(GEY STUDY EVALUATION CONCLUSIONS**

The follow key conclusions were developed by the NR Bend Transportation Study team and TAC:

- There are transportation strategies that are successful in shifting local, shorter distance traffic from the state highways to the local streets and providing a more robust local (i.e., non-highway) system.
- This benefit is not provided by a single project. Rather it is provided by combining highway and non-highway strategies that will provide the most complete and complementary system.
- The package of "most promising" strategies includes:

FILENAME: HUMONTHENSION: US 97 & COOLEY ROAD MID TENN INTROVIDUENTUMETINGS LURIL IN OVERVIEW MEETINGINE BIND KEY OUTCOMES SUPPONT, DOC

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- Committing to Transportation Demand Management and Transportation System Management policies at a regional level.
- Enhancing local roadways to provide attractive alternatives to highway routes for local trips. Two strategies that showed benefit at this high level included:
  - i. Enhancing those local roadways that connect to and parallel the highways
  - Identifying a new north-south arterial corridor through NE Bend (between 18th Street and Deschutes Market Road)
- Providing additional east-west crossings of the highways at strategic locations to complement interchange locations.
- d. Providing strategic connections from the local system to the state highways that are spaced by about one mile and create connections to key non-highway routes.

### **NE BEND TRANSPORTATION STUDY OUTCOMES**

As described previously, the main goals of the NE Bend Transportation Study were to foster a high level of coordination and collaboration and to provide guidance to other on-going efforts as to which transportation strategies should be investigated for further study as enhancements to augment that work. As such, as opposed to discrete project recommendations, this effort has resulted in study outcomes. These outcomes are both technical and policy based and will have a variety of implementation vehicles to take them to the next step. In summary, the key study outcomes are:

- Integrated Project Schedule
  - o An integrated schedule was developed that outlined the on-going transportation and land use efforts within the NE Bend area and showed how they interrelate to one another. The purpose of this schedule is to provide a holistic view of how the various agencies are working together, the individual activity's schedules and those that are dependant upon other efforts, how funding availability will relate to project implementation, and when specific transportation improvements can realistically be anticipated on the ground.
- NE Bend City Project List
  - o Based on the outcomes of the TAC work, the City of Bend and consultants developed a proposed project list for the NE Bend Transportation Study area that built upon the initial NE Bend study findings and complemented the work coming from other agency efforts, such as the US 97 North Corridor project. The NE Bend study is not the implementation vehicles for these projects and they are only conceptual at this stage. Subsequent detailed analysis and a public decision process for each will have to be completed to confirm which projects move forward and in what priority.
- Alternate Mobility Standards

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ME Bend Transportation Study April 9, 2009 Project #: 9102 Page 3

o The studies for NE Bend have demonstrated that the complex transportation conditions in the area are not readily measured and evaluated using traditional performance criteria. Another outcome of this effort has been a commitment between the City of Bend and ODOT to begin the process of evaluating options for alternate mobility standards, both in the NE Bend area and the greater Bend metropolitan area.

## · Outline for TDM & TMA Strategies

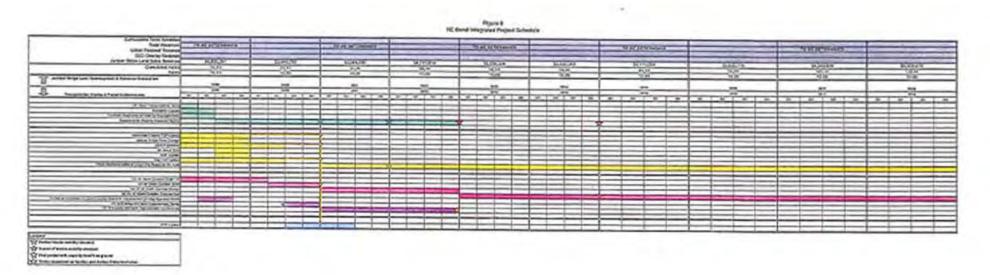
o Transportation Demand Management (TDM) emerged from this work as a key component of any overall transportation solution set. Given the mix of existing and anticipated land uses (Juniper Ridge, Triangle Commercial Area, NE Bend neighborhoods), establishing a Transportation Management Association (TMA) for the area appears to be a feasible and effective means to implementing TDM strategies for employers and neighbors within NE Bend. TMA guidelines and a recommended implementation strategy for establishing a NE Bend TMA were developed and are provided in detail in Appendix B.

## Funding Concepts

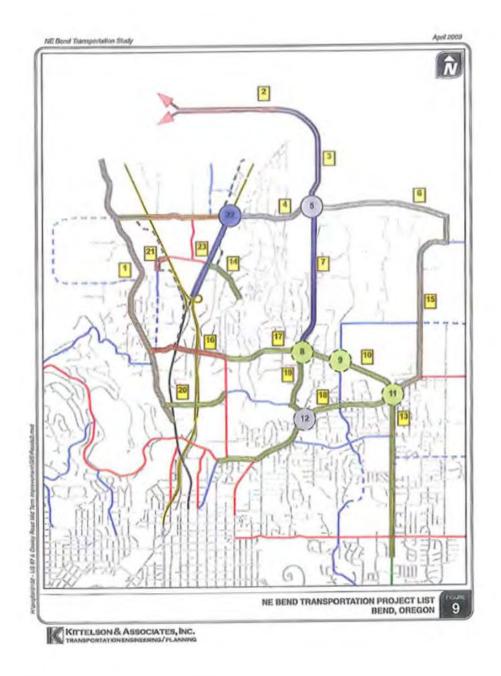
o The NE Bend Transportation Study used its interagency coordination efforts to start a funding strategy outline for transportation projects within NE Bend. From the City's stand point, likely local funding sources for NE Bend projects and strategies include: supplemental System Development Charges or trip fees within a benefited area, updating the City-wide System Development Charges, Urban Renewal Funds, and Juniper Ridge land sale proceeds.

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# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10

1200 Sixth Avenue, Suite 900 Seattle, WA 98101-3140

> OFFICE OF ECOSYSTEMS, TRIBAL AND PUBLIC AFFAIRS

September 12, 2011

Mr. Chris Bucher Federal Highway Administration, Oregon Division 530 Center Street N.E., Suite 100 Salem, Oregon 97301

Ms. Amy Pfeiffer Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

Re: US 97 Bend North Corridor Project Draft Environmental Impact Statement and Draft Section 4(f) Evaluation (EPA Project Number 08-006-FHW).

Dear Mr. Bucher and Ms. Pfeiffer:

The U.S. Environmental Protection Agency has reviewed the US 97 Bend North Corridor Project Draft Environmental Impact Statement and Draft Section 4(f) Evaluation (DEIS). We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Thank you for the opportunity to offer comment.

The Oregon Department of Transportation (ODOT) and Federal Highway Administration (FHWA) propose to re-route an approximate six mile segment of the US 97 corridor within and north of Bend, Oregon to a location east of its current alignment and adjacent to the BNSF railroad tracks and to construct a new interchange in the northern part of the corridor near Bowery Lane. Additional local roads would be constructed as part of the proposed project to provide local access and circulation. The existing US 97 road would become an arterial and extension of Third Street. The project purpose is to reduce traffic congestion, improve traffic flow, and enhance safety. This project did not undergo review by the CETAS group during project development as the project impacts to aquatic resources did not trigger their participation.

There are two build alternatives, Alternatives East DS1 and East DS2, which differ mainly in the location and type of northern interchange. Both alternatives would construct new local roads and road connections north of Grandview Drive, incorporate access management, storm water management and aesthetic treatments.

While we have a number of recommendations and requests for information to include in the Final EIS, we would like to commend FHWA and ODOT for the quality of the Draft EIS. It is generally comprehensive, well written, and directly addresses the pertinent issues. Our concerns, information needs, and recommendations pertain to traffic projections, planning and environmental linkages, air quality, ground water, environmental justice and impacts to vulnerable populations, and ecological

### 001

The US Environmental Protection Agency rating and general comments are noted. Specific responses were provided to subsequent specific comments. EPA is one of the agencies included in the Oregon Collaborative for Environment and Transportation Agreement on Streamlining (CETAS). On August 21, 2007, CETAS chose not to "track" this project because anticipated impacts focused on socio-economic impacts.

ODOT hosted an EPA visit on July 31, 2013. Elaine Somers toured the project area, met with ODOT and FHWA staff to review the project and these comments that were submitted. ODOT and FHWA provided EPA with draft responses to the comments and Elaine called ODOT to relay their general acceptability.

001 Cont.

connectivity. Accordingly, we have rated the Draft EIS as EC-2, Environmental Concerns, Insufficient information. An explanation of this rating is enclosed for your use. Our specific comments are provided below.

## Traffic Projections and Range of Alternatives

We commend City of Bend and ODOT for conducting traffic counts in 2007 and in 2009 to assess the effect on traffic volumes due to the economic downturn (p. 1-4). These comparisons showed that yearly anticipated growth in traffic volumes had not occurred and that growth was stagnant, but the conclusion in the DEIS is that population and employment are expected to grow over the long-term with associated traffic volume predictions that are unchanged from earlier projections. It is unclear whether the dramatic change in the Bend area growth and traffic (p. 3-92) has been adequately factored into future traffic projections, and whether this would enable consideration of other alternatives and/or design options.

### Recommendation:

Provide further explanation regarding traffic projections in the Final EIS. Consider applying reduced traffic projections or high/medium/low estimates that factor in the economic downturn. Disclose the results and evaluate whether or not other alternatives or design options could become viable if traffic projections were lower rather than higher.

We appreciate that ODOT is incorporating Transportation System Management (TSM) features into the proposed project and is coordinating with other agencies to implement Transportation Demand Management (TDM) strategies independent of the proposed action (p. 2-19, 2-20). The provision of several new bicycle and pedestrian facilities are also welcome additions to the project. We note, however, that both action alternatives, DS1 and DS2 would result in substantial detours for bicyclists (1.5 mile detour with DS1; 5.3 miles detour with DS2).

### Recommendations:

To increase transportation choices, improve livability, accessibility and sustainability, and provide for special needs residents, continue to work closely with transit and non-motorized entities to provide transit, address project-related detours, and expand non-motorized facilities. If origin/destination studies have been conducted, include the findings in the Final EIS. If not, we suggest that they be conducted to inform efforts to implement TDM in the project area, including but not limited to, provision of public transit and non-motorized facilities. Include more information regarding the current discussions and plans for commuter rail including the areas it would potentially serve.

The DEIS (page 3-10) states that US 97 and US 20 serve as regional freight routes. Because the proposed project is adjacent to the BNSF railway, it would be helpful to include information regarding the extent to which the railroad could potentially serve a greater role in regional freight transport, thereby reducing travel demand for trucks.

## Recommendation:

Consider including the above information regarding rail freight transport.

## Transportation Planning and Environmental Linkage

Currently the proposed project is not included in the Bend Metropolitan Planning Organization's Metropolitan Transportation Plan, the City's Bend Area General Plan, or Deschutes County's

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## 002

Please also see Topic 24 – Traffic analysis.

An explanation of the traffic analysis that was performed for the Final EIS has been added to Section 3.1.2 of the Final EIS. Generally, a 10 percent reduction in traffic volumes is barely noticeable; it may result in minor modifications to turning lanes such as length but will not affect the overall alternative design. Therefore, the reduced traffic projections do not affect the project's purpose and need or the results of the alternative screening process discussed in Section 2.2 of the Final EIS. Lower traffic volumes and lower traffic volume growth means that the facility is expected to function for longer than the 20-year design period.

## 003

While the design of the East DS1 and East DS2 Alternatives in the Draft EIS would have created the bicycle and pedestrian detours referenced in the comment the Preferred Alternative does not create these detours because the intersection of US 97 and 3rd Street would not require out of direction travel. The design of the Preferred Alternative and the bicycle and pedestrian facilities that will be included, substantially reduce potential bicycle detours for travel within the project area. Similar to automobiles, for bicyclists traveling northbound on US 97 the northern signalized intersection with 3rd Street will provide an additional opportunity, with minimal additional time or out-of-direction travel, to exit and safely cross US 97 and access the commercial businesses along 3rd Street. In addition, the Preferred Alternative will construct bicycle and pedestrian under-crossings near the Sisters loop ramp so that US 97 will not preclude a future trail planned by the City of Bend and will not become a barrier for bicycle and pedestrian travel. Please also see Topic 12 – Bicycle and pedestrian facilities.

As identified in Section 7.3.3 of the Final EIS, ODOT has worked with the Central Oregon Intergovernmental Council (COIC) regarding their existing and future planned services and facilities in the area for Cascades East Transit. ODOT has designed the Preferred Alternative so as to not impact existing transit facilities and to not preclude planned local and regional transit facilities within the north Bend area.

Section 7.3.3 of the Final EIS also identifies ODOT's coordination with the Deschutes County Bicycle and Pedestrian Advisory Committee throughout the project, including during the development of the Preferred Alternative. The following is a list of dates for when ODOT met with the Deschutes County Bicycle and Pedestrian Advisory Committee: May 7, 2009; June 4, 2009; June 12, 2009; June 18, 2009; June 25, 2009; July 1, 2010; August 16, 2010; January 19, 2013; February 7, 2013; March 19, 2013; May 2, 2013; September 18, 2013. ODOT has designed the Preferred Alternative to provide bicycle and pedestrian facilities throughout the project area.

Appendix G of the Final EIS includes the origin/destination studies that have been conducted as part of this project. ODOT has also coordinated with transit, Commute

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Options, pedestrian/bicycle groups, City of Bend, Deschutes County, and the Bend MPO to further develop the transportation demand management measures that are part of the Preferred Alternative, as presented in Section 2.1.2 of the Final EIS. ODOT will continue to coordinate with these entities during final design to encourage implementation of these measures.

Currently, there is no passenger/commuter rail service to Bend. Amtrak offers bus service to Bend and other areas in the region. The 2001 Oregon Rail Plan includes a comprehensive assessment of the state's passenger, or commuter, rail systems. In that plan, Central Oregon is included as a Secondary Service Corridor. For the Central Oregon corridor the plan notes that the "BNSF north-south rail route from Chemult through Bend to the Columbia River constitutes an important freight movement resource through central Oregon" and that the line is occasionally used for special passenger excursion operations. However, the 2001 Oregon Rail Plan goes on to state that "the light population density along the line and its slow, circuitous route through the Deschutes River Canyon render it infeasible for regular intercity service."

## 004

The purpose of this project is to address congestion, traffic flow, and safety on US 97 in Deschutes County, Oregon, between the Deschutes Market Road/Tumalo Road Junction interchange and the Empire Avenue interchange. As presented in Section 3.1.2 of the Final EIS, truck traffic on US 97 within the project area represents approximately 12 percent of the total vehicle mix. Therefore, the bulk of the congestion on US 97 is caused by passenger vehicles and not trucks. Even if existing freight was shifted to rail this project would still be needed because of the passenger vehicle volumes. The Oregon Rail Plan considers how this rail corridor could be improved to enhance freight travel. However, Class 1 railroads, like the BNSF Railway in the project area, are owned by private companies, who determine their freight hauling services best to meet their business models and customer needs. ODOT has coordinated with BNSF Railway representatives on this project and in regional planning efforts to discuss the railroad impacts and freight capability in this area. In Central Oregon, the BNSF Railway is focused on large, long haul trains, which are trains that provide long-distance service with few stops between large cities and do not necessarily service all of the areas they pass through. Currently, they have no plans to increase rail service in the area. ODOT will continue to coordinate with BNSF Railway during final design of the project.

## 005

Since the Draft EIS was published, all of the identified planning actions have been completed. The illustrative list in the Bend MPO's 2007-2030 Metropolitan Transportation Plan has been updated to include the Preferred Alternative; therefore, the Preferred Alternative is consistent with this plan. The City of Bend has approved an amendment to the Bend Urban Area Transportation System Plan, which is a part of the Bend Area General Plan, to include the Preferred Alternative. Therefore, the Preferred

Alternative is consistent with these city plans. Deschutes County determined that the Preferred Alternative is already included in the *Deschutes County Transportation System Plan*, this is documented in a letter provided by Deschutes County on June 13, 2013. Therefore, the Preferred Alternative is consistent with the *Deschutes County Transportation System Plan* and the *Deschutes County Comprehensive Plan*.

Please also see Topic 3 – Interchange area management plans (IAMPs) and Topic 5 – Statewide goal exceptions.

On a statewide planning level, the Oregon Transportation Plan emphasizes integrating transportation, land use, economic development and the environment with the goal of developing "A safe, efficient and sustainable transportation system that enhances Oregon's quality of life and economic vitality." Environmental analysis is part of all statewide planning efforts and is outlined in Goal 4 Sustainability and Policy 4.1 Environmentally Responsible Transportation Systems of the Oregon Transportation Plan. These sections outline the goal of creating a balance between environmental, economic, and community objectives, and providing a transportation system that is environmentally responsible and encourages conservation and protection of natural resources. This work is done in consultation with analyses in discussion with federal, state, and tribal, wildlife, land management and regulatory agencies and is in compliance with SAFETEA-LU 6001.

Chapter 18 of the Bend Metropolitan Transportation Plan (MTP) describes the environmental considerations and how they are used to plan transportation in the Bend Metropolitan area. Environmental features are identified and transportation projects are compared to the resources to identify conflicts. The plan also identifies activities that may have the greatest potential to restore and maintain the environmental functions affected by the transportation plan. The Bend MPO MTP does not identify any specific environmental commitments or enhancements within the project area. The MTP does identify recommendations of best management practices all of which will be included in this project. The MPO develops these analyses in discussion with federal, state, and tribal wildlife, land management and regulatory agencies. These activities are conducted and comply with SAFETEA-LU 6001. Appendix A in the plan depicts the SAFETEA-LU compliance matrix. The plan can be found at this website: <a href="http://www.bend.or.us/index.aspx?page=124">http://www.bend.or.us/index.aspx?page=124</a>.

Sections ES.7 and 2.7 of the Final EIS have been revised to disclose how the project's transportation planning, land use planning, and environmental protection and conservation efforts, consistent with the above state and MPO implementation of SAFETEA-LU 6001, have been integrated into the NEPA process.

Appendix H of the Final EIS includes an updated coordination plan that is a requirement of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

005 Cont. Comprehensive Plan. The DEIS discusses the need and intent to incorporate the proposed project into these plans, the need for goal exceptions to Oregon's Land Use law, the intent to prepare interchange management plans, and the need for access management as part of the proposed project. The DEIS also discusses implementation of SAFETEA-LU Section 6002 where it refers to the involvement of participating agencies during project development. However, it is unclear to what extent transportation planning, land use planning, and environmental protection and conservation efforts are being integrated. Per the requirements of SAFETEA-LU Section 6001, state and MPO transportation plans must integrate environmental information throughout planning processes to avoid and minimize environmental impacts and foster sustainable outcomes. (We do note the recent formation of a Land Use and Transportation Committee (p. 4-23) to integrate greenhouse gas reduction goals into state transportation planning and land use policies, which we strongly support.)

## Recommendation:

In the Final EIS, provide information about how Section 6001 of SAFETEA-LU is being implemented at the State and MPO levels in the Bend area.

### Air Quality

The DEIS states (p. 3-174 and 3-175) that neither of the action alternatives are predicted to affect regional vehicle-miles traveled (VMT) even though local VMT is projected to increase (p. 3-174). The EIS should explain why this conclusion is made. We agree that local air quality/pollutant emissions could differ from national projections in terms of fleet mix and turnover, VMT growth rate, and local control measures (p. 3-174). Project level and localized near roadway effects can also differ from regional and national ambient projections. The NEPA analysis should evaluate project-level impacts, particularly where near roadway conditions are likely to affect sensitive receptor locations/populations. Specifically, along with the increases in local VMT, the EIS should disclose the associated emissions increases, and near roadway effects/pollutants anticipated from the proposed project combined with an identification of sensitive receptor locations/populations and any available health data, such as, asthma rates, other respiratory ailments and health conditions, to characterize disproportionate exposures and vulnerabilities.

We appreciate that the DEIS (p. 3-175) identifies Boyd Acres Neighborhood and the Hunnell Neighborhood as areas that would be closer to traffic as a result of the action alternatives. We encourage taking a closer look within the project area to identify sensitive receptor locations that may be affected by elevated emissions due to closer proximity to the proposed project. Consider the three mobile home parks where there are likely to be higher concentrations of low income, minority, elderly, disabled, and children present. Other examples of potential sensitive receptor locations include schools, hospitals, medical facilities, senior centers, daycare facilities, outdoor recreation areas, and parks.

## Recommendation:

In the Final EIS, provide the information as described above.

## Construction Emissions and Mitigation.

We commend ODOT for including vehicle and equipment idling limitations along with dust control measures. To avoid inhalation of additional pollutants with dust particles, we would encourage the use of water rather than oil or chemicals to control dust. We also encourage the use of additional mitigation measures to reduce diesel emissions and exposure to these air pollutants for construction workers and nearby residents and businesses.

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### 006

A reference to the traffic analysis has been added to Section 3.15.3 of the Final EIS to clarify the distinction between vehicle-miles traveled locally and regionally. With the Preferred Alternative there are not expected to be any regional changes in vehicle-miles traveled when compared to the No Build Alternative. However, local vehicle-miles traveled will increase under the Preferred Alternative because the additional capacity on US 97 will increase the efficiency of the roadway and attract rerouted trips from elsewhere in the local transportation network. Across the region, there will be no net change in vehicle-miles traveled.

The project is located in an area which has not been designated by the US EPA as non-attainment for any criteria pollutants; therefore, localized or "hot spot" analyses are not required. Criteria pollutant concentrations would continue to be below the National Ambient Air Quality Standards in the area of potential impact. Mobile Source Air Toxic emissions were qualitatively assessed using the Federal Highway Administration's guidance. Within the Mobile Source Air Toxic emissions analysis, in Section 3.15.3 of the Final EIS, text has been added to identify sensitive receptors in the area of potential impact, including the Boyd Acres and Hunnell Neighborhood, the mobile home parks and existing trails. Currently, there are no schools, hospitals, medical facilities, senior centers, daycare facilities or parks in the project area.

## 007

In the Final EIS the construction mitigation measures include ODOT's current air pollution control measure specifications; should the specifications be updated or revised by the time that construction occurs, the contractor will be required to use the latest air pollution control measure specification.

ODOT has reviewed and considered the information provided at the weblinks noted in EPA's letter. Ultra low sulfur diesel (ULSD) (15ppm) is currently used by all highway diesel vehicles. As of June 2010 ULSD (current highway grade fuel) became required by all off-road construction equipment. Therefore, when this project is constructed, highway grade fuel ULSD (15ppm) will be used. Highway grade fuel must be used in all equipment, including off-road equipment.

ODOT agrees with the benefits that diesel retrofit technology can bring; however, based on the location and size of this project ODOT believes that requiring this type of construction mitigation is not reasonable and would not be of great benefit. The area has not been designated by the US EPA as non-attainment and no significant changes in air quality are expected as a result of this project.

ODOT understands and appreciates EPA's effort to use diesel retrofit technology as mitigation for the Superfund projects. However, the Superfund program was established to address abandoned hazardous waste sites. Average lengths for

Superfund clean ups currently range from 6-9 years. Providing mitigation in Superfund projects is reasonable since the environment is already dealing with existing hazardous wastes and due to the length of time needed for clean up. The US 97 Bend North Corridor project does not involve hazardous waste clean up of that magnitude, and construction of the project is expected to be completed in 3 construction seasons at the latest. Average construction seasons in the Bend area are 6.5 months.

ODOT will continue to look at opportunities on other transportation projects where this type of mitigation would be reasonable and provide cost-effective benefits.

## Recommendation:

Consider including and committing to implement an additional suite of construction mitigation measures, such as those from the Clean Construction USA Web site at

http://www.epa.gov/otaq/diesel/construction/. Measures such as diesel engine retrofit technology in off-road equipment would greatly help to reduce air toxics and diesel particulate emissions. Such technology may include diesel oxidation catalyst/diesel particulate filters, engine upgrades, engine replacements, newer model year equipment, use of biodiesel, or combinations of these strategies.

For your information, policies the EPA uses in its own construction related activities (Superfund) are provided in the links below.

http://204.47.216.153:9876/r10/infopage/cleanup.nsf/webpage/greener+cleanups

http://yosemite.epa.gov/R10/ESTAFF.NSF/0/bee5cf8b41fe1fd18825761c006bb9fb/\$FILE/ATTBM7LK/clean and green\_policy%20R10%208%2013%2009.pdf

For more information about air toxics, please contact Wayne Elson of our Air Program office at (206) 553-1463.

### Ground Water

We are concerned that more work may be needed to ensure wellhead protection, particularly for wells located near the three mobile home parks. The DEIS states that coordination regarding wellhead protection will continue with US EPA (p. 3-140), however, we cannot verify that any contact or coordination has occurred. We would be happy to assist in this regard and ask that you contact us regarding wellhead protection needs or any other questions you may have concerning protection of groundwater resources.

#### Recommendation:

Please contact Martha Lentz, EPA Hydrogeologist, at (206)553-1593 with questions and concerns relating to groundwater protection.

## **Environmental Justice, Vulnerable Populations**

The environmental justice analysis indicates a high concentration of low income, minority, elderly, and disabled residents at the three mobile home parks in the northern portion of the project area. We appreciate that efforts have been made to avoid, minimize, and mitigate impacts (such as displacement, noise wall mitigation, emergency vehicle turnaround), yet the DEIS does not present a convincing case that there are no disproportionate impacts to these vulnerable populations. While non-EJ populations would also experience project impacts and benefits in that vicinity, the DEIS does not address the question of whether or not the same impacts would be experienced more severely by disadvantaged populations. Also, there is no analysis of impacts to children pursuant to Executive Order 13045 on Children's Health and Safety.

#### Recommendations:

Include more information about what was heard and how the issues raised by the vulnerable populations have been factored into decision making. Consider taking a closer look at impacts

### 800

With Preferred Alternative, construction activities within the wellhead protection area will be limited to restriping the existing US 97 pavement to revise the channelization of northbound and southbound travel lanes as they exit or approach the new intersection of US 97/3rd Street. No pavement widening or median barrier construction will occur in the wellhead protection area. These activities will not impact the wellhead protection area; therefore, we do not expect that coordination will be required with the EPA. ODOT has consulted with the State of Oregon Department of Human Services, Public Health Division, Drinking Water Program regarding their wellhead protection program as described on pages 7-3 and 7-4 of the Final EIS. Section 3.9.2 of the Final EIS has been corrected to note that coordination regarding wellhead protection will occur with the Oregon Department of Human Services, Drinking Water Program if project impacts change to affect the wellhead protection areas. The Final EIS has been revised to describe that the Preferred Alternative will decrease the amount of construction activity in the wellhead protection areas compared to the alternatives evaluated in the Draft EIS.

## 009

In addition to holding open houses and the public hearing for the Draft EIS, ODOT conducted specific outreach to populations subject to environmental justice executive order including:

- April 2, 2008 Focus group meeting at ODOT Region 4 offices
- August 25, 2009 On-site meeting at the Juniper Mobile Home Park
- July 20, 2010 On-site meeting at the Juniper Mobile Home Park

General questions and concerns that arose at each of these meetings included:

- Property acquisitions and residential displacements
- Comparable affordable housing for relocated residents
- Increased travel distance to reach homes
- Visual impacts of elevated structures
- Emergency service provider travel routes to neighborhoods
- Safety
- Access
- Noise
- Project cost
- Desire to stay in or relocate from the mobile home park neighborhoods
- Various opinions about the design features of the build alternatives.

In addition, on June 18 and 19, 2008, an in-person survey was conducted of residents at all three of the mobile home parks. The concerns of the environmental justice populations and the impacts to them by the alternatives analyzed in the Draft EIS played a role in the development of the Preferred Alternative.

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Cont.

The Preferred Alternative does not directly impact environmental justice populations, and elderly and disabled residents, living in the three mobile home parks because in this area US 97 and the local street network will not be modified. The mobile home parks will maintain their existing access onto US 97. Residents will not have to travel along the existing unimproved Bowery Lane and Hunnell Road, thereby avoiding dust that results from travel on these roads. Since there will be no changes to existing roadways in the immediate vicinity of the mobile home parks there will be no out-of-direction travel. The business displacements associated with the Preferred Alternative could impact minority, Hispanic and/or Latino, and low-income individuals that are employed at locations that will be displaced. However, as stated in Section 3.4.3 of the Final EIS a 2011 survey of the environmental justice population within the project area found that only one resident of the mobile home parks works at a business in the Nels Anderson Road business area, where business displacements will occur.

The visual and air quality impacts associated from additional traffic on US 97 from the Preferred Alternative, because improvements to the highway attracts additional vehicles, are expected to be minimal as the project would relieve congestion on US 97, which would decrease vehicles idling and starting and stopping. With the Preferred Alternative there will not be new elevated structures, such as an overpass over US 97 that would impact the visual environment near the mobile home parks. With the Preferred Alternative the additional traffic on US 97 is anticipated to slightly increase the noise levels (between 1 and 3 decibels) at the mobile home parks, as discussed in more detail in Section 3.16.3 of the Final EIS.

For the forecasted emergency response travel times, compared to the No Build Alternative (2036) the Preferred Alternative (2036) will decrease travel times by 2 minutes for routes from the public safety complex to northbound and southbound US 97. Exhibit 3-54A FEIS and Exhibit 3-54B FEIS in the Final EIS provide more detail for the emergency response times that were developed for the project. In addition, the Preferred Alternative includes a multi-use path for bicyclists and pedestrians along the east side of US 97 that will connect the mobile home parks to the signalized intersection of US 97 and 3rd Street, which will provide for a safer crossing of US 97 and access to destinations along 3rd Street. Sections 3.4.3 and 3.5.3 of the Final EIS have been revised to include the analysis of the impacts from the Preferred Alternative, on environmental justice populations in the mobile home parks. The Final EIS concludes that there will not be a disproportionately high and adverse impact to EJ populations.

Section 3.5.3 of the Final EIS also integrates an analysis of impacts and benefits to children's health and safety per Executive Order 13045.

Cont.

010

related to air quality and near roadway effects (see Air Quality comments above), increased neighborhood traffic, safety risks, and dust from use of unimproved Bowery Lane and Hunnell Road, out-of-direction travel (3 miles), increased emergency response time, visual and quality of life impacts, and determine whether more attention to these issues is needed in project development.

### **Ecological Connectivity**

We appreciate that the EIS addresses wildlife linkages (p. 3-147 to 3-151) and considers the impacts associated with loss of the Swalley Canal habitat linkage feature. While Oregon Department of Fish and Wildlife (ODFW) places a low value rating on the habitat linkage at Swalley Canal, this should not be interpreted to mean that its loss is undeserving of mitigation. It is the incremental progression of habitat loss and fragmentation that ultimately results in species decline. Because Swalley Canal is the only feature in the project area that presently provides habitat linkage, it is important that its function be maintained to provide a safe movement corridor for western grey squirrel and other small mammals.

### Recommendation:

In project design, include suitably sized culverts or other crossing structures or design features to replace and preferably enhance the habitat connectivity that would be lost as a result of piping and covering Swalley Canal.

Thank you for the opportunity to participate in the US 97 Bend North Corridor project. If you have questions or would like to discuss these comments, please contact or me at (206) 553-1601 or by electronic mail at <a href="mailto:reichgott.christine@epa.gov">reichgott.christine@epa.gov</a>, or contact Elaine Somers of my staff at (206) 553-2966 or by electronic mail at <a href="mailto:somers.claine@epa.gov">somers.claine@epa.gov</a>.

Sincerely,

Christine B. Reichgott, Manager

Environmental Review and Sediment Management Unit

Enclosure

### 010

Any unpiped portions of the Swalley Main Canal that were identified in the Draft EIS are now piped in the API. The Draft EIS also identified those unpiped portions of the Swalley Main Canal as wildlife linkages; since they are now piped they are no longer considered to be wildlife linkages. The wildlife habitat section in Section 3.10.2 of the Final EIS has been revised to reflect the currently piped and unpiped portions of the Swalley Irrigation Facilities in the API. Within the API wildlife linkage features that have the potential to facilitate the movement of the western grey squirrel and other wildlife species include open portions of the Swalley Riley Lateral, which traverses O.B. Riley Road east to west just north of Britta Street in the west-central portion of the API. The western grey squirrel is not a threatened or endangered species; there are no threatened or endangered species within the project area.

The Preferred Alternative will result in the loss of 70 linear feet of a habitat linkage feature (the Swalley Riley Lateral) for the western grey squirrel, and other wildlife species, due to new roadway construction. The canal will be conveyed through a four-foot diameter pipe under the extension of Britta Street. Depending on water levels in the canal, many small to medium-sized animals are expected to be able to use the culvert as passage. If water levels are too high in the canal, wildlife species are expected to avoid the area or cross on the road surface, which has a low traffic volume, lessening wildlife passage impacts. This portion of the canal is within 250 feet of where the waterway is piped for several hundred feet under US 20 and US 97. Piping a small segment of the canal (70 linear feet) for the Preferred Alternative is expected to have little to no impact on wildlife movement.

В

Note that the western grey squirrel is listed as Threatened in Washington State and has been considered for potential Federal listing under the Endangered Species Act.

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action\*

### Environmental Impact of the Action

### LO - Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation neasures that could be accomplished with no more than minor changes to the proposal.

#### EC - Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

### EO - Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

### EU - Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

### Adequacy of the Impact Statement

## Category I - Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

### Category 2 - Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

### Category 3 - Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

# P1: Shea Reiner

From: Shea Reiner [mailto:sheareiner@me.com] Sent: Saturday, July 30, 2011 8:41 AM To: comments@us97solutions.org

Subject: 97 Interchange

I live in Hunnel Hills and support this project. I prefer the East DS1
alternative but think that the project should also include paving the short
section of Hunnel Rd. from Cooley to Rogers Rd to avoid having to use the killer
intersection of Hwy. 20 and Old Bend Redmond.

Thank you,

Shea Reiner John Mounts

### 001

We appreciate your expression for the preference of the East DS1 Alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. For more information, please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

The purpose of the project is identified in Section 1.2 of the EIS. Paving Hunnell Road or the Old Bend Redmond Highway is not within the scope of the Bend North Corridor project. The Deschutes County TSP, which is not fiscally constrained, has identified these types of Hunnell Road improvements.

# P2: Jane Eilers

From: P. Jane Eilers [mailto:pjehome@gmail.com] Sent: Wednesday, August 03, 2011 1:40 PM

To: PFEIFFER Amy L

Subject: highway 97 reroute options

I am writing to register my strong objection to option #1 currently under consideration for the highway 97 reroute.

00

We have a 24/7 presence at 64110 Harris Way since it is both our residence and our work site. We would be unable to escape the negative impacts foisted upon us by the implementation of option #1. Additionally we have been advised we would not be able to sell our property if option #1 is constructed. Option #1 therefore destroys both the quality of life at 64110 Harris Way as well as the value of this beautiful property.

Our property is located on a one lane road that has approximately 10 car trips per day. It provides a quiet rural setting with spectacular mountain views which is one of the reasons we purchased it. This setting is one enjoyed by all who live on Harris Way and the surrounding Hunnell Hills area. We purchased the property as an investment and to house both our residence and consulting company. Our investment in this property was our retirement account. Our intent was to improve the property with an eye to eventually down sizing and selling the property. We have spent five or six years improving the property and were preparing to sell it when ODOT advised the public of their intent to "improve" highway 97. We contacted Realtors regarding selling the property and were advised that this property would not sell while the highway decision remained in limbo and that any highway that came closer to the property would negatively impact our ability to sell it in the future.

002

I have reviewed the options currently under consideration by ODOT for "improvements" to highway 97 and option #1 encompass a worst case scenario; it locates an interchange approximately 1000ft from our property. The construction of option #1 would destroy our quality of life as well as destroying the market value of this property. As one realtor stated, "no one wants to hear or live near a highway". Not only do I not want to live by a highway, my health issues prevent me from doing so. Rick Williams of ODOT advised me that option #1 is projected to carry 1000 vehicles per hour on an elevated interchange which effectively increases the distance the noise from such a highway is projected. It is easy to imagine the negative impacts of such a change in terms of increased noise pollution and possibly air pollution.

003

Approximately 10 cars per day now pass in front of our home on Harris Way. I am extremely sensitive to noise. I spend most of my day outside in my gardens where I enjoy listening to the birds and looking at the mountains. This serenity is essential to my well being. This serenity would be obliterated by option #1. Additionally I have a sleep disorder which makes it very difficult for me to obtain a restful nights sleep and increased night time noise would significantly magnify this problem making it impossible for me to continue living at 64110 Harris Way. If I am unable to live here and unable to sell my property because ODOT proceeds with option #1, it appears my civil liberties of the right to the pursuit of life liberty and pursuit of happiness have been infringed upon by ODOT. This is unacceptable. In cases such as mine, where significant and intolerable negative impacts result from the actions of a government agency that government agency must be held accountable for the damages they have caused and I intend to defend my

001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. With the design of the Preferred Alternative, there are no longer impacts to residences along Harris Way. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

Please see response to comment P2 001.

# 003

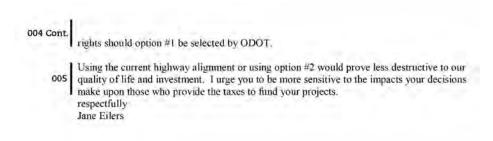
Under the Preferred Alternative, there will be no noise impacts along Harris Way.

# 004

Please see response to comment P2 001.

1

# P2: Jane Eilers



# 005

Please see response to comment P2 001.

# P3: Mike Hicks

From: Mike Hicks [mailto:mhicks@idatech.com] Sent: Wednesday, August 03, 2011 8:09 AM

To: comments@us97solutions.org Subject: Prefer DS1 Alternative

I prefer the DS1 alternative because of the full diamond interchange between US97 and 3<sup>rd</sup> street just north of Bowery lane.

Mike



DISCLAIMER: This message may contain information that is Confidential and Proprietary to IdaTech. If you are not the legitimate recipient of this message please destroy the message and notify the sender.

Comment received and entered into the Record of Comments.

# P4: Diana Nielsen

From: Diana Nielsen [mailto:missmollywog@att.net]
Sent: Wednesday, August 03, 2011 4:21 PM
To: comments@us97solutions.org

Cc: missmollywog@att.net Subject: highway 97.....

Dear Sirs,

I am writing regarding the possible re alignment of Highway 97 between Empire Ave and Colley Rd. I live in the Boyd Acres community.

I only learned about this plan, today. I bought my home here in December of last year.

I cannot imagine having the Highway closer to the train tracks, for several reasons. First and foremost, the noise impact I would suffer, of the highway being closer to my home (Patriot Lane). Secondly I cannot imagine the increase in polution I would have to experince having the highway closer to my home.

Thirdly, I cannot imagine having a Highway so close to a rail road line....we all know the accidents that occur on Highway 97.....can you imagine having those accidents impact the railroad line? We here in Boyd Acres already have to withstand the very disturbing freight train horns, several times during the night, but to add the highway noise all day...really????

I am very disturbed over this news....it would seem to me that if there is a problem with the current highway alignment, there would be many simplier solutions..additional stop signals to slow traffic down? That sounds alot more logical to me.

I pray this possible re alignment of the highway is not just a way to employ more people and spend money we do not have.

The environmental impact to me would be severe, additional noise and additional pollution.....I strongly suggest that you not re align an entire 6 mile of a major highway which will impact nieghborhood communities and will definately devalue our homes here in Boyd Acres...adding to the already severe housing crunch affecting this area...

Thank you Di Nielsen. 20678 Patriot Lane.

### 001

Please see Topic 29 – Noise impacts

# 002

Section 3.15 Air Quality of the Draft EIS and Final EIS discuss the potential adverse and beneficial impacts to air quality.

# 003

The distance between the highway and the railroad substantially decreases the likelihood of a vehicle crash that would impact the railroad. In areas where the shoulder of the roadway is closest to the railroad tracks, during final design ODOT will evaluate the use of barriers to further reduce the likelihood that a crash on the highway would impact the railroad tracks.

# 004

Please see Topic 29 - Noise impacts.

# 005

Transportation System Management/Transportation Demand Management solutions were evaluated in the Draft EIS but they did not address the project's purpose or meet the project needs.

Please see Topic 21 – Transportation demand management and transportation system management measures.

# 006

Thank you for your comment, for additional information please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P5: John Maxtor

From: John Maxtor [mailto:john.r.maxtor@gmail.com]

Sent: Thursday, August 04, 2011 9:31 PM

To: comments@us97solutions.org

Subject: Comments on the Draft EIS: US 97 Bend North Corridor Project

Hello, I have reviewed the Draft EIS for the US 97 Bend North Corridor Project and have a few comments I would like to share. I live east of US 97 along Cooley Rd. and work (as a civil engineer) near the intersection of 3rd St and Empire. I bike to work about 80% of the year (including in winter) Overall I prefer the East DS1 Alternative, as I feel it provides the best long-term solution for the City of Bend and those traveling through Bend.

# Regarding both the DS1 Alternative and the DS2 Alternative:

1. Neither alternative includes an exit from southbound US 97 to southbound US 20 (currently there is an exit near Trader Joes), a ramp should be added at the Empire Ave. interchange for southbound US 97 traffic. With the proposed alternatives, motorists traveling into Bend from the North who wish to access 3rd St. will need to exit north of Cooley Rd or at Butler Market Rd, and this will likely add significantly to the congestion of 3rd St over this 3.5 mile segment. At the very least, I hope the proposed project will not preclude a future ramp at Empire Ave. or another solution (see my comment # 2 below)

2. A new bridge is proposed to connect 3rd St with US 20 for northbound traffic (headed towards Tumalo from Bend where there is currently a bridge). The proposed project also includes two signals on US 20 west of the proposed bridge (existing signal at Robal Rd and new signal at Cooley Rd). There will also be traffic signals located north and south of the proposed bridge on 3rd St. Was a signalized intersection of US 20 at 3rd Street considered? I believe a traffic signal could allow for better turning movement between US 20 and 3rd St, and possibly a connection could be provided to US 97 at this signal, which would allow a direct connection between US 20 and US 97 - something that is very much needed to reduce congestion on Empire Ave. (this may be a solution to my Comment #1 above). A traffic signal would be much more appealing for pedestrians and cyclists than a bridge.

3. Bicycles traveling west on Empire will have a difficult time navigating the two right turn lanes for westbound traffic on Empire (turning northbound on to US 20/3rd St.)

### Regarding the DS2 Alternative:

4. The East DS2 Alternative does not provide adequate bicycle and pedestrian access for residents and businesses located north of the directional interchange. As stated in the Draft EIS, many of these residents rely on these modes of transportation to access jobs and shopping to the south. East DS1 provides access that is much safer and requires less out-of-direction travel.

5. Travel north on US 97 from areas east and west of US 97 and north of Cooley Rd (Particularly the existing mobile home parks) would require significant out-of-direction travel with the East DS2 Alternative. Travelers would be required to cross the proposed bridge at Bowery Ln, travel We appreciate your expression for the preference of the East DS1 alternative. In response to comments received on the Draft EIS, ODOT and FHWA identified East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

# 001

The Preferred Alternative includes a connection from 3rd Street to southbound US 20 similar to the condition today. Those travelling southbound on US 97 and wanting to access 3rd Street could make a right turn at the signal just south of the Deschutes Memorial Gardens and Chapel then travel south on 3rd Street before continuing onto US 20 (3rd Street). The other option would be to exit US 97 at Butler Market Road.

Please see Topic 15 – Separated through and local routes.

## 002

A traffic signal connecting 3rd Street and US 20 was considered but the signal did not operate well because of the forecasted future high traffic volumes that would use eastbound US 20 traveling into Bend.

# 003

The Preferred Alternative creates bicycle and pedestrian refuge islands at Empire Avenue and 3rd Street to assist bicyclists traveling westbound on Empire Avenue, and a multi-use path is included along the west side of US 20 (3rd Street) between Empire Avenue and the Cascade Village Shopping Center to provide facilities for bicycles and pedestrians. Please see Exhibit 2-3 FEIS (Map 2) in the Final EIS and Topic 12 – Bicycle and pedestrian facilities.

# 004

The Preferred Alternative includes a multi-use path from the intersection of 3rd Street and US 97 north to the mobile home parks, requiring no out-of-direction travel for pedestrians or bicyclists, to address concerns about bicyclists and pedestrians traveling from the north end of the area of potential impacts. Please see Exhibit 2-3 FEIS in the Final EIS and Topic 12 – Bicycle and pedestrian facilities.

# 005

With the Preferred Alternative a traffic signal will provide the northern connection point between US 97 and 3rd Street for travel north on US 97 from areas east and west of US 97. The Preferred Alternative will not require any out-of-direction travel for vehicles.

US 97 Bend North Corridor Project

# P5: John Maxtor

South along Hunnell Rd to Cooley Rd, Travel along Cooley Rd to 3rd St, and then travel north on 3rd St to connect with NB US 97 (up to 2.5 miles of extra travel).

6. Regarding the DS2 Alternative, with the closure of all direct access to the highway between Cooley Rd and Ft Thompson Rd, people wishing to travel south on US 97 will be required to travel south on 3rd St to Empire Ave, adding more congestion to 3rd St. The DS1 alternative would not have this problem, as people could access SB US 97 at the proposed 3rd St interchange (north of Cooley Rd).

7. The DS2 Alternative will encourage people entering Bend from the North to continue traveling at high speeds, due to the configuration of the proposed exit ramp. This will pose a danger to other motorists, bicyclists, and pedestrians - much like the existing condition where the parkway terminates at the north and motorists encounter congestion and pedestrians from Robal Rd to Cooley Rd (which the proposed project is attempting to fix)

Thank you for all of your hard work on this project, I am excited to see this project be completed.

### 006

Many of the access closures noted in this comment are not included in the Preferred Alternative. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, and Topic 15 – Separated through and local routes.

# 007

The ramp noted in this comment is not included in the Preferred Alternative.

# P6: Dixie and Jim Fancher

August 7, 2011

Amy Pfeiffer Environmental Project Manager; US Bend North Corridor Project Oregon Department of Transportation 63055 N. Highway 97 Building K Bend, OR 97701

Dear Ms. Pfeiffer

Our names are Jim and Dixle Fancher. We live at 64264 Crosswinds Road, In Bend. We are members of the Hunnell United Neighbors (the HUNS). We oppose ODOT's US 97 North Corridor East DS1 Alternative which was described in detail in a CD that ODOT mailed to us. We see nothing good about East DS1. It will dramatically increase the traffic volumes, noise and congestion in this area. It will result in the destruction of our neighbors' homes, property and property values. It is a Band-Aid fix that shifts traffic from ODOT's Hwy. 97 to another place: a peaceful area of residential homes. It is history repeating itself.

We have lived here for many years. We watched ODOT build the Bend Parkway. At the time it was being planned, its cost (over \$100 million) was justified by ODOT because it solved a problem caused by having Hwy. 97 and 3<sup>rd</sup> Street share the same road alignment, The mixture of local and through traffic caused accidents and congestion.

Originally, ODOT planned to put the Parkway over on the eastside, along 27<sup>th</sup> street or by Hamby Road, where there was no commercial development. Instead, eastside developers and politicians pulled strings and it was placed directly in the center of Bend, splitting the city in two and creating a natural barrier between the east and west sides. Because it was sited directly in front of the Mountain View Mall (now the Cascade Village Shopping Center), ODOT was required to put a traffic signal at Robal Road to provide access. ODOT wound up with a state and US highway that mingled local and through traffic and which had traffic signals – which duplicated the Hwy. 97 / 3<sup>rd</sup> Street problems.

Now, a decade later, ODOT is back trying to fix the problems on the north end. You offer an alternative that will extend 3<sup>rd</sup> Street northward into a residential area. The 3<sup>rd</sup> Street extension will go from four lanes to two lanes north of Cooley Road, which will once again create congestion. An Interchange south of Fort Thompson will divert truck and car traffic off of Hwy. 97 and through a residential neighborhood. This traffic will then access local businesses (the malls, etc.). Does this really solve congestion and safety problems, or merely shift problems from ODOT's highway onto a Deschutes County road?

It is neither fair nor fiscally responsible for ODOT to propose East DS1, which does not solve a problem but instead transfers it to another jurisdiction. It wastes tax dollars at a time when this state and nation are struggling economically. If ODOT must resolve the problem that it brought upon itself, you should figure out how to make the East DS2 alternative work so that you can construct it in phases. It is a cheaper option that offers the same performance of East D\$1 without the downsides for our neighborhood.

Very Truly Yours,

Dixie and Jim Fancher Wyll Jancher

### 001

We appreciate your expression of opposition for the East DS1 Alternative. In response to comments received on the Draft EIS, ODOT and FHWA identified East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

# 002

Thank you for your comment; no further response is necessary.

# 003

The Preferred Alternative will not extend 3rd Street as far north as the East DS1 and East DS2 Alternative would have, nor will the Preferred Alternative include a new interchange with US 97. The Preferred Alternative will only extend 3rd Street (as a four lane road) to the urban growth boundary and will connect 3rd Street to US 97 with a signalized intersection south of Deschutes Memorial Gardens and Chapel. This design avoids extension of 3rd Street into the residential area north of Cooley Road. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, and Topic 15 – Separated through and local routes.

# 004

The Preferred Alternative is a modified version of the East DS2 Alternative. Please see Topic 17 – Phasing and Topic 25 – Cost and benefit-cost analysis.

# P7: John T. Bridges

# BROWN, TARLOW, BRIDGES PALMER & STONE PC

Attorneys at Law

ALLYN E. BROWN DONALD O. TARLOW JOHN T. BRIDGES STEPHEN C. PALMER TRUMAN A. STONE RICHARD P. BROWN



SIS E. FIRST STREET NEWBERG, OREGON 97132 TELEPHONE: (503) 538-3138 FACSIMILE: (503) 538-9812 www.agw.bccglaw.com

August 8, 2011

Oregon Department of Transportation Atm: US 97 Bend N. Corridor Project 63030 N. Hwy. 97 Bend, OR 97701

Re: US 97 Bend N. Corridor Project

To Whom it May Concern:

As you can tell from my return address, my office is in the Newberg community. I was recently at Surriver for a conference my wife was attending. I read with interest an article on the re-route of the Parkway through Bend. I have always been incredibly envious of the Bend community because the Parkway works extremely well.

I see absolutely no reason for any re-route. The purported reasons are that there is congestion and/or a high level of accidents. Comparatively, your congestion pales to the congestion Newberg and Dundee suffers and I suspect our injury rate is as high or higher.

In the grand scheme of things, one where you don't just look at your community, the price tag of the Hwy. 97 re-route, could clearly be spent in other parts of the state and cure real problems that are debtiliating to businesses in contrast to your idea of sprucing up Hwy. 97. The highway works fantastically. Let's stop spending this planning money on Hwy. 97 Project, and instead route it towards projects such as the Newberg / Dundee Bypass, and completion of the Woodburn Interchange Project.

Yours truly,

BROWN, TARLOW, BRIDGES, PALMER & STONE PC

John T. Bridges JTB:es

# 001

Section 1.3 Need for the Proposed Action in the EIS identifies congestion at approaches, traffic flow within the corridor, and safety as the need for the project. Please also see Topic 15 – Separated through and local routes for additional information.

# 002

Please see Topic 16 – Funding. ODOT has identified funding for both the Newberg-Dundee Project and Woodburn Interchange Project.

# P8: David Greig

From: david greig [mailto:drgreig51@yahoo.com]

Sent: Monday, August 08, 2011 7:39 AM To: comments@us97solutions.org

Subject: By pass

I read the article in the bulletin about relocating the by pass and feel strongly that it would be a tremendous waste of taxpayer money. My reasons are as follows:

1. The number of accidents, none which were labeled as fatal, averages about one per week. No matter where the by pass is located there are going to be the same type of accidents and probably about the same number.

2. Relocating the by pass is not going to turn bad drivers into good drivers.

3. Your data is not current. How many of the accidents listed involved drivers who were distracted by their cellphones. Since the implementation of the "hands free" law regarding cell phones, has the rate of accidents gone up or down?

 If the project costs \$200,000,000 to do then the city is throwing over \$600,000 at each accident that has occurred in a 5 year period.

Spend taxpayer money wisely. Relocating the by pass is not a wise decision.

Best regards.

### 001

In urban areas crashes tend to be clustered around signalized and unsignalized intersections and driveways. Limited access expressways, such as the facility that will be built in the Preferred Alternative, tend to have lower crash rates than signalized urban arterials. While construction of the Preferred Alternative admittedly will not turn bad drivers into good drivers, the Preferred Alternative will remove many of the conflict points, the signalized and unsignalized intersections, around which crashes most frequently occur.

US 97 within the project limits is designated as an expressway and will continue to be designated as such under the Preferred Alternative.

Please see Topic 15 – Separated through and local routes and Topic 27 – Expressway designation.

# 002

The crash analysis data in the Draft EIS are based on crashes in the transportation area of potential impact, as shown in see Exhibit 3-1 in the Draft EIS, during the period 2004 to 2009. Crash analyses for major projects typically cover five years of data. The crash analysis was updated when the traffic technical report was written to include 2009, which was the last full year of data available. The Final EIS has been updated to report crash data between 2006 and 2011. These data are not substantially different from what was presented in the Draft EIS.

Of the 519 official crashes in the project area (US 97, US 20, and local road system) from 2004 to 2009 reported in the Draft EIS, only nine (less than 2 percent) had cell phone related causes. On a statewide basis, cell phone related crashes have been and remain a very small portion of total crashes (less than 0.5 percent), so establishing a rate is difficult as there is no appreciable trend. Since the implementation of the cell phone law in 2009, and its update in 2011, there has been no reported impact on the rate or number of crashes.

A 2007 study using national data showed similar trends with hand held cell phone use reported as a factor in less than 1 percent of vehicle crashes. Other studies have, however, shown a positive association between drive crash risk and cell phone use. Both the national and Oregon data need to be tempered by recognizing the difficulty in determining the cause of the crash, including whether cell phone use is just another addition to already risky driver behaviors of certain types of drives and the potential unreliability of the reporting of cell phone use.

# P9: Sherron M. Lewis

# Sherron M. Lewis 64275 Crosswinds Road Bend, OR 97701

August 8, 2011

Oregon Department of Transportation Region 4 Headquarters 63055 N. Highway 97 Bend, OR 97701

Attention US 97 Bend North Corridor Project

To whom it may concern:

I am writing to express my serious concerns about the East DS1 Alternative as it was presented in ODOT's Draft Environmental Impact Statement (DEIS). Many members of the HUNS were very involved in the process ODOT followed to develop its alternatives for the US 97 Bend North Corridor Project. We were feeling somewhat optimistic that our wonderful, tranquil and wildlife-rich area would be spared from an inundation of traffic and other major inconveniences. Many, many HUNS provided verbal and written testimony, which was carefully entered into the Public Record, opposing the East DS1 Alternative. Yet we see that ODOT has narrowed down the alternatives you are studying to two, one of which is East DS1.

I am strongly opposed to East DS1. I encourage ODOT to select the East DS2 option (or better yet, the No Build Option, as I don't think that the traffic problems in this area are bad enough, or will become bad enough, to warrant spending about \$200 million to fix them).

The only Alternative that I can support is the East DS2 option, which keeps major roadway improvements south of the Deschutes Memorial Gardens cemetery. I cannot understand why ODOT wants to route Third Street north into our peaceful residential area. Third Street is a busy business corridor and was the original Highway 97 before the Parkway was opened up in 2001. It is a very busy, unsightly and noisy commercial access road. A mirror image of it does not belong ANYWHERE in this rural residential neighborhood. I also can't understand why ODOT proposes to solve traffic congestion problems which mainly occur around Robal Road with a solution that is more than a mile north of Robal Road.

East DS1 has no official link between Hwys 20 and 97. I doubt that ODOT overlooked this; four or five years ago the need for such a connection was the chief reason behind ODOT's and the City of Bend's push to convert Rogers Road into such a link. How will ODOT provide such a connection with the East DS1 alternative? Is the connection to Hwy. 20, a connection that was omitted from the Parkway's design for unknown reasons, going to be Rogers Road?

If not, how will ODOT achieve this connectivity? We are also concerned that ODOT expects us to access Hwy. 20 at the Old Bend Redmond Highway. There have been many serious injury accidents at that intersection. That intersection is quite dangerous – I venture a guess that it is far more dangerous than the stretch of Hwy. 97 between Deschutes Market Road and Cooley Road. How will you protect our access and exits to Oregon's highways?

# 001

Since publication of the Draft EIS, ODOT and FHWA have considered all public and agencies comments, and have identified East DS2 Modified Alternative as the Preferred Alternative. The East DS1 Alternative was evaluated in detail in the Draft EIS because this alternative met the project's purpose and need as defined in Section 1.3 Need for the Proposed Action.

# 002

Your opposition to the East DS1 Alternative is noted and was considered in the identification of the East DS2 Modified Alternative as the Preferred Alternative.

Section 1.3 Need for the Proposed Action of the Draft EIS identified traffic problems in this corridor, including: congestion at approaches, traffic flow within the corridor, and safety as the need for the project. Topic 15 – Separated through and local routes, provides additional background on the traffic issues of US 97 in this corridor.

# 003

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, there are no longer impacts to the Hunnell Neighborhood. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 004

With the East DS1, East DS2, and Preferred Alternatives, the connection from US 20 westbound to US 97 northbound would be to travel on Robal Road and then north on 3rd Street.

### 005

Recent crash data shows that, on different measures, US 20 in the area of Old Bend-Redmond Highway and US 97 in the area of Cooley Road have a similar safety performance.

ODOT uses a Safety Priority Index System as part of our safety management system to identify and rank potential safety problems on the highway system. The Safety Priority Index System ranks 0.10-mile segments of highway based on the rate, frequency and severity of crashes. In 2012, the Safety Priority Index System ranking for US 20 at Old Bend-Redmond Highway placed this segment of US 20 in the 80th percentile while US 97 at Cooley Road was in the 85th percentile. These two segments were thus nearly equivalent in terms of their ranking.

Another metric is crashes per million vehicle miles (unlike the SPIS measure this does not give a higher weight for more severe crashes but looks at all crashes equally). In the 5-year period from 2007 to 2011, the segment of US 20 from Old Bend-Redmond Highway to the north City of Bend limit ranged from 0.43 to 0.72 crashes per million vehicle miles. During the same time period, the segment on US 97 from Deschutes Market Road to the Bend urban area ranged from 0.20 to 0.48, the segment from the Bend urban area to the north City of Bend limit ranged from 0.15 to 0.40, and the segment including Cooley Road (north City of Bend limit to Robal Road) range from 0.57 to 1.61 indicating a higher concentration on Cooley Road.

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# P9: Sherron M. Lewis

Sherron Lewis Letter to ODOT Page 2 August 8, 2011

006

I have one other concern. The ODOT Public Hearing on the DEIS is being held in the prime August summer vacation period, which is always an inconvenient time to engage with the public. Many people go out of town at this time of year, particularly those who have children and who are trying to squeeze an end-of-summer vacation before school starts up again. ODOT always seems to pick a time to hold its Public Hearings and Open Houses at the most absurd times such as Friday nights during a holiday season or the August vacation period. This timing makes it very difficult for people to attend these events. Such is the situation for me and I have, once again, made travel plans that I cannot change. Thus, I will not be at the August 24 Public Hearing, even though I really wanted to attend it.

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To conclude, ODOT shouldn't expect this residential area to absorb "congestion traffic" from Highway 97. It is unfortunate that the Parkway and north Hwy. 97 doesn't work the way that ODOT expected it to, because of the commercial development to the north, and because the traffic signals on its north end create an inherent bottleneck. I agree that traffic in this area can be (although it usually is not) a problem. The East DS2 option appears to solve this problem without disrupting the HUNS area. I urge ODOT to select east DS2 as your preferred alternative.

Thank you very much,

Sherron Lowis (represented by the HUNS) 64275 Crosswinds Road, Bend, OR 97701 aths164@bendbroadband.com

### 006

ODOT recognizes that not all interested stakeholders are able to attend a public meeting. Therefore, the Draft EIS was available for review on the project website, at local libraries, and at ODOT's office throughout the comment period. ODOT accepted comments, at any point during the 45-day comment period via mail or email, and those comments were considered equally with comments submitted at the public hearing.

# 007

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. US 97 is projected to operate acceptably in 2036 under the Preferred Alternative, as shown in Exhibit 3-13 FEIS and Exhibit 3-14A FEIS in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P10: Jim and Carol Stuckey

August B. 2011

Attention: US 97 Bend North Corridor Project 53055 N. Highway 97 Bend, OR 97701

Dear ODOT US 9 / Bend North Corridor Project Team.

Our names are Jim and Carol Stockey. For 14 years, we have fixed at 64335 Crosswinds Road, in Bend. While we haven't been active members of the HUNS we appreciate their work on the Bend North Corridor Project, and previous attempts by ODOT to construct major roadways through an area we love.

We support the East DS2 Alternative of this project, and strongly oppose the East DS1 Alternative.

The big problem with East DS1 is that it will have ripple effects on all the roadways in this area. While its major focus is the extension of 3<sup>rd</sup> Street north of the Hwy, 20 / Hwy, 97 interchange, the construction of a new interchange somewhere north of Bowery Lane, and the placement of an overpass over Hwy, 97 north of Suzanne Lane, these roadways connect to others in this area. For instance, North 3<sup>rd</sup> Street will connect to Harris Way, which will be repaided to make it a true road. Harris Way connects to Hunnell, which connects to Rogers Road, which connects to the Dld Bend Redmond Highway and Hwy, 20.

Traffic patterns change when new roads are built. People discover short cuts. Drivers won't just use the interchange off of Hwy. 97 to access 3<sup>rd</sup> Street and the shopping malls and businesses along Hwy. 97 and South 3'' Street. They will also to use this area's residential roads to travel between Hwy. 20 and Hwy. 97, etc. If the Purpose and Need of the US 97 Bend North Corridor is what ODOT states it is, then East DS2 meets it without all the "unintended consequences" of travel through residential neighborhoods. Also, looking at the maps provided by ODOT, East DS2 must be less costly. There is a significantly reduced need to condemn and buy land and houses and fewer roads to construct (East DS2's design is simpler).

The shopping malls and businesses along US 97 are big job creators in this area. Most oppose East DSI because it will reduce their "drive-by" traffic. Placement of an interchange over a mile north of these businesses is a terrible idea. Many people shop "Impulsively". For instance, they are driving along Hwy. 97 and see a Target, or an Olive Garden and decide to stop on the spur of the moment. No ODDT signage could odequately inform a southbound tourist on Hwy. 97 of the range of businesses that they might impulsively want to visit a mile down the road. Businesses along Hwy. 97 stand to lose substantial revenues (and Bend's economy stands to lose precious JOBS) if access to "casual shoppers" is cut-off. Very I'm people, once they pass a business that they see from the freeway but can't access, will turn around and try to find it going the other direction. They keep going and shop somewhere else farther down the road. In a Bulletin artice "Redmond Businesses Struggle to Slay Afloat With Traffic Diverted", "http://www.bendbulletin.com/urible/10080507/B/20102/803070456/.)supports this stratement. Apart from those quoted in this article, many business owners in Redmond's downtown core are unhappy with how they ye lost customers after the Redmond Hwy. 97 Reroute diverted traffic away from them.

We are also concerned about East DSI's impacts on residents who will lose their houses or property and the shifting of traffic from Hvyy, 97 through a residential area. For that reason, we prefer East DS2.

Sincerely,

Ilm and Carol Stuckey

### 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft FIS.

There is very little demand for traffic to purely travel between southbound US 97 and westbound US 20 (and vice versa) in the transportation area of potential impact, as shown in Exhibit 3-1 FEIS in the Final EIS. Most of the highway-to-highway traffic is already on shorter and faster routes, such as OR 126, Tumalo Road, or Old Bend-Redmond Highway. Traffic that uses roads in the transportation area of potential impacts between US 97 and US 20 (Rogers Road, Cooley Road, or Robal Road) is almost entirely local traffic traveling between commercial or residential areas. The out-of-direction travel needed or time required to use slower (either from intersection-related congestion or lower residential roadway standards) routes within the area of potential impacts becomes too great for longer trips. The roadway network offered linking 3rd Street to Hunnell Road or Rogers Road to US 20 would be too long or slow for the vast majority of "cut-through" drivers. Third Street to Cooley Road to US 20 would always be the preferred route as this route is the shortest (in time and distance) and the most direct.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 003

Please also see Topic 25 – Cost and benefit-cost analysis.

# 004

Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

### 00!

Your preference for East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P11: Tom Angelotti

August 9, 2011

Oregon Department of Transportation US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

SUBJECT: Input on US 97 Bend North Corridor Build Alternatives

To the members of the US 97 Bend North Corridor Project Team:

My name is Tom Angelotti. I live at 64245 Crosswinds Road, in Bend. I'm a member of the Hunnell United Neighbors, a group formed at a time when Bend was experiencing the exceptional growth that put pressure on many of its most desirable neighborhoods, including my own.

While development in Bend has slowed to a crawl, the growth projections assembled during in the mid-2000s have stayed with us. Cities (such as Bend) and state agencies (such as ODOT) are still using population growth projections to build out various infrastructure scenarios.

In reviewing ODOT's Draft Environmental Impact Statement (DEIS), an impressive and comprehensive document, I could not help but notice that Chapter 1 (Purpose and Need) cited traffic volumes from 2007, referenced the City of Bend's 2008 Economic Opportunities Analysis (which was actually developed between 2006 and 2007) and built your land use assumptions on Bend's Urban Growth Boundary Expansion Area, as it was adopted by the City in January, 2009. As ODOT undoubtedly knows, the Oregon Department of Land Conservation and Development (DLCD) rejected Bend's UGB expansion proposal and remanded it back to the city, accompanied by a 100+ page set of instructions about how to bring it into compliance with State land use laws.

I point this out because the City's General Plan, which was a centerpiece of the Bend's UGB proposal, is very likely to be redone. Assumptions about what areas will and will not be included in the expanded UGB cannot be made as the City will not be finished with its remand remediation activities and ready to resubmit to the DLCD before late in the year 2012. It is my opinion that ODOT should base its assumptions on the city's present UGB footprint, and on the best available data (including traffic volume data, as it is my understanding that US 97 has built-in sensors that measure traffic on a continual basis). Is it possible to obtain / use more current data in the DEIS?

Another concern that I have regards the East DS1 Build Alternative. I find it difficult to justify the fact that an arterial designed to funnel local trip traffic that is predominantly commercial in nature is proposed to pass through the heart of a rural residential neighborhood that is zoned mixed use agricultural. For instance, Chapter 1, page 1-7, states, "Vehicles use US 97 for local trips ... to business areas or business to business travel". On page 1-8, the DEIS states, "...travelers (are) using US 97 to make short, local trips, such as to local businesses". Also on page 1-8, the DEIS states, "Approximately 75 percent of the trips on US 97 are local and regional trips...".

### 001

Please see Topic 24 - Traffic analysis.

# 002

Please see Topic 20 – Urban growth boundary expansion.

# 003

The traffic analysis assumed the current urban growth boundary. Please also see Topic 24 – Traffic analysis.

# 004

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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002

# P11: Tom Angelotti

August 9, 2011

Page 2

ODOT US 97 Bend North Corridor Project Team

Even more alarming is that ODOT projects that, "average daily traffic in the area of projected impact (API) is estimated to grow by over 40 percent by 2035".

The East DS1 option proposes that a two-lane road (a northern extension of Bend's 3rd Street) be placed through the heart of the southwestern portion of the HUNS' area of interest. If 75 percent of the traffic on US 97 (a four-lane road) is local or regional, and East DS1 will direct much of this traffic off of US 97 at the Bowery Lane interchange and onto the two-lane extension of 3rd Street, how will it be that 3rd Street will not fail immediately due to congestion? For one thing, 3rd Street has, and will have, more traffic lights along its corridor than does US 97. Traffic will be inherently stop and go (that's how local trip traffic behaves).

I believe that ODOT may be shifting traffic congestion off of its own state highway system and onto a two lane arterial running through the middle of a neighborhood. I happen to live quite close to the Bowery Lane / Harris Way neighborhood. What I project will happen is that the local trip traffic will soon become wise. It will escape the congestion on 3<sup>rd</sup> Street and migrate over from Harris to Hunnell and from Hunnell to Rogers. From there it will access US 20 (which requires a left turn if the destination of the traveler is the commercial area south of the Bowery Lane Interchange). Congestion issues and safety issues may be resolved for US 97 but they will continue to persist in the system. And, the impact will be on rural residents whose land is not zoned for commercial uses. Noise, air pollution, safety hazards and a loss of privacy will be the likely result. I also notice that on page 2-54 of the DEIS, ODOT says something to the effect that there is a need to coordinate the jurisdictional transfer of road facilities from itself to the City of Bend. Does that mean that 3<sup>rd</sup> Street will now become maintained by the city of Bend, who has in the past garnered headlines because it lacks the funds to plow its roads and fix its potholes?

Given the above, I strongly object to the way that the East DS1 Alternative handles local trip traffic and I am leery of the assumptions ODOT's DEIS makes about this traffic. East DS2 handles local trip traffic by keeping it on the faster moving US highway system until it is much closer to its ultimate destination, reducing trip lengths and making the system more efficient. East DS2 does not divert local trip traffic through the middle of a residential area.

I appreciate the fact that ODOT has allowed me an opportunity to provide input to your DEIS process. I do think that 45 days does not allow enough time for a non-technical lay person to study and make sense of a highly technical document that is well over 500 pages in length. I may wish to comment again, and ask that ODOT extend the public comment period to 60 days.

Tom Angelotti Bend, OR 97701

Sincerely,

### 005

Under the Preferred Alternative, 3rd Street will not be extended as far north as the East DS1 and East DS2 Alternatives would have, nor will the Preferred Alternative include a new interchange with US 97. The Preferred Alternative will only extend 3rd Street (as a four lane road) to the urban growth boundary and will connect 3rd Street to US 97 with a signalized intersection south of Deschutes Memorial Gardens and Chapel. This design avoids extension of 3rd Street into the rural residential areas north of Cooley Road.

# 006

The impacts referenced in this comment will not result under the Preferred Alternative as described in Section 2.1.2 of the Final EIS.

# 007

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 008

Please see Topic 23 – Jurisdiction of roadways.

# 009

Your preference for East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative.

# 010

Please see Topic 2 – Request for extension of the Draft EIS comment period.

# P12: Michel Bayard

August 10, 2011

ODOT, ATTN: US 97 Bend North Corridor Project 63030 N Hwy 97 Bend, OR 97701

001

As the Chair of the Citizen advisory Committee I would like to renew my request for an extension of the period allowed for public comments on the Draft EtS of the Bend North Corridor Project. I believe this period is now 45 days. Several members of the Citizen Advisory Committee would like to have 90 days to review this very large Jocument. It has taken years to reach that stage of the project and 45 days to get public input seems unreasonably short.

Thank you for your attention

Michel Bayard

Chair, ODOT Citizen Advisory Committee for Bend North Corridor Project

20555 Bowery Lane Bend, OR 97701

# 001

Please see Topic 2 – Request for extension of the Draft EIS comment period.

# P13: Floyd and Judy Bennett

August 10, 2011

Oregon Department of Transportation (ODOT) Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

Opposition to East DS1 Alternative of US 97 North Corridor Project

Dear ODOT US 97 North Corridor Project Representatives:

Our names are Judy and Floyd Bennett and we live at 20221 Mountain View Drive in Bend. We are members of the Hunnell United Neighbors, also known as the HUNS.

Now that ODOT has formally identified the East DS1 Alternative as one of its two final alternatives (along with a third "No Build" alternative), and appears to be leaning toward selecting East DS1 as your preferred alternative, we are becoming really worried about what this will do to our neighborhood. Moreover, we are really bothered by the fact that this entire project appears to be a colossal waste of taxpayer's dollars.

Although I (Floyd) am originally from Oregon, we lived in the San Francisco Bay area for more than 30 years. Judy and I just can't fathom why those who live in Central Oregon bewail and bemoan the traffic here. This is nothing compared to California and certainly not sufficient cause to destroy an entire neighborhood.

We are likewise baffled by the whole Juniper Ridge project, which seems to be the real push to "mitigate" traffic on Hwy. 97 north. Juniper Ridge is stalled, probably dead. It's costing the city of Bend nothing but money with no return on investment. We can't understand how ODOT has also fallen under the spell of this failed project. We'd like to be polite but the truth is, it couldn't get off the ground even in Bend's hey-days in 2006 and 2007. Why would any business move to Juniper Ridge, with its high system development charges, lousy access to transportation, lack of water and sewer facilities, etc.? Obviously, Facebook didn't even consider Juniper Ridge when it located its data center in Prineville.

Why does ODOT prefer the East DS1 Alternative over East DS2? East DS2 will preserve the viability of the Cascade Village Shopping Center, which depends heavily on customers being able to access it directly in front of the mall area. It will NEVER work to put signs up about 1 mile north of the Shopping Center (like East DS1 proposes to do) and hope that people just passing through Bend will figure out that they might want to go to Trader Joes, or Target, etc., because they won't have any idea that those stores are available to them. It's just like what happened with the Hwy. 97 reroute in Redmond. We've talked to people who still don't understand how to navigate Redmond since that change was made. A fair number of Redmond businesses feel that they've lost customers since the Redmond Reroute.

East DS2 will not destroy a neighborhood - a whole area, because the HUNS area is more than one neighborhood. It's true that the Bowery Lane neighborhood will be hit the hardest, but the entire HUNS area will suffer if East DS1 is built. East DS1 will spread traffic all over this area and ODOT has not planned to fund or provide the local road improvements that are needed to keep the huge semi trucks that supply the shopping center from overrunning us around here. And, East DS1 has only a two-lane road connecting to the Bowery Interchange? How can that relieve traffic congestion?

# 001

Your preference for the East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. The Draft EIS provided the same level of analysis for the East DS1 and East DS2 Alternatives. The Draft EIS did not identify a Preferred Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

ODOT has a responsibility to the public to build and maintain a safe and efficient transportation system. As described in Section 1.3 in the Final EIS, the project is needed to improve congestion, traffic flow, and safety within the project area. Please also see Topic 15 – Separated through and local routes.

# 003

Section 1.3 Need for the Proposed Action of the Final EIS identified congestion at approaches, traffic flow within the corridor, and safety as the need for the project. As demonstrated in Section 3.1 Transportation, traffic volumes are projected to continue to increase, which would lead to gridlock at a number of intersections if no improvements are made (No Build Alternative). This project is designed to address projected traffic volumes through 2036 (the design year). Please also see Topic 15 – Separated through and local routes.

# 004

The project is needed regardless of whether or not Juniper Ridge is fully constructed as planned. Please also see Topic 18 – Juniper Ridge.

### 005

While Draft EIS did not identify a Preferred Alternative, ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The reasons for selecting East DS2 Modified Alternative are described in Final EIS Section 2.6. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 006

The Preferred Alternative connects US 97 and 3rd Street just south of the Deschutes Memorial Gardens and Chapel with a signalized intersection; this intersection is in the same location as the interchange included in the East DS2 Alternative. Motorists are able to use that intersection to access the businesses at and near Cascade Village

# P13: Floyd and Judy Bennett

Shopping Center. Business directory signs can also be used to direct motorists to various businesses. Please see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity, Topic 19 – Business directory signs, and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

# 007

Your preference for the East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. As described in Section 3.5.3 of the Final EIS, under the Preferred Alternative, the short section of Hunnell Road between Cooley Road and Loco Road is projected to experience increased traffic volumes in the future, but these volumes are less than under the No Build Alternative. Because the improvements under the Preferred Alternative do not extend as far north as they would have under East DS1 and East DS2 Alternatives, cut through traffic on other neighborhood streets is not expected to occur. The intersection of Bowery Road with US 97 is not part of the Preferred Alternative and will remain as is. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P13: Floyd and Judy Bennett

East DS2 looks like a good alternative to us. It will not cost nearly as many property owners their homes and land, and it looks like it will be cheaper to build. Although ODOT states that it is harder to "phase in", we've heard that this is really not the case. It's virtually identical to East DS1 down south, and the northern portion looks pretty straight

virtually identical to East DS1 down south, and the northern portion looks pretty straight forward. With regard to the US 97 Bend North Corridor project, we are asking ODOT to concentrate ONLY on Hwy. 97 traffic mitigation options that keep traffic south of the

concentrate ONLY on Hwy. 97 traffic mitigation options that keep traffic south of the Deschutes Memorial Gardens Cemetery and we want you to retain the Mountain View Drive exit onto Hwy 20.

We also ask that you stop making silly use of tax payer's money and find a real problem to resolve instead of obsessing over things like Juniper Ridge and the Cooley Road interchange. In case it has escaped your notice, this country is facing a financial crisis that keeps getting worse. So far, ODOT has wasted years and millions looking at this project and, while we respect a lot of the ODOT individuals on this project, the project itself doesn't seem to have much merit.

Thank you for considering our input. We really do want to work cooperatively with ODOT on this project and hope that you are willing to consider our ideas and viewpoints.

Floyd and Judy Bennett 20221 Mountain View Drive Bend, OR 97701

# 800

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please also see Topic 25 – Cost and benefit-cost analysis.

# 009

Please see Topic 17 - Phasing.

# 010

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, all local road improvements will be located south of the Deschutes Memorial Gardens and Chapel. The intersection of Mountain View Drive and US 20 will not be altered by the project and will remain open (this intersection is not within the limits of the Bend North Corridor project).

# 011

Please see response to Comment P13 002.

# 012

Please see response to Comment P13 002. Please also see Topic 16 - Funding.

August 10, 2011

ODOT - US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

Subject: Opposition to ODOT's US 97 Bend North Corridor East DS1 Alternative

To whom it may concern:

I, Kate Blake, am a retired school teacher who lives in the Rock O' the Range subdivision. I own a remarkable home built in the '60s by an original purchaser of some of the Bowers land (after whom Bowery Lane was named). The East DS1 Alternative seeks to put a full diamond interchange somewhere north of Bowery Lane. It will connect to a northern extension of 3<sup>rd</sup>. St. The northern extension of 3<sup>rd</sup>. Street will run over the top of my neighbor's house and then turn south, taking out part of my property (and possibly my house, too).

With East DS1, the homes and occupants that remain in this neighborhood, (if what is left can be called that) will be beset with high volumes of traffic headed for(or leaving) commercial areas between Bowery Lane and Empire (or even farther south). Signage will divert these local trips from US 97 to our rural area, which is one mile north of Bend's UGB. With East DS1, there won't be another southern interchange until Buller Market. The Cooley and Robal Road intersections, Exit 135A off of Hwy. 97 (the "Y") and Empire Avenue will all close.

### US 97 BEND NORTH CORRIDOR PROJECT: A LONG, QUESTIONABLE, BUREAUCRATIC PROCESS

The HUNS have lived with this or similar threats since 2004, when ODOT and the city of Bend attempted to put a road through our neighborhood that would have connected Hwy, 20 to Juniper Ridge, Later, this project became (ostensibly) about fixing congestion on US 97 and improving safety (although anyone who lives here knows that traffic on US 97 has declined dramatically since the recession began in 2008).

I remain frustrated by how ODOT has analyzed (and continues to analyze) the various alternatives. ODOT is using 2007 traffic data to analyze the US 97 Bend North Corridor project (because, it claims, 2007 traffic volumes are the same as 2009). If that is the case, why not use 2009 traffic volumes? This is just one example of many that lead people to conclude that ODOT and the city of Bend have an agenda that prioritizes access to Juniper Ridge and the preservation of economic lands (the demand for which is not exactly overwhelming) over avoidance of urban sprawl, and preservation of existing jobs. In today's economy, is it better to preserve potential new employment areas or existing ones that continue to contribute to this area's economic base?

The filtering criteria used by ODOT to winnow down the US 97 Bend North Corridor alternatives favor certain values over others. On pages 2-20 through 2-27 of the DEIS, the steps that the screening process entailed are described in detail. The first two stages of filtering were based on technical feasibility. Of course, few if any citizens can question the validity of these stages, as ODOT is not sharing the data that fed into them and further, because we are non-technical citizens. For us, becoming familiar with Capacity to Demand formulas, "ramp taper to at grade intersection spacing", and Division 51 regulations will take more than the 45 days allotted to us to provide public comments. (Lask that the public comment period be extended to 60 days.)

The third screening process step is slightly easier to comprehend, if only because the criteria are less technical. ODOT looks at total cost (the project is not to exceed \$250 million), incremental benefits (the ability to phase in construction in multiple increments), capacity (to meet projected traffic demands, using ODOT's data and assumptions, of course), Expressway operations (approaches to commercial areas could be acquired without unique challenges or impacts), Economic Development (economic lands identified by the City of Bend would not be bisected or removed from the economic base), and connectivity (barriers to local street connectivity and/ or inner-connectivity on large economic lands would be avoided).

# 001

We acknowledge your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

As described in Section 2.1.2 of the Final EIS, the Preferred Alternative does not include a full diamond interchange north of Bowery Lane. Further, the Preferred Alternative will not require use of any of your property or result in increased traffic volumes on Bowery Lane as no improvements are proposed as far north as Bowery Lane. Signage will direct drivers to exit US 97 at the new signalized intersection with 3rd Street located south of Deschutes Memorial Gardens and Chapel, but will not direct traffic into the Hunnell neighborhood as 3rd Street will not be extended into rural residential areas, as shown in Exhibit 2-3 FEIS (Map 7). The Cooley Road and Robal Road intersections with US 97 will be retained as intersections with the new 3rd Street, but these roads will not intersect with the realigned US 97 facility, as shown in Exhibit 2-3 FEIS (Map 6). The Empire Avenue interchange with US 97 will remain open and will be improved as shown in Exhibit 2-3 FEIS (Map 2).

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

Please see Topic 24 - Traffic analysis.

# 003

ODOT and the FHWA have identified the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The rationale for identification of the Preferred Alternative is described in Section 2.6 of the Final EIS. The purpose and need of the project is described in Sections 1.2 and 1.3 in the Final EIS. Please also see Topic 18 – Juniper Ridge.

### 004

The screening process was detailed in the Draft EIS on pages 2-23 to 2-26, including the specific technical thresholds for each criterion on page 2-24. Specific detail on how each alternative that was dismissed failed the criteria was detailed on pages 2-28 to 2-48, including the technical data (e.g., lengths of ramps, costs) that failed to pass the thresholds identified on page 2-24.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

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The Draft EIS was prepared in a reader-friendly format to try to make the document accessible for all audiences. For example, the document uses sidebars to provide key points and definitions to help readers understand the technical information. To the extent possible, the text was written using common words and avoiding technical jargon.

Please also see Topic 2 – Request for extension of the Draft EIS comment period.

# 006

The comment accurately summarizes the screening criteria used in Step 3 of the purpose and need screening. Compliance with the Oregon statewide planning goals and Oregon Administrative Rules, avoiding urban sprawl, promoting efficient urbanization, and protecting the environment, agriculture, and neighborhoods were all factors included in the purpose and need screening criteria for the project. Many of these items are contained in the project goals and objectives listed on pages 1-19 to 1-20 of the Draft EIS. These items have been considered in the selection of the Preferred Alternative. Section 3.2.3 provides an analysis of how the project is consistent with Oregon land use regulations. Compliance with regulations is a requirement, so compliance with regulations is not an appropriate screening criterion.

006 Cont.

Nowhere in its screening criteria did ODOT's DEIS mention a need to accommodate the State's Land Use Planning statutes, Administrative Rules and/or Goals and Guidelines. Nowhere does ODOT speak about designing to avoid urban sprawl, to promote efficient urbanization, or protect the environment, agriculture and neighborhoods. Nowhere in the screening criteria was consideration given to a need to protect current jobs by facilitating access to existing employment areas.

East DS1, it has been said, will dramatically reduce the ease with which consumers access the Cascade Village Shopping Center. Isn't there some component of the decision that measures how each Alternative selected protects the existing employment base in Bend? If it is difficult for travelers to access the shopping center (particularly out-of-towners, and Bend's economy is largely tourism based), they may well bypass it. Through traffic may flow smoothly, but if it flows smoothly past our employment centers, is this a good thing?

# CONCERNS ABOUT ODOT AND THE PROJECT

ODOT has recently received some unfavorable press with respect to its business practices, the quality of its projects, its close ties with private sector contractors and its responsiveness to public input. Many of the accusations about bad business practices have come from ODOT employees themselves.

Since 2010, there have been nine (9) articles in the Bulletin newspaper that address this topic. I am attaching several of them to this letter and ask that they be entered into the Public Record. They are worth considering.

After reading these articles, I have major concerns about the fairness of ODOT's process and about how equitably it will deal with me and my neighbors in the event that our land is condemned through the Right of Way process and "taken". Recent, controversial condemnation cases in Millersburg, Madras, Redmond and Albany that were covered in the press don't give me or my neighbors a lot of confidence in ODOT.

008

I also have real concerns about living through the 3rd Street construction process, and how long the roadway will last before it has to be redone. I have attached a recent article with the headline, "A Systemic Problem Audits of ODOT: Documents and interviews show years of poor roadwork and little quality control". If ODOT condemns and takes my land, but not my house, how long will I have to live with the chaos that accompanies road construction? Clearly, to build East DS1, ODOT will have to blast through huge pressure ridges of lava that are all through this area. This work is going to take place in very close proximity to my home, and the homes of my neighbors. According to the article I referenced above, ODOT has been accused (by more than one employee) of building roads that do not last. This is also a real worry and ODOT's Executive Director Matt Garrett didn't seem to have a good response to the reporter's requests for comment. He wouldn't discuss it.

009 With East DS1, thousands of cars and huge trucks will travel through by my home at 45 MPH (or faster). Today, the 20-30 vehicles that pass by travel at under 20 MPH. East DS1's noise, pollution, loss of privacy, and visual impact would destroy my peace of mind, my home and my property's value in a single blow.

010

011

If East DS1 is chosen, I will likely to lose my water source, as it appears to wipe out my well and pump house. The pipe that feeds my irrigation will be destroyed by the diamond interchange. In addition, East DS1 will also squeeze the Deschutes Memorial Veterans Cemetery between two major roads, a major source of concern for me and I know, for many others whose loved ones are buried there.

Laupport only the East DS2 Alternative. It's best for me and my neighborhood, less expensive, closer to an urbanized area and less disruptive to existing major shopping center businesses. I care deeply about preserving jobs in Bend, and we cannot let our shopping mall suffer because ODOT destroys access to it,

Sincerely,

Kate Blake, Member of the Hunnell United Neighbors 20575 Bowery Lane, Bend, OR 97701

### 007

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under this alternative, motorists will be able to access the Cascade Village Shopping Center from 3rd Street. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 19 – Business directory signs.

# 800

Your comments and the articles you attached to your letter have been reviewed and included in the Record of Comments. We appreciate your comments and hold differing opinions. This Final EIS focuses on the Bend North Corridor project in particular and our responses focus on comments received on that project.

In response to comments on the Draft EIS, ODOT has explored opportunities to reduce and/or mitigate the impacts resulting from the project. In addition, this comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Under the Preferred Alternative, improvements will be contained within the urban growth boundary (except for the extension of Britta Street), and will not occur in the vicinity of Bowery Lane. 3rd Street will terminate at an intersection with US 97 on the south side of Deschutes Memorial Gardens and Chapel. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

The Preferred Alternative will not require acquisition of your property located at 20575 Bowery Lane. Please also see Topic 30 – Right of way acquisition.

### 009

ODOT and FHWA have identified the Fast DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative does not include any improvements near Bowery Lane that will attract additional traffic on that roadway. The Preferred Alternative will not change the posted speed limit on Bowery Lane or make any other changes to this roadway.

# 010

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under this alternative, local road improvements in the rural residential area north of Cooley Road are limited to the extension of 3rd Street along Clausen

Drive and a new roundabout at Loco Road and 3rd Street. There will be no improvements near Bowery Lane that will attract additional traffic on that roadway or impact your water source. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 011

The Preferred Alternative will connect 3rd Street to US 97 south of the Deschutes Memorial Gardens and Chapel, and thus will not "squeeze" this area between major roads.

# 012

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Additional information is provided in: Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, and Topic 25 – Cost and benefit-cost analysis.



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# A systemic Bulletin 29, 2011 Audits of ODOT: Documents problem

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By Nich Statutch . The Bulletin



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sy Petry, it former road quality inspector for the Oregon Department of Transportation, has for years told anyone who will listen that his former employer doesn't build roads that his.

Last year, Perry, of Bend, Bled a Arthur Lawrett to prove it, deleting contraction engaged in Madday construction en several ODO? projects is Correlation Carolina Origin. The Jascant is pending.

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In appears that this could be a systemic protection."

See ODOT/A4

More coming Monday: ODOT's legal troubles and the controversy behind its relationship with industry partners

# A watchdog from inside and out — but he, too, is under fire

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US 97 Bend North Corridor Project

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# TAKING PRIVATE LAND FOR PUBLIC USE

It's legal and essential for the Oregon Department of portation to buy property from private landowners through Vinert domain. Roads must be built and expanded, and times homes and businesses stand in the way. But it's not in find examples of how ODOT's condemnation work seems ir to property owners or unnecessarily costly for the state.

> By Clady Powers The Bulletin



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It's legal and essential for the Oregon Department of Transportation to buy property from private landowners through eminent domain. Roads must be built and expanded, and sometimes homes and businesses stand in the way. But it's not. hard to find examples of how ODOT's condemnation work seems. unfair to property owners or unnecessarily costly for the state.

# By Citaly Powers The Halletin

he way Bob Harris sees it, the Oregon Department of Transpornation poshed his business into timbrigatey.

As things stand now, ODOT owes the longtime Marinas resitiem nearty \$3.4 million.

A jury awarded the damages in May for the decrease in value of a 25-acre. piot of Indestrial land in Millersburg owned by Hurris' company, Viewcrest. Investment LLC.

Two juries found GOOT's plan to their earths' media only confusions — a projectly right past-amendary the store in 1807 — left the best sports a Practice of he water

If the bury's desinker stands, CDOT will pen the \$3 4 million ploy is person? I preprint -- which started acrosing in July — served in \$490,000 for Hurth' legal hard.
And even if GDOT gags Hurth, in hall, the

gency still wor't contille land.

That's because, after juries decided for fair-earthal value of the property was 84 million. After the regulat was topoled down in Mag. CDCF turned its hade on the chance to may the emperty designs. The judge pressing over the time gave ODOT a 18-day window after the pary's desistion to pay Harris the field 64 million. and walk away with the famil.

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feel Hards & will appeal the case.

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# ODOT

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# The Vinwcrest property

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So In April 2008, Viewstand Stvestments filed a \$2 william est. against ODITE the complete. oak! CCCVC contilered the Million. arms property extensity amount to by publicly turning to plan to this. the ranchings and some

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### B & D Auto Glass

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COVER STORY

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nely two years in- all ter the trial or the clear had been postponed draw flow - SDOT actives to new Mileson's for the his over former B to D Auto Class

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Sundy ODGS toyout, and the And witting thereof Photom stell report shop in Biokrava (P Penning they were too legal to said clayer.

# The Highland Couplet

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That also targer turns in 2001, CDOT writted the Senato If orașii must nam thari 2000 aguary from of freezages free dur mer mark up to the Anythin All the Edisposition with

Distributed. The agency offered the Princips \$50,440 for the level, have a refer informer of an independent of prolate hired by GUOT it offered tion, sering he be enqually rate of the position by Martin | mrunt, with they tolve settel de l'épube

They said. The year of your primary and depaged, but they the Newto could one and our rall fir profittel riter dian . ration stack," Happen said. The CANT OFFICE PRODUCTION WHILE THE PERSON AND ADDRESS OF THE PERSON

Me the Shorts and Super-

"Starting in 1995, Violentest spent \$250,000 to build a 35-footwide service road that was to become this property's access to the interchange.

In the low J950s, after the serbarrata TOCIO, filled asw harrand tossing around the iden of feering out the Viewcrost Irrenchange and mirring it in a location that would agcontractate many traffic.

Knowing But Herris had a right to unrestructed road access. ODOT approached him about buying back its au epitor hand and the airmanding property. An ODOT appraisor walled the land at \$460,000, but Harris wonted \$2 million

Internal ODOT documents show conflict within the agency about the purchase.

in Sectomber 2001, ODOT's coecutive deputy director told a regional manager and his stuff that the morney should moquire the Hurrs property as soon as pos-tible, even if the interchange is not removed at the same time."

But that same month, Don Jones smit an e-mail to five ODOT planners and project managon storring them army from the purchase.

"It is imperative that CIDOT not engage in any conversations with Harris or anyone olse for that mother regarding the possible purchase of the property at this time," Jones wrote. "To did so will create o public relations nightmore for ODOT, something ... I would like he avoid."

Yet the agency pashed forward its plan to sear out the Vinwarest

Sixterity within the layeauit was filed, ODOT filed a lies on the property, notifying any potential toyers that the land was subject togicourt light.

This left Herris unable to sell any of the land, which he needed to do if he was to contro a balloon. payment coming due. The propnety went into forestenue, and on May 18 of this year - one day helore the land was to be sold at public section - Viewcrest Abed. banking fey to stop the sale.

If way a crushing blow for Harris, said his attorney, Buss Baldwin, who described Harris' matitoday at trial about the Viswerest hankmatey as "the low point."

"He is telling all shoet how the state drave him into bankruptcy. and he is a very meaculine guy, and he is on the stand and his shoulders want to stission and he is starting to cry," Baldwin sald. 'His shoulders were heaving like crazy and his emotion is just taking over, and the judge says, 'Let's talia a break hove."

Shortly before the trial, a privitte appraiser hired by ODOT propared a report saying the Viewcrast property was worth \$621,256, assuming it had road access. Without such access, the appraiser valued the property at 3285,775

An appealed hired by Viewcrest put the property's value at more than \$5 million.

During their diffiberations, juyers sent a question to the judge: Does our duckskin deferming who takes the dead to the Viewcreal property?"

of the last America Special Street affects by the same place for more than 10 years. It sat along Gincier Awmus one block morthwast of where the med now bounches off from the 115. Highway 97 bypass.

One of their main sources of become come from owners of recnational vehicles, who could only access the lor via the driveway consing off Charler;

So when ODOT workers started building a wooden frame for the wall in August 2007, the Scotts called their brayer, Martin Haussen. Hanner called ODDY's local right-of-way manager in hopes of stooping construction on the burrier wall.

"And he agreed that there was a valid agreement and he tried to stop there, but they had already put up the framework for the

wall," Hansen suid. The problem: DDOT had two crows right next to each other one working on the U.S. Highway. 97 remote and the other working on the Highland Avenue/Ginctor Avenue couplet — that did not consult with one another.

"If was a classic right hand/left hand," Harteen said, "ODOT docided to expend 'team parkway's! authority over 'team couplet,' but the engineers on team parityray they wouldn't talk to team coupist, and one of them picked upthe plans one day and sees the access and easys: 'Well, I choose to close it."

In the mostle after CDC7 built the well, B & D's husness dropped by 20 percent. The Santa filled a \$400,000 lawsuit against UDOT to 2007 saying the agency,





# Route chosen for revamp of Highway 97

\$200M project on Bend's north side would move roadway east, toward railroad tracks

# By Scott Mountains and Otata S.W. Las

The Covered Department of Descriptions has designed on the preferred room for a remoding of U.S. Highway 87 or Beefs worth side, a proposal fact unable rise the legiting though groupedly overped by solve Data a disease with-entallished besidence.

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Marphy said his agency's

"serves the greatest possible proof" and administrated that states updated three senals rematation the businesses.

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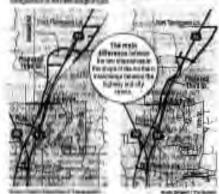
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The plan would move the ingleway was from the purpose of greater toward the Seeing too Northean estimate Inschillent to Northean estimate Inschillent toward to ingleway from the Cascash Village Shapping Conter would be kurted to move the seal backets or the seal handless of the same toward to have been considered to the same land to the name to the same towards to the same towards or the seal handless.

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# U.S. Wathway 97 Bend north corridor project

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# THE BULLETIN . Thursday, February 25, 2010 A5

# **Highway**

Continued from Al

Manny Arefies, owner of the Space Age gas station about half a mile north of Cooley Road on U.S. Highway 97, and he attended a number of meetings about the highway realignment project, but never got the fasting ODOT representatives cared about the emostree of businesses in the area. While his businesse is not slided to be eliminated as a result of construction, this accesses to the highway on Grandview Larve in Larly to be real off.

"It's not even worth the energy or the time, because at the and, they're just gring to do what they want to do," he said.

Aveling said the congention on the math end of Band is severe enough to Autrana spending hundreds of millions of dollars on a solution and speculated that ODOT is more interested in "staying basy" than solving traffic problems.

Murphy said the realignment was planned to address congestion that could be geoerated by future development in the area.

"Westing time at a stoplight toot you cen't get through is futtle. They are inventing gas an money into afterflicient and sale sy em. And so we achieve it may and safety with this project." Marphy and. "Some into the to be done. We can't sen! It is a problem be-

Francisco for the project less than in the works for marry do years Early so, ODOT and the steering committee considered mare expansive alternatives making between \$300 million and \$400 million, but the project was scaled back doe to funding concerns.

Murphy said alternative routes, including one that would route the highway wear around Cascade Village Shoping Center, were eliminated because they wouldn't improve traffic flow. They also could not be built in phases, he said. The recommended alternative seamed to be the most feasible cotten.

Funding for the project will come from a combination of both federal, state and local money. A local gas fax mad a local improvement district have been ruled out as funding options.

The next compiling an Environmental Impact Statement which is required for federal families is required for federal families the report than it will submit the report to the Federal Highway Administration for review.

Bend activist Milas Lovely was at the meeting Wednesday morning. He agrees with the plan and said his concerns are just the those of anybody sim.

"We need to get traffic in. through and around flend for public safety, for treight movement, for multimodal and for transit, and pedestrian and bicycle," Lovely said. "We just can't isep fruiding roads, so we've got to make this work."

Spott Hammon con in reached or S41-383 to 10 or should be seen to the

Diene S.W. Lee out for recorded at 341-417-7818

# P15: Crystal Marie Dollhausen

August 10, 2011

ODOT Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

To the ODOT US 97 Bend North Corridor Project Staff:

My name is Crystal Marie Dollhausen. I am a long time resident of Bend, having grown up here. In 2007, I inherited my mother's house located at 20510 Bowery Lane. I now live here and call it my home.

As part of the Bend North Corridor Project, ODOT continues to try to solve its Hwy. 97 problems by extending Third Street into the Rock O' The Range subdivision, one of Bend's oldest subdivisions, a tranquil residential area of established homes that is accessed by a historic covered bridge, and which abounds in native plants, flowers and trees, quail, deer, jack rabbits, and the occasional cougar.

ODOT's first attempt to route traffic through the Rock O' The Range and Hunnell Hills subdivisions began in 2005 when the city of Bend (led by then-Mayor Bill Friedman) and ODOT aligned and tried to convince the Oregon Transportation Commission (OTC) that Bend's up and coming Juniper Ridge project was going to make the portion of US 97 north of Robal Road fail. ODOT had to do something quickly to prevent the impending disaster. The OTC told Bend and ODOT staff to go back to the drawing board and fix the problems caused by locating the Parkway in the wrong place, and (essentially) to stop blaming the Parkway's design problems on Juniper Ridge (another failed project that continues to waste taxpayer's dollars).

Since 2005, it feels like we've been continually fighting ODOT and defending against its poorly disguised attempts to fix its own mistakes by routing traffic through this neighborhood. This hasn't worn us down at all. We are ready and willing to keep fighting and I'll be the first to help my neighbors fight to save their homes, several of which, when I look at ODOT's East DS-1 alternative, are going to be bulldozed under. Those residents who manage to keep their homes may have to give up part of their property and exchange their mountain views for a view of semi-trucks filled with merchandize headed for the shopping malls, along with shoppers and service workers.

The most upsetting part of the latest ODOT East DS1 Alternative is that it will put a road right through the middle of Bruce and Susie Levin's house, possibly Rick and Kate Lloyd's house, and Van and Loel Jensen's house. It will put an interchange on top of the house just recently purchased and entirely remodeled by a 20 year old girl, Sara Brown. Sara bought this house when she was only 18 and she's done all the work on it to restore it.

The East DS1 Alternative will route a major roadway next to or through Vickie Dimeo's house, built by her late husband Bill. Brad

### 001

We appreciate your comment and concerns with regards to the East DS1 alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

There will be no acquisition of properties or change in views for homes in the Bowery Lane area, and there will be no new roadways through the Hunnell neighborhood as the Preferred Alternative does not include improvements north of the Deschutes Memorial Gardens and Chapel. For more information on why the East DS2 Alternative was identified as the Preferred Alternative to minimize impacts to the Hunnell neighborhood, please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

001

# P15: Crystal Marie Dollhausen

Cox will probably lose part of his land. The rest of us will be rewarded with traffic noise, air pollution, animal carcasses along the side of the road, litter and all the other benefits of living next to a major county business arterial.

We're all going to be wrecked if this road goes in. Eighty five year old John Hansen has lived here for over 35 years. Although ODOT states that it fairly compensates people for taking their homes and land, the vast majority of us want to stay here - you can keep your money and let us keep our quality of life. This is a piece of heaven and ODOT has no right to dump the traffic from its failed Parkway into this area simply because it doesn't want to inconvenience 003 itself by trying to build a traffic solution that is more difficult to phase in (specifically, East DS2, which is cheaper and much closer to the Bend City Limits).

I know for a fact that the HUNS have already retained legal counsel and that we understand the Oregon State land use laws and goals that are intended to prevent this type of irresponsible road construction so far outside the City Limits.

005

We HUNS are going to advocate for the East DS2 option, which we all prefer or even better, the No Build Option, which might force ODOT to promote alternate modes of transportation other than the almighty

I intend to stay actively involved in this matter and fund this fight, on behalf of my neighbors and in memory of my mother, who built this home and who loved this land with all her heart.

Crystal Marie Dollhausen 20510 Bowery Lane Bend, OR 97701

### 002

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Under the Preferred Alternative, the extension of 3rd Street will terminate south of the Deschutes Memorial Gardens and Chapel and will not extend north through the Hunnell neighborhood as was proposed under the East DS1 Alternative. For more information on how the impacts to the Hunnell neighborhood have changed under the Preferred Alternative, please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 30 – Right of way acquisition.

# 003

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 17 - Phasing, and Topic 25 - Cost and benefit-cost analysis.

# 004

Please see Topic 5 – Statewide goal exceptions.

# 005

ODOT supports and appreciates your continued involvement in the public review of this project. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 21 – Transportation demand management and transportation system management measures.

# P16: Bob and Fran Greenlee

63215 O.B. Riley Road Bend, Oregon 97701

August 10, 2011

Oregon Department of Transportation 63055 N. Highway 97 Bend, Oregon 97701

RE: US 97 Bend North Corridor Project

To ODOT Decision-Makers:

My wife and I are property owners (40 acres) along Hunnell Road, with intense interest in a reasonable solution for this project. As such, we concur with our fellow HUNS (Hunnell United Neighbors) in <u>strongly opposing</u> the East DS1 Alternative, as described in your recently released Draft Environmental Impact Statement (DEIS).

This proposal would severely impact a quiet, rural residential area to accommodate highvolume retail shopping traffic and merchandise delivery. Such an intrusion would violate our residential/agricultural zoning and devalue property. It is indefensible.

We all acknowledge there's a problem to be solved. But we think a far more appropriate solution lies with the East DS2 Alternative. Fewer property owners would be impacted (less acquisition costs). And this plan better integrates infrastructure improvement with commercial property potential. It is a more reasonable option – and it avoids the nightmare East DS1 would create for an entire rural community.

Traffic planning must be efficient and cost-effective. But it can't ignore the impact on human lives and values. Your responsibility is to honor both objectives.

Greenlee Tran Grandee

Sincerely,

Bob and Fran Greenlee

### 001

We appreciate your expression of opposition for East DS1 alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

We agree. The process followed to develop alternatives and select a Preferred Alternative has not only considered comments received on the Draft EIS, but also considered the analysis of multiple disciplines including impacts and benefits to the community. A summary of this multidisciplinary environmental analysis presented in Chapter 3 of the Draft EIS and Final EIS.

# P17: Rick Lloyd

August 10, 2011

Amy Pfelffer – DEIS Project Manager Oregon Department of Transportation Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

Dear Ms. Pfeiffer:

My name is Rick Lloyd. I am a long-time member of the Hunnell United Neighbors (HUNS). My home is located at 20575 Bowery Lane, in the historic Rock O' the Range neighborhood — <u>a rural area</u>.

# THIS RURAL AREA HAS NO URBAN IMPROVEMENTS; CC&RS PROHIBIT COMMERCIAL DEVELOPMENT

- My home is accessed from the one-lane Bowery Lane Covered Bridge (listed on the National Register of Historic Places). The Bridge ends in a one-lane country road (mostly unpaved). Two cars cannot pass each other on the lane; one must back up or pull onto one of the gravel pull-outs to let the other pass.
- My neighborhood is required to maintain Bowery Lane and the covered bridge neither the city of Bend nor Deschutes County will maintain it. We have a road / bridge fund to cover costs.
  - I am on septic. I have no access to city sewer.
- I am on a community well. Neither city water nor water from a private provider (Avion, etc.) is available.
  - There is no access to cable TV in my neighborhood.
- This is an agricultural area. Everyone here (with one exception) has water rights
  and irrigates their land. One neighbor owns a landscaping business and grows his plant materials
  on his land. Another raises vegetables and sells them to the Redmond School District. A third keeps
  chickens and sells eggs. Yet another has an organic greenhouse operation and distributes his
  excess produce to the Common Table and the Trinity Episcopal food kitchen.
- Nearly all my neighbors raise animals. One sells organic beef. A number ride horses on Bowery Lane and my neighbors' eight year old has been known to ride his pony to the community mailbox.
- We have CC&Rs that prevent commercial development in this area. The only allowed use of land in this area is rural residential. We have consistently enforced our CC&Rs in accordance with our bylaws in the past and continue to do so.

# ODOT'S EAST DS1 ALTERNATIVE WILL "URBANIZE" THIS AREA IN VIOLATION OF OREGON'S GOALS 11 AND 14

ODOT's DEIS (Section 2.5.4, "Unresolved Issues") notes that "construction of roadways outside of the UGB would require exceptions to Oregon Statewide Planning Goals 11 (public facilities and services) and 14 (urbanization)".

002

Oregon's Goal 11 holds government responsible, "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served." Oregon's Goal 14 restricts "urban uses on rural land", states that it is important to "maximize the utility of the land resource", and also emphasizes that "the type, design, phasing

### 001

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative will not result in any impacts in the Rock O' the Range neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

We appreciate your expression of opposition to the East DS1 Alternative and support for the East DS2 Alternative or No Build Alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Rock O' the Range neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. The Preferred Alternative does not require any statewide goal exceptions. Please also see Topic 5 – Statewide goal exceptions for more information.

# P17: Rick Lloyd

002 Cont.

and location of major public transportation facilities and improvements thereto are factors which should be utilized to support urban expansion into urbanizable areas and restrict it from rural areas."

I OPPOSE EAST DS1 AND SUPPORT THE EAST DS2 OR NO BUILD ALTERNATIVES

East DS1 does not promote the timely, orderly and efficient arrangement of public facilities. It violates the intent of Oregon's Statewide Land Use Planning Goals and Guidelines. In fact, East DS1 promotes an irresponsible and inefficient investment of public monies, particularly as the East DS2 Alternative delivers the same performance, is less costly, and keeps the construction of new public facilities (roads) almost entirely within Bend's UGB.

00:

Rick Lloyd HUNS members

# 003

ODOT and FHWA have identified the East DS2 Modified as the Preferred Alternative in the Final EIS. The Preferred Alternative contains all improvements within the urban growth boundary except for the extension of Britta Road to connect with US 20 and Robal Road. Please also see Topic 25 – Cost and benefit-cost analysis.

# P17: Rick Lloyd



# P18: Don and Maxine Peters

Don and Maxine Peters P.O. Box 6597 Bend, OR 97708

August 10, 2011

Oregon Department of Transportation Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

Dear Sirs.

Our names are Don and Maxine Peters. We are retirees who live at 20390 Rogers Road. We, like many in our area are politically, financially and legally active HUNS. We are opposed to the East DS1 Alternative as described in the Draft Environmental Impact Statement developed for the Highway 97 North Corridor Project.

001

It is surprising that ODOT continues to offer an alternative that will extend 3<sup>rd</sup> Street north of Cooley Road and connect it, via an interchange, to North Highway 97. It is also surprising that you plan on funneling this extension down from four lanes to two lanes north of Bend's UGB, particularly if you want to resolve congestion and traffic safety issues.

...

Ours is a residential neighborhood with many retirees. We, like a number of our neighbors, built a dream home here upon returning home from a successful professional career. We hoped to live quietly in this documented sensitive winter deer range area, sharing the joys of observing each year's new crop of fawns and other currently undisturbed wildlife with our children, grandchildren and neighbors who, over the years, have come to love the peace and quiet of this beautiful, secluded area as much as we do.

003

Now ODOT's East DS1 Alternative is staring us in the face. As we understand things, it envisions a new interchange at Bowery Lane that will pull traffic off of and onto Hwy. 97. Hwy. 97 will be connected to the newly constructed northern part of 3rd St. Signage will direct local trip traffic to the shopping malls and businesses south of us (all the way down to Empire Street), to Juniper Ridge (via overpass over Hwy. 97) and west to Hwy. 20.

004

Clearly, Rogers Road will see Hwy. 20-bound traffic coming from Hwy. 97 and from Juniper Ridge. Because Hunnell Road will surely be improved, Rodgers will also attract other traffic from the north. Traffic will also enter our neighborhood from the mobile home parks across Hwy. 97. Gone will be the quiet winter sanctuary for our deer herds and the fawns which they produce each spring (which, at present, freely roam up and down Rogers Road and the other low traffic local streets of our area). Gone too will be our peaceful, quiet retirement life. We and our neighbors will be living within a web of main arterials and collector streets that link two State highways with local trip arterials and a collection of shopping malls and big box stores to the south.

Sadly, many of the problems that ODOT is attempting to solve date back to the days when you were building a bypass around Bend's core Hwy. 97 area. In those days, the 3<sup>rd</sup> Street that you are trying to extend into our neighborhood WAS Hwy. 97. ODOT wanted to route

We appreciate your expression of opposition to the East DS1 alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

### 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative will not extend 3rd Street as far north as the East DS1 and East DS2 Alternatives would have, nor will the Preferred Alternative include a new interchange with US 97. The Preferred Alternative will only extend 3rd Street (as a four lane road) to the urban growth boundary and will connect 3rd Street to US 97 with a signalized intersection south of Deschutes Memorial Gardens and Chapel. Please see also Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 002

Section 3.13 Non-Threatened or Endangered Species of the Final EIS has been revised to reflect the deer population in the Hunnell Neighborhood.

# 003

Please see response to Comment P18 001. Signage will direct traffic to use the new signalized intersection of 3rd Street and US 97 to access businesses south of Cooley Road.

#### 004

The only improvement to Hunnell Road under the Preferred Alternative will be improvements to the intersection with Cooley Road, including the addition of a traffic signal. The Preferred Alternative is not expected to attract new traffic to use Rogers Road as a connection to US 20, as no new northern interchange will be built, as was proposed under the East DS1 and East DS2 Alternatives studied in the Draft EIS. Access to US 97 from the mobile home parks on the east side of US 97 will remain unaltered, and residents in these neighborhoods can use the new signalized 3rd Street/US 97 intersection to travel south on 3rd Street. For more information on the improvements included the Preferred Alternative, please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 005

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT

# P18: Don and Maxine Peters

and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. In the rural residential area north of Cooley Road, the Preferred Alternative limits local road improvements to the extension of 3rd Street along Clausen Drive and a new roundabout at Loco Road and 3rd Street. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Section 3.13 Non-Threatened or Endangered Species of the Final EIS has been revised to reflect the deer population in the Hunnell Neighborhood.

#### 006

At the time the Bend Parkway was built, there was not enough funding to complete the north end of the project. The Bend North Corridor project will complete the north end of the Bend Parkway corridor. The intersections at the south end of the Bend Parkway were designed as limited phase signals, restricting left turns on to and off of US 97. The Bend Parkway was originally designed to accommodate future grade separated interchanges once funding and traffic volumes warrant their construction at these signalized intersections. The purpose and need of the US 97 Bend North Corridor Project is described in Sections 1.2 and 1.3 of the Final EIS.

# P18: Don and Maxine Peters

006 Cont.

through traffic around it. Then, the City and local business interests protested vigorously. Unlike Redmond, our neighbor to the north, which stood firm and put its bypass to the east where it rightfully belonged, Bend (with the help of ODOT) converted its own bypass into a Parkway. A Parkway is not a freeway or a bypass but rather a higher-speed through street designed for local trips. Ours has traffic lights at both ends and many entrances and exits to accommodate east-to-west traffic. Bend and ODOT's Parkway caused much of the problem that you are now seeking to resolve. We taxpayers paid for it to the tune of \$112 million between the years of 1996 and 2002. Now ODOT wants us to pay for it again, but this time to the tune of \$200 million or more. We will also have the honor of doing more for our city government and State Highway Department. We actually have a chance of having East DS1 going through our very homes and neighborhoods.

007

Please ODOT. It's time to bring some rational thinking to crafting a solution for the real problem. There is presently not a true traffic congestion problem north of Cooley Road. You project that there will be one in the future. Based on what? Bend's Juniper Ridge is hamstrung because it lacks the infrastructure to expand, even if there were businesses clamoring to buy its land, which there are not. Why did Facebook go to Prineville if Juniper Ridge has a solid value proposition? If the city of Bend couldn't fill up Juniper Ridge in 2006 and 2007, we can't imagine that it will be able to do so today, particularly with Prineville and Redmond offering cheaper land and a streamlined business-friendly process.

00

So is it Wal-Mart construction you are planning for? Hard to believe, as Wal-Mart has dramatically cut back on new store construction in the US, particularly in areas where multiple existing stores might experience competition from new ones. Further, Wal-Mart has announced a more "community friendly" approach to store siting and construction, with a smaller footprint. At the same time, automobiles themselves are getting smaller, and public transportation is gaining wider acceptance.

00

Is there REALLY a problem so significant that ODOT is willing to jump wildly into a less than ideal solution, one that will inflame and once again call to action a large, politically connected, environmentally asture and well-funded neighborhood association known as the HUNS? Do you REALLY want to end up embroiled in one legal battle after another? If you must abandon the reasonable option (East 1, we believe it was called) that you shared with the in spring of 2009, do so carefully. East DS1 is a highly flawed alternative that performs no better than East DS2 (which I and the HUNS prefer).

...

Thank you very much for considering our input and for hearing the combined voices of the HUNS. We would much prefer to support ODOT, as we have done in the past, rather than oppose you. We trust that you will work with us in good faith to find a solution that does right by all concerned.

Sincerely,

Don and Maxine Peters 20390 Rogers Road Bend, OR 97701

#### 007

ODOT and FHWA have identified East DS2 Modified as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 800

Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 18 – Juniper Ridge, and Topic 24 – Traffic analysis.

### 009

ODOT and FHWA have identified East DS2 Modified as the Preferred Alternative in the Final EIS. The operational performance of the East 1 Alternative was similar to the East DS1 and East DS2 Alternatives; however, the East DS1 and East DS2 Alternatives had a significantly lower cost (approximately 30 percent less), so the East DS1 and East DS2 Alternatives were forwarded for further study and the more, East 1 Alternative was not advanced for further study. Please see Exhibit 2-17 FEIS in the Final EIS for additional information.

### 010

ODOT supports and appreciates your continued involvement in the public review of this project. ODOT and FHWA have identified East DS2 Modified as the Preferred Alternative in the Final EIS.

# P19: Chuck Downs and Karen Cameron

August 11, 2011

Attention US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend, OR 97701

To Whom It May Concern:

We are writing in response to the latest alternatives (summer 2011) for the US 97 Bend North Corridor Solution.

We live at 64425 Hunnell Rd, Bend, OR 9770. As homeowners on Hunnell Road and members of the Hunnell United Neighbors (HUNS) we strongly oppose the East DS1 option proposed by ODOT and favor the East DS2 or the No Build option.

Being that both build options will have limited impact on homes and businesses south of the cemetery the crucial decision to be made is north of Grandview Dr. If there were absolutely no other option than East DS1 we could understand considering this option, but that is clearly not the case. The East DS2 option will accomplish the same goals as East DS1 without displacing long time residences from their homes. For this reason East DS1 is not acceptable and should no longer be considered.

Affects of East DS1 on the Rogers and Hunnell neighborhoods:

- Displacement of long time residences
- Severe financial and emotional hardship to homeowners who don't lose their homes, but have a four lane road next to their houses
- . Increased traffic and hazard to citizens on all roads in this area
- Significantly increased traffic noise

To suggest that long time homeowners lose their homes and other homeowners have a four lane road running through their property, when another option is available, is outrageous.

004

0021

0031

I strongly urge ODOT to choose East DS2 or the No Build Option for the US 97 Bend North Corridor Solution. The East DS1 option will be opposed with the strongest possible response from the Hunnell United Neighbors.

Sincerely,

Chuck Downs and Karen Cameron

64425 Hunnell Rd. Bend, OR 97701 We appreciate your expression of opposition to the East DS1 Alternative and preference for the East DS2 Alternative or No Build. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

# 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. The Preferred Alternative limits all impacts on the west side of US 97 to areas south of Deschutes Memorial Gardens and Chapel. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 30 – Right of way acquisition.

### 002

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, local road improvements north of Cooley Road will be limited to the extension of 3rd Street along Clausen Drive and a new roundabout at Loco Road and 3rd Street. As described in Section 3.5.3 of the Final EIS, under the Preferred Alternative, the short section of Hunnell Road between Cooley Road and Loco Road is projected to experience increased traffic volumes in the future, but these volumes are less than under the No Build Alternative. Please also see Topic 1 — How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 003

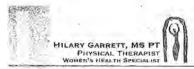
This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, noise impacts to the Hunnell neighborhood will be minimal since highway improvements will be contained within the urban area south of Deschutes Memorial Gardens and Chapel, and there will be no highway interchange. Please also see Topic 29 – Noise impacts.

# 004

We appreciate your expression of preference for the East DS2 Alternative or No Build. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P20: Hilary Garrett



August 12, 2011

Oregon Department of Transportation Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

Dear ODOT:

My name is Hilary Garrett and I am writing this letter in support of my friends, Michel and Toby Bayard, who live in a neighborhood known as Rock O' the Range, in northwest Bend. I, like the Bayards, am baffled by ODOT's decision to propose a US 97 Bend North Corridor solution alternative that places a principal arterial through the heart of a rural residential neighborhood. This arterial is proposed as part of ODOT's East DS-1 US 97 solution alternative, as is the Northern highway interchange which it connects to.

I do not believe that the Rock O' the Range area is in Bend's UGB. As I understand Oregon's land use planning laws, it is not advisable (and actually a violation of Oregon's statutes) to plan construction of major public facilities (road alignments, sewer interceptors, storm sewer service, etc.) outside a UGB because investments of this type do not result in "orderly and efficient urbanization".

As Toby Bayard has explained it, Oregon's Land Use Planning Goals (specifically Goals 11 and 14) encourage local governments to adopt comprehensive plans that lead to infrastructure investments inside a urban growth boundary. These laws and guidelines actually help the city and its residents and businesses decide where investments in roads, sewers, water mains, etc. should be made within a 20 year planning horizon. This type of certainty allows all parties to make sound financial and land use choices that make it possible to fund public transit, properly site schools and parks, efficiently invest in sanitary and storm sewers, and to place roads where they make the most sense. Due to the current UGB Remand action facing the city of Bend, it seems premature to plan a major US 97 interchange and associated roadway until Bend's urban boundary is more clearly delineated.

Given that growth has slowed so dramatically in Bend, shouldn't the US 97 Bend North Corridor solution focus infrastructure east of Hwy. 97 – no farther north than the Cooley Road intersection (which is the northern boundary of today's UGB)?

Thank you for considering my concerns and my advocacy for the Hunnell United Neighbors' (HUNS) position. I agree with the Bayards and other area residents that a major highway interchange and a principal business arterial have no place in their neighborhood. I also want major transportation investments to make sense, as this is an era where we must be careful and prudent in investing public monles.

Sincerely.

Hilary Garrett 21663 Valoma Drive Bend, OR 97701

> 2190 NE PROFESSIONAL CT. BEND, OREGON 97701 T 541.385.7629 F 541.385.0633 WWW.FEMFOCUS.NET

#### 001

ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Rock O' the Range neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. The Preferred Alternative does not require any land use goal exceptions. Please also see Topic 5 – Statewide goal exceptions.

#### 002

ODOT and FHWA identified the East DS2 Modified Alternative as the Preferred Alternative. This alternative contains all improvements within the urban growth boundary, except for the extension of Britta Street west of US 20. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 24 – Traffic analysis.

#### 003

ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P21: Max and Juliet Robertson

From: Juliet [mailto:robertson@bendbroadband.com]

Sent: Friday, August 12, 2011 6:01 AM

To: comments@us97solutions.org

Subject: US 97 North

We strongly prefer the East DS2 Alternative since it most effectively stays within the existing highway corridor. As a community we need to be vigilant in maintaining the integrity of our rural/urban interface and always choose options that reduces unneeded sprawl.

Max and Juliet Robertson

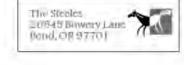
#### 001

We appreciate your expression for the preference for the East DS2 alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative contains all improvements within the urban growth boundary, except for the extension of Britta Street to US 20 and Robal Road. For more information on how this alternative was designed to reduce impacts to the rural areas north of Cooley Road, please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P22: Josh and Holly Steele

August 12, 2011

Oregon Department of Transportation Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701



Dear Mr. Bryant:

Our names are Josh and Holly Steele. We, our eight year old son and our foster daughter live at 20545 Bowery Lane in Bend in the Rock O' the Range area. We have studied the Draft EIS maps on ODOTs website. We are very worried because if ODOT and the FHWA ultimately select the East DS1 Alternative, it looks like it will bring 3rd Street north on a pathway that will either go over the top of our house or somewhere over our property, to the east of our house.

Our family moved to Bowery Lane because we like living in the country. We grew up in the country and we live a very rural lifestyle that includes raising farm animals and enjoying lots of equestrian activities. If the East DSI Alternative is selected, a new section of 3<sup>rd</sup> Street will come through this area. People driving on it will be able to get anto US 97 by driving across what used to be part of our property, maybe what used to be our house. Anyone traveling in either direction on Cooley Rd. could do the same. Anyone heading south on US 97 could exit at Bowery Lane and get onto 3<sup>rd</sup> Street. Anyone what wants to cross over Hwy, 97 from the east heading west could also drive south across what used to be our land.

We don't want to lose our home or any portion of our land. This is where we want to raise our family. We don't want to work with ODOTs Right of Way team to settle on some amount of compensation for taking something that we want to keep. This isn't about the money for us, it is about keeping our home, our barn, our animals, our neighbors, our garden, our mountain views, and our family's rural way of life.

We aren't against progress. We want Central Oregon to have economic health. But we think that rural living draws people to Bend. We think it is best to cluster all development including roads into a central area and keep the areas around the city's core open and unspoiled. East DS 2 does a better job of protecting rural neighborhoods and open space. In ODOT's Draft EIS (Chapter 2) East DS2 has the same overall operational performance as East DS1 but it preserves more prime farmland, displaces fewer residences and reduces the loss of habitat that goes along with piping the irrigation canals.

We are ordinary citizens who respect government and try to work with everyone for the best of all concerned. We hope that ODOT receives our comments in the spirit that we offer them. We know you at ODOT have a job to do, which is to keep traffic moving on the highway. But if there is any way you can select an alternative that works well for traffic (like East DS2) but also saves our neighborhood, we hope you will select it so that we can keep living peacefully in on the land that we have come to love.

Very truly yours,

Josh and Holly Steele, 20545 Bowery Lane, Bend, OR 97701

#### 001

The Preferred Alternative will not require acquisition of your property located at 2045 Bowery Lane.

We appreciate your expression for the preference of the East DS2 alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Rock O' the Range neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. Identification of the Preferred Alternative considered many factors including, traffic operations and impacts to neighborhoods.

001

# P23: Paul and Gladys Fox

Paul and Gladys Fox 20462 Rogers Road Bend, OR 97701 541-318-5260 twofoxes@q.com



August 14, 2011

001

To the Attention of the Highway 97 Bend North Corridor Project Oregon Department of Transportation 63055 N, Highway 97 Bend, OR 97701

Dear US 97 Bend Hwy. 97 North Corridor Project members:

Our names are Paul and Gladys Fox. We are retired teachers, and both in our late 80s. We have lived on Rogers Road for many years, and our daughter jokingly attributes our unusual physical health and positive outlook on life to drinking clean water, breathing fresh air and struggling to keep a 10 acre property from being taken over by noxious weeds. We do think that there is something to be said for serene surroundings where we can hear and enjoy birdsong and watch the quaits strutting by.

Which leads us to our point: We are MOST opposed to ODOT's Highway 97 Bend North Corridor Project, <u>particularly to any</u> alternative that impacts the local roads in what ODOT refers to as "the Hunnell Neighborhood". Kindly reject the East DS1 Alternative and leave us in peace.

East DS1 is an atrocious proposition. It cannot and will not contain the local trip traffic that now uses Hwy, 97 to reach various commercial destinations. ODOT notes that our neighborhood's local roads will be "improved" to allow this local trip traffic to

flow smoothly along 3<sup>rd</sup> Street (which will be pushed northward into the Hunnell Neighborhood). This smooth flowing traffic will enter our rarea from what ODOT calls a "full diamond interchange" off Hwy. 97 by the Bowery Lane Covered Bridge (a community treasure). ODOT will also direct other traffic from points east by placing an overpass across Hwy. 97; it will likewise flow smoothly through our neighborhood. The project will be financed with federal and state taxes, a fact that elevates our blood pressure beyond what is healthy for people of our age. Yet another example of government make-work projects that provide a solution to a problem that is "in the eye of the beholder". East DS1 is not an alternative. It is a travesty that will destroy this close-knit community by overrunning our local roads with "smooth flowing" traffic.

No thank you, ODOT. We strongly encourage you to keep any Hwy. 97 North Corridor Project alternative SOUTH of the Cemetery. East DS2 comes closer to the mark, but even it has elements that bring traffic to Bowery Lane and south Hunnell Road, neither of which will be "improved" according to the Draft Environmental Impact Statement. We nominally support East DS2 because it is the better of two bad options, but our real vote is for the No Build Alternative. We hate to place our trust once again in an agency that brought us the Bend Parkway.

We will be traveling during your August 24<sup>th</sup> Public Open House and thus cannot attend. Please place this letter into the Public Record associated with the Hwy. 97 Bend North Corridor Project.

Very truly yours,

Paul and Gladys Fox

Mail address: PO Box 8387 Bend, 97708

#### 001

We appreciate your expression of opposition to the East DS1 Alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 002

Please see Topic 25 – Cost and benefit-cost analysis and Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 003

The Preferred Alternative will keep all improvements south of Deschutes Memorial Gardens and Chapel.

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

# P24: Eric and Rebecca Meade

August 14, 2011

Amy Pfeiffer Oregon Department of Transportation, Region 4 63055 N. Highway 97 Bend, OR 97701

SUBJECT: US 97 Bend North Corridor Project - Opposition to East DS1 Alternative

Dear Ms. Pfeiffer:

003

Our names are Eric and Rebecca Meade. We and our family live on Tanglewood Road, off of Rogers Road, in the northwest "unincorporated" area of Bend. We wish to go on record as opposing ODOT's East DS1 US 97 Bend North Corridor Alternative. We fear it will lead to significant traffic congestion in our area. Additionally, we do not believe it is necessary to as much as \$250 million (the project budget's upper-end, as stated in the 002 Draft Environmental Impact Statement (or, for that matter, any amount) of taxpayer monies on this project, not to mention disrupting this entire area and essentially destroying the Rock O' The Range subdivision in the Bowery Lane area) to resolve current and future traffic congestion on Hwy. 97. The ripple effects of this project on the character of this entire rural residential neighborhood would be detrimental to our quality of life and the cohesion of our community.

Based on our review of the two Build Alternatives, it appears that East DS2 makes far more sense. It puts the solution much closer to the urban area where the commercial areas exist (the areas that are, according to ODOT, generating a high amount of local trip traffic). The alternative is less costly and is also a better option in terms of Emergency Services Provision.

005 | What we tear is happening is that all attention is focused east on Juniper Ridge, a project that seems to have stalled. Meanwhile, there is a very real possibility that traffic volumes will continue to be flat (as ODOT notes they were between 2007 and 2009). The economic downturn and high cost of gas has certainly suppressed traffic on US 97—we notice much less congestion and cannot justify spending federal tax dollars (most of which will fund this project) on a project that is marginal.

We respectfully conclude by asking ODOT to opt for the East DS2 alternative and remove the East DS1 alternative from consideration, or preferably, to opt for the No Build Alternative. This is not the time to undertake major projects of this nature and we would rather our tax dollars be invested elsewhere.

Thank you in advance for your consideration.

Eric and Rebecca Meade Members of the Hunnell United Neighbors (HUNS) 64085 Tanglewood Road, Bend, OR 97701

#### 001

We appreciate your expression of opposition to the East DS1 alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

Please see Topic 25 – Cost and benefit-cost analysis.

#### 003

We appreciate your expression of preference for the East DS2 Alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 004

This comment pertains to the East DS2 Alternative, which is not the Preferred Alternative for the project, ODOT and FHWA identified that East DS2 Modified Alternative as the Preferred Alternative. This alternative will provide access to and from the Public Safety Complex on the west side of US 20, although some travel route changes will be required for emergency service vehicles traveling from the Public Safety Complex to the north and east, Section 3.5.3 of the Final EIS provides additional detail on impacts to emergency services under the Preferred Alternative.

Please also see Topic 25 – Cost and benefit-cost analysis.

### 005

Please see Topic 18 – Juniper Ridge and Topic 24 – Traffic analysis.

#### 006

Please see Topic 24 – Traffic analysis.

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 25 – Cost and benefit-cost analysis.

# P25: Dianne Page

August 14, 2011

Ms. Amy Pfeiffer Project Lead: US 97 Bend North Corridor Project ODOT Region 4 63055 N. Highway 97 Bend, OR 97701

Dear Ms. Pfeiffer:

My name is Dianne Page, My address is 64270 Hunnell Road. I am a member of the Hunnell United Neighbors (HUNS) and I strongly support their opposition to the East DS1 Alternative of the US 97 Bend North Corridor Project, as it is described in ODOT's Draft Environmental Impact Statement (DEIS).

I love this peaceful area, and the Hunnell Neighborhood community, We chose to live here because it was rural and secluded, with beautiful views, abundant wildlife and a sense of distance from the busy urban world. I want this area to stay exactly as it is. My neighbors and I will fight to keep it this way!

ODOT's Draft Environmental Impact Statement has it all wrong with respect to how this community will be impacted if you select the East DS1 Alternative. On one hand, in Chapter 3, page 98 of the DEIS, ODOT says, "the extension of 3" Street through the Hunnell Neighborhood and local street improvements such as the extension of Harris Way and Fort Thompson Lane could have air, noise and visual impacts that could alter the rural illestyle associated with this neighborhood". But the paragraph directly above it, ODOT makes the absurd statement that "new county roads have been designed to meet their appropriate standards within the urban area. These improvements would enhance community cohesion by providing more opportunities for people to be outdoors, interact with other community members, and reduce their reliance on motor vehicles." And on the previous page (page 97 of Chapter 3) ODOT says the, "East DS1 Alternative would not change the community character; the southern portion would remain an urban area serving the greater Bend area and the northern portion would remain predominantly rural residential".

Let me get this straight: ODOT wants to build a major interchange somewhere around Fort Thompson Road or Bowery lane, and connect it to 3<sup>rd</sup> St., which is today a congested five-lane street that serves only businesses (there are no neighborhoods on 3<sup>rd</sup> St.). You will "improve" Harris Way, and "improve" other local roads in the area so that you can direct "most local raffic" off of US 97 onto 3<sup>rd</sup> Street (and these other improved local roads). This will, quoting ODOT, "reduce congestion and increase free-flow movement on US 97". Can you see why those in the Hunnell Neighborhood might not be enthusiastic about the East DS1 Alternative? ODOT is shifting its traffic congestion problem into our neighborhood.

Just be perfectly clear, <u>I strongly oppose East DS1</u>. ODOT wants to shift local trip traffic off US 97 up north, but is content to have this local trip traffic share the same road bed as the Parkway further south (like by the Mill District). If ODOT had not placed traffic lights on US 97, you wouldn't have this congestion. I don't see any justification for asking the Hunnell Neighborhood to absorb ODOT's mistakes.

I hope ODOT is aware that the taxpaying public is getting very tired of wasteful government spending. I know I feel that way. This project should never have gone this far. East DS1 should not be on the table. The HUNS oppose it and I am with them 100%. Please make sure this letter gets into the Public Record.

Sincerely.

Dianne Page 64270 Hunnell Road Bend, OR 97701

#### 001

We appreciate your expression of opposition to the East DS1 alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Section 3.5 Socioeconomic Analysis of the Final EIS has been revised to clarify that new county roads will be designed to meet county standards.

#### 002

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

001

# P26: Doug and Barb Seaman

August 14, 2011

US 97 Bend North Corridor Project ODOT, Region 4 63055 N. Highway 97 Bend, Oregon 97701

Dear North Corridor Project Team:

Our names are Doug and Barb Scaman. We live at 64885 Hunnell Rd. We are members of the Hunnell United Neighbor (HUNS). Please place this letter into the public record.

We oppose the East DSI Corridor Alternative. As we look at the map on your website, if an interchange is constructed at Hwy. 97 just north of Bowery Lane, traffic (lots of traffic) from Business 3<sup>rd</sup> Street will pour into what ODOT is referring to as the "Hunnell Neighborhood". As ODOT says in Chapter 3 of your Draft Environmental Impact Statement, "the extension of 3<sup>rd</sup> Street through the Hunnell Neighborhood and local street improvements such as the extension of Harris Way and Fort Thompson Lane could alter the rural lifestyle associated with this neighborhood". That is a direct quote from ODOT and we agree completely.

ODOT also says that "these improvements could also increase traffic on roads above current conditions". And, while ODOT claims that "traffic volumes on Hunnell Road during the evening peak period would be less with the East DS1 Alternative than the No Build Alternative, we don't see how this is true. While traffic has been increasing on Hunnell Road over the past years, it can only get worse if people from the Old Bend Redmond Highway, Pohaku and Tumalo Road start to cut through on Hunnell to access 3<sup>rd</sup> Street, so they can visit the Cascade Village Shopping Mall, the Bend River Mall and all the other businesses along 3<sup>rd</sup> Street which will not be accessible after 3<sup>rd</sup> Street is extended into the Hurnell Neighborhood.

We believe that the East DS2 Alternative would better solve the traffic problems as well as the mall access issues. While we recognize that this alternative ALSO routes some traffic through Bowery Lane, it will be far less traffic through the Hunnell Neighborhood than East DS1. We are united with the other HUNS that no traffic should be coming through this area at all, but ODOT doesn't offer us that option.

We moved to this quiet area to find peace from the growing sprawl that has become Bend. We thought we were safe, but it appears that the Hunnell oasis is being threatened once again. I, along with many other HUNS, will continue to strongly oppose plans that directly threaten our life style and homes. But we will work with you in support of a plan that solves the traffic problems where they now exist, to the south of our neighborhood. And we might add that we also favor the No Build Alternative because we don't really see the traffic problems that ODOT states it is trying to solve. It is our opinion that traffic on US 97 is about the same as it was in 2005 now that the recession and gas prices have reduced trips on the highway.

Doug and Barb Seaman

HUNS members

Sincerely

#### 001

We appreciate your expression of opposition to the East DS1 alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

For the Preferred Alternative, improvements to Hunnell Road will only occur at the intersection with Cooley Road where a traffic signal is proposed. As described in Section 3.5.3 of the Final EIS, under the Preferred Alternative, the short section of Hunnell Road between Cooley Road and Loco Road is projected to experience increased traffic volumes in the future, but these volumes are less than under the No Build Alternative.

#### 003

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also See Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 24 – Traffic analysis, Section 1.2 Purpose of the Proposed Action and Section 1.3 Need for the Proposed Action of the Final EIS.

# 004

Please see response to Comment P26 003.

# P27: Sam Blackwell

August 18, 2011

Attention US 97 Bend North Corridor Project 63030 North Hwy 97 Bend, OR 97701

To Whom It May Concern:

I am a longstanding member of the Bend community and a member of Hunnell United Neighbors (IIUNS) and would like to express my dismay at ODOT's proposed northern extension of Business Third Street. I watched as the initial plans and drawings were displayed of the "Bypass" through Bend. It was clear that the northern end was a mess and wouldn't work. It was built as designed, with the north end waiting for another day to try to complete. Since that time, a few changes, but still overall a poorly designed mess by any standard.

The day of reckoning came when Wal-Mart bought land to develop at the north Hwy 97/Cooley intersection. Suddenly, all sorts of attention was being paid to the existing disaster which would only be made worse by the traffic demands of this retail giant. Naturally, everyone involved, City of Bend, County, and ODOT determined that private business should pay for the mess they initiated long ago. Simultaneously, in an unparalleled effort to affirm the community's impression of their incompetence, the Bend City Council determined that they should be developers and embarked upon "Juniper Ridge". With the existing poor design and population growth, the traffic demands of the north entrance to Bend became almost impenetrable. Undeterred, Juniper Ridge charged ahead. Predictably, Juniper Ridge has been an embarrassment and has added minimally to traffic at this point.

So. Here we sit with a preventable traffic mess (as designed) made worse by business and population growth (both good things!) and are left to try pick up the pieces and go forward. We are now with a few choices. The East DS1 choice is silliness. We would be better off with a No Build option than to get into the boundoggle this would create. We have enough trouble with drivers understanding how to function in traffic circles, can you really imagine what would happen in this design? The East DS2 alternative has fewer overall negative impacts and should be considered.

If you do ultimately decide on East DS1, I suggest putting up bleachers and selling tickets to watch the impending doom. Perhaps the money could help pay for the losses incurred at Juniper Ridge.

Sincerely,
Sam Blackwell
20430 Rogers Rd,
Bend, OR 97701

001

Please see Topic 18 – Juniper Ridge and Topic 24 – Traffic analysis.

002

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

00

# P28: Jean Bouche

From: Jean Bouche [mailto:jean39\_b@yahoo.com] Sent: Thursday, August 18, 2011 1:10 AM To: comments@us97solutions.org Subject: U.S. 97 North Corridor

# ODOT,

These are some of my thoughts from your meeting with us in Juniper Mobile Park.

I am not fond of the alternative that causes us to go all the way
down to Cooley Rd. just to go
north on 97. So, I guess I favor the other alternative that most of
my neighbors do. (The one
that costs the most money, I am told.)

I wonder about several different issues that may arise with the implementation of either alternative. One is the 2 lane bridge from our trailer court to the opposite side of the highway. What if there is a fire on or around the bridge, or an accident on it? That would pose a problem for Emergency Services AND our own access in or out of the park. Or, what if there was an issue on the bridge and someone had a breathing problem and needed an ambulance in the park itself? Or, what if there was an issue on the bridge and there was a domestic fight in the park and law enforcement needed immediate access? (The domestic/drunken fights happen on a somewhat regular basis. Or juveniles are threatening their parents or threatening to run away.)

#### 001

The Preferred Alternative will not require those that reside at Juniper Mobile Park to go to Cooley Road to access US 97 northbound. Please also see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

# 002

Thank you for providing the project team with your comment letter. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 - How analysis of impacts north of Cooley Road influenced identification of the Preferred Alternative.

### 003

With the Preferred Alternative, access to the Juniper Mobile Park remains the same as under current conditions. There should be no change to emergency services access to the Juniper Mobile Park with construction of the Preferred Alternative. Please also see Topic 1 - How analysis of impacts north of Cooley Road influenced identification of the Preferred Alternative and Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

# P28: Jean Bouche

Another thought is......who is going to maintain the roads and bridge? Who will plow in the winter? Who will fill potholes and re-pave when needed?

We also have many residents who love alcohol way too much. They never have a "designated driver" and my cause additional problems coming and going on that same bridge.

005

I used to live in Deschutes River Woods when there was but one way in and one way out. Maybe you can understand some of my concerns pertaining to Juniper Park and how we come and go.

Thanks for listening. Hope I haven't said too much.

Jean Bouche #7

#### 004

Some of the local road improvements are no longer part of the Preferred Alternative, including the bridge from the west side of US 97 to the mobile home parks. In general, county roads are maintained by Deschutes County, while State roads (US 97 and US 20) are maintained by State maintenance crews, and City streets are maintained by the City of Bend.

#### 005

With the Preferred Alternative, access to the Juniper Mobile Park remains the same as under current conditions. Please also see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

# P29: Steve Bradford

From: sbradford@gci.net [mailto:sbradford@gci.net]

Sent: Thursday, August 18, 2011 9:56 AM

To: comments@us97solutions.org

Subject: Draft EIS comments US 97 Bend North Corridor Project

Thank you for mailing the DEIS computer disc. I have over 40 years experience with highway projects (FHWA, ODOT, Alaska DOT, and CH2M-Hill), and I am interested is a safe efficient project.

Comments regarding the traffic movement from Empire Ave northbound:

 As shown in both build alternatives, there is no access to US 20 or the north-end shopping area from Empire Ave. This is a major traffic movement and needs to be accommodated. The verbal description of "Common Design Features of the Build Alternatives" should specifically state this - the layperson reading this document would likely miss this important aspect.

2. To solve this problem, I suggest the new Empire NB ramp leading to US 97 northbound be split with US 20 and Robal/Cooley bound vehicles exiting to the right almost immediately upon entering the new ramp. These vehicles would continue up and over the new US 97 NB and SB lanes and connect with the existing Sisters Loop ramp near the existing Loop bridge. From this point on these vehicles will now have access to US 20 Westbound and Robal and Cooley Roads. Since most of this portion of the ramp would be on structure, it is possible that aerial easements could lessen the impact from actual R/W takes along this new ramp.

#### General Comment:

I favor the East DS1 Alternative. This looks more straight forward, provides better local access, opens up some land to access for future development, and looks like it will have lower noise levels and other impacts for the mobile home park residents.

Thank you for this opportunity to comment on this important project. Unfortunately, I will be unable to attend the hearing on 8/24. I would like these comments to be entered in the public record.

Sincerely,

Steve Bradford, PE PO Box 6862 Bend, OR 97708

#### 001

For the Preferred Alternative, a traffic signal will provide the northern connection point between US 97 (state route) and 3rd Street (local route), as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS. A significant benefit of the signal is that it will provide additional connectivity to commercial and retail businesses near Robal Road. With the traffic signal on the north end, the Preferred Alternative will split the traffic volumes between the state highway system (US 97) and the local roadway system (3rd Street) and provide improved connectivity to the local road system.

A US 97 northbound left exit to 3rd and US 20 (north of the Empire Avenue interchange) is part of the Preferred Alternative to provide additional connectivity from the south to 3rd Street and to provide access to the commercial and retail businesses near Robal Road. This is in addition to the Empire Avenue interchange and a US 97 northbound connection to US 20 westbound at the Sisters loop ramp.

The two access points to US 97 provided by the traffic signal on the north end and the left exit on the south end provide access to the businesses in the Robal Road area. The Preferred Alternative does not result in any out of direction travel to Robal Road.

#### 002

Thank you for your suggestion, these connections are included in the Preferred Alternative. Under the Preferred Alternative, vehicles on Empire Avenue will have access to the shopping area by travelling north on 3rd Street. Access to US 20 will be similar to what it is today with a ramp connecting 3rd Street to US 20 westbound. A left turn lane at the new US 97/3rd Street traffic signal connects traffic traveling north on US 97 to 3rd Street and the north-end shopping area; this route also connects to the Sisters loop ramp to access US 20 westbound.

#### 003

We appreciate your expression of preference for the East DS1 alternative. ODOT and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P30: Nancy and Larry Green

August 19, 2011

US 97 Bend North Corridor Project Attention: Amy Pfeiffer 63030 North Hwy. 97 Bend, OR 97701

Dear Ms. Pfeiffer,

We are Nancy and Larry Green residing at 64727 Hunnell Road, Bend, Oregon. We are members of the Hunnell United Neighbors (HUNS) and are writing this letter because we oppose ODOT's proposed northern extension of Business Third Street, which is the centerpiece of your East DS1 (Bulletin Option 1) alternative. East DS1 will have a disproportionate negative impact on our area when compared to East DS2 (or the No Build Option).

The HUNS are united in our opposition to East DS1. It would create an interchange off of Hwy. 97 slightly north of Bowery Lane. Traffic that now travels on Hwy. 97 coming to or from the Cascade Village Shopping Center, Home Depot, Lowes and Target, and all the businesses along Business Third Street between Empire and Butler Market would pass through our neighborhood. East DS2 (Bulletin Option 2) would not have nearly the negative impacts to residential neighborhoods and further, is almost completely within Bend's Urban Growth Boundary (UGB).

The negative impacts include the following:

001

- Destruction of a number of homes
- Stranding of homes not destroyed along the edge of a major business arterial resulting in price/value diminution to those properties
- Financial and family hardship to the residents of the dwellings taken in condemnation
- Substantive declines in property values (as confirmed by many realtors and real property appraisers whom we have spoken)
- Impaired productive use and marketability of properties threatened by this ODOT project creating condemnation blight
- Traffic hazards (as vehicles will travel 45 MPH in a residential area, where speeds are now 20 MPH)
- 002 Shifting of traffic (and traffic congestion) as vehicles are rerouted from Hwy. 97 to Business Third, which will
  - pass directly through a well-established rural residential area Road maintenance responsibilities shift from ODOT to Deschutes County (Third is a county arterial)
  - Urban traffic spillover to low-density rural residential and multiple-use agriculturally zoned neighborhoods

0051 Significantly increased audible traffic noise further impacting price/value diminution of nearby dwellings

0031

0041

These impacts will not only affect Bowery / Harris Way residents, they will impact everyone in this area. Commercial traffic bound for the shopping centers and existing businesses on Third Street will not remain confined to the north extension of Business Third - it will spread to Rogers, Hunnell, etc. In the future, traffic will also come from Juniper Ridge (as East DS1 envisions an overpass over Hwy. 97 that provides road access to two mobile home parks, but which also appears on some Bend City maps as connecting to Juniper Ridge).

Why is ODOT so focused on the minor traffic problems in this area, when there is far greater congestion to the north, where US 97 passes through a highly commercialized area of south Redmond? Juniper Ridge is often cited as one reason; however the industrial land market is oversupplied and further land development is not financially feasible to investors. Should taxpayer's money be used to prop up a Bend City project widely considered a failure?

The HUNS support the East DS2 alternative. It will have far fewer impacts, as it routes traffic south of the Deschutes Memorial Gardens (Veterans Cemetery) as opposed to putting it through a rural residential neighborhood. We also support the No Build Option, as since 2008, we have noticed a dramatic decline in traffic volumes on Hwy. 97. Given 009 | today's difficult economy, should we even be spending \$220 million on this questionable project?

#### 001

We appreciate your expression of opposition to the East DS1 alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all of the impacts in the Hunnell neighborhood that were associated with the East DS1 and East DS2 Alternatives examined in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 002

Under the Preferred Alternative, the extension of 3rd Street will have a 35 mile per hour design, which is appropriate for its function and the area characteristics. Under the Preferred Alternative, 3rd Street will only extend north along Clausen Drive to the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel and will not route traffic through the rural residential area north of Cooley Road.

Please also see the response to comment P30 001.

### 003

Please see Topic 23 – Jurisdiction of roadways.

# 004

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, 3rd Street will be extended along Clausen Drive to connect to US 97 at a new signalized intersection south of Deschutes Memorial Gardens and Chapel and will not extend as far north as was proposed under the East DS1 and East DS2 Alternatives. The only other local road improvement that will be constructed in the rural residential area north of Cooley Road is a roundabout at the intersection of Loco Road and 3rd Street. Traffic is not expected to spread or "spillover" to other local roads in the low-density rural residential Hunnell neighborhood since these new improvements will be located within the Bend urban growth boundary (except for the Britta Street extension west of US 20) and there will be no new northern interchange or bridge over US 97 connecting to the mobile home parks on the east side of US 97 as was proposed under the East DS1 and East DS2 Alternatives.

# P30: Nancy and Larry Green

#### 005

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, noise impacts to the Hunnell neighborhood will be minimal since highway improvements will be contained within the urban area south of Deschutes Memorial Gardens and Chapel, and there will be no highway interchange. Please also see Topic 29 – Noise impacts.

#### 006

Please see response to Comment P30 004. For more information on how impacts to the Hunnell neighborhood have been reduced through the design of the Preferred Alternative, please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 007

Planning work is currently underway for the section of US 97 on the south end of Redmond; however, the greatest area of congestion on US 97 is the section between Empire Avenue and Cooley Road. Please also see Topic 18 – Juniper Ridge.

# 800

We appreciate your expression of preference for the East DS2 Alternative or the No Build Alternative. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying East DS2 Modified as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 009

The purpose and need for the project is described in Sections 1.2 and 1.3 in the Final EIS. Please also see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

# P31: Jack Hayes

8/19/2011 Mr. King, Enclosed is a third option for improving the traffic on II.S. 97 Highway north of Bend. I realize that the ODOT and the Federal Highway administration prefer to re route the highway, and by doing so possibly displace 51 businesser and 19 residences (per the Band Bulliten). This option however would reduce the number of displaced properties considerably, and in my opinion accomplish essentially the same needed traffic improvements for considerably less exit. Thank you for your consideration Juck Hayes 21924 Dec Dr. (541) 617-1525 I am unable to attend the August 24th meeting at the Riverhouse Convention Center, hence I am delivering my suggestion to you. I hope you understand

### 001

Thank you for your suggestion and comments. Your concept includes providing interchanges and ramps on US 97 at Robal Road and Cooley Road. This concept provides for interchanges that are too closely spaced to handle the traffic volumes expected in the future and causes additional safety concerns with tight distances for motorists changing lanes to make exits or enter onto US 97. The expressway spacing standard in an urban environment is 1.9 miles and as shown on your drawing the spacing between Robal Road and Cooley Road is 0.5 miles. The traffic analysis for the project indicates that two north-south routes on the north end of Bend are needed, one for local traffic and one for through traffic. Also, the geometry of the proposed interchanges and ramps has significant property and business impacts.

The Preferred Alternative will eliminate the two signals on US 97 at Robal Road and Cooley Road, as you suggested. Currently, traffic exiting the Cascade Village Shopping Center (at the exit across from Nels Anderson Place) cannot cross the southbound lanes of US 97 to travel northbound on US 97 because there is a raised center median. The Preferred Alternative will also eliminate the potential traffic merge conflict from vehicles traveling northbound on Nels Anderson Place and then turning right onto northbound US 97, which will eliminate the cross traffic at this location as you suggested. Please also see Topic 15 – Separated through and local routes and Section 2.1.2 of the Final EIS that describes the Preferred Alternative in detail.

# P31: Jack Hayes

II 5 lighway 99 Baul with corridor preject Peoblom: Increasing traffic seculting in alow Course and contributing factore: necessing retail and time four my traffic signals. Solutions: Hopene entrance and exits from (supple) the retail and bosiness area and alimente the two traffic signals. Results : 1. bake Highway 97 a true non stop, through highery to Join up with the Perhang. 2. Reduce the possibility of with accordants. 3. Word the express of seconting they 97. 4. Award the ent of relocally burnessee make the retail and business areas sub-Summary: feet to the needs of highway 97 do not make bughing 97 subject to the needs of the retail and busing areas -2-

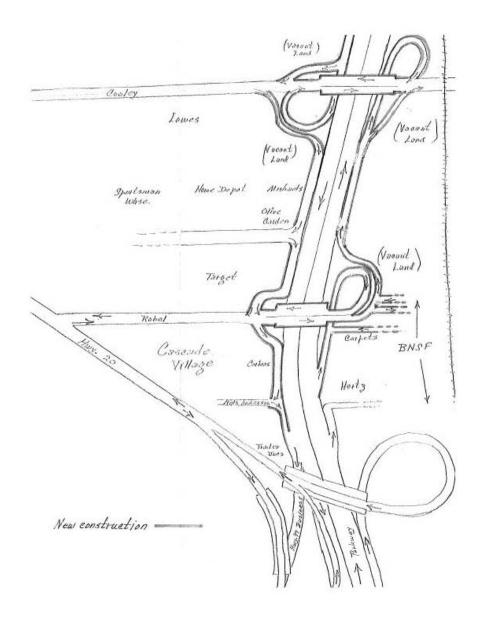
Solutions in more detail :

001 Cont.

- 1. Construct overpasses at Coaley and Robel Roads, together with appropriate on and off ramps.
- 2. Eliminate the northbound cross traffic at hels Andorson Road from Highway 97.
- 3. Elimenate the two four way traffic signals on Dighway 97 at Coaley and Robel Koads
- 4. Construct appropriately long, off and on laner south bound on Nighway 97 from Clauser Dr. (approximately 250 yards north of Conley Rd.) couth to hele Anderson Road (Casende Village) to serve the on and off traffic at Coaley and Robel Roads.

Jack Hayer (541) 619-1825

# P31: Jack Hayes



# P32: John and Karine Herkner

John and Karine Herkner PO Box 5336 Bend, OR 97708

August 19, 2011

Oregon Department of Transportation (ODOT), Region 4 Attention: Amy Pfeiffer, Environmental Project Manager 63055 N. Highway 97, Building K Bend, OR 97701

Dear Ms. Pfeiffer:

We are writing to request that ODOT reject the East DS1 Alternative of the US 97 Bend North Corridor project and rather, make your Preferred Alternative the East DS2 option.

We understand that you are getting dozens of similar requests from our neighbors and the individual land owners in this area. We, like most of our neighbors, are active members of the Hunnell United Neighbors (HUNS). The HUNS are not against progress and they do not oppose ODOT's need to resolve the lingering traffic problems that have for years plagued the North Highway 97 / Cooley Road area. What we do oppose however, is any US 97 Bend North Corridor Solution Alternative that places a road, an interchange, an access ramp or any other type of traffic-bearing construct through the middle of our neighborhood. The only solution that we can support is one that locates this type of construction SOUTH OF THE CEMETERY (the Deschutes Memorial Gardens Mortuary and Crematorium), which East DS2 does.

The East DS-1 Alternative will not only place a busy road through several of our neighbor's houses, and devastate their quality of life. It will also open the floodgates for traffic to pour through the entire area. For instance, I have heard from a neighbor that a group of ODOT engineers scheduled and completed a visit to another neighbor's property (very close to Hunnell Road). The ODOT engineers used a GPS to survey his land and document other terrain attributes. When the neighbor asked the ODOT engineers what was going on, one of them shared a detailed map with him. It was apparently much more detailed than the one shown on ODOT's US 97 Bend North Corridor Solution website. According to this neighbor, the very detailed map showed roads going all over this area—not simply those on the Alternative maps presented on ODOT's website but other access roads, "improvements" to Hunnell Road (where we live), to Rodgers Road, and to the northwest end of Harris Way.

We cannot tolerate routing this type of traffic through our neighborhood. The HUNS have long fought highway reroutes, commercial development, youth ranches and UGB expansion in this area. Instead of becoming worn down, we have grown increasingly energized, particularly as we believe common sense dictates that it does not make sense to put an "urban improvement" such as a commercial arterial into a rural residential / agricultural area.

In summary, we understand that ODOT is as anxious to achieve the benefits of good traffic planning as we are. We have no quarrel with ODOT, per se. It's just that we believe that the traveling public, including commercial freight carriers and those visiting the businesses in the north of Bend, will be better served with the East DS2 option. It also appears to be much less costly, as there is no elevated full diamond interchange involved and there are fewer feet of road surfaces. East DS2 is the best alternative for the taxpaying public and urge you to select it as your Preferred Alternative.

Karine Herkmer

Sincerely,

John and Karine Herkner 64220 Hunnell Road Bend, OR 97701 We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

# 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. The Preferred Alternative will not construct a road, interchange or access ramp in this area. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, the Hunnell Neighborhood area is no longer impacted with roadways or interchanges. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 25 – Cost and benefit-cost analysis.

00

# P33: Bruce and Susan Levin

#### **BRUCE and SUSAN LEVIN**

20620 BOWERY LANE BEND, OR 97701

CELL: 310 + 600 + 8485 Email: bruce@JDG.com

August 20, 2011

Ms. Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, OR 97701

Email: Amy.L.Pfeiffer@odot.state.or.us

Re: US 97 Bend North Corridor Project
Draft Environmental Impact Statement (DEIS) and
Draft Section 4(f) Evaluation

Dear Ms. Pfeiffer:

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My wife and I are writing to provide our initial comments on the US 97 North Corridor Project DEIS and Draft Section 4(f) Evaluation, both of which are of considerable concern to us. The East DSI Alternative ("DSI") would run a major new road through the middle of our property, and possibly our home, at 20620 Bowery Lane, rendering our property unusable and our residence uninhabitable.

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Fortunately, the DEIS identifies another viable alternative, East DS2 Alternative ("DS2"), that would provide much better transportation infrastructure improvements than DS1. Two major advantages of DS2 over DS1 are that DS2 costs less and that it will impact fewer residential properties. We do not believe the DEIS adequately recognizes the importance of these two critical factors.

Future funding for major transportation projects will certainly be very difficult to obtain, so any viable alternative that costs less should be a preference. Additionally, where there are two competing viable alternatives and one involves less need for the exercise of eminent domain against affected residential properties, that alternative should be the clear preferred choice.

It does not appear that the complexities and impacts of DS1 on our land and our neighborhood, and thus the cost of DS1, have been adequately addressed. Our property consists of about 47 acres off of Bowery Lane and Harris Way, and then another 40 acres off of Hunnell Road, for a total of about 87 acres of contiguous property. Our house and property, which we purchased in 1990 and subsequently extensively remodeled, is located on the 47 acres off of Bowery Lane and Harris Way.

Our property has an underground agricultural watering system to water a total of 37 acres, which is part of the 47 acres off of Bowery Lane and Harris Way. Our underground water system consists of one main pond (water reservoir) on the east side of Harris Way and one main underground supply water pipe that loops through our property connected to the main pond. Off of the main water pipe loop, there are more than 100 smaller underground lateral pipes that supply water to about 125 quick-coupling sprinkler connections designed to work with a large sprinkler head, each watering an area about 80 feet in diameter. To water our 37 acres of fields, we typically have several sprinkler heads watering 24 hours a day, five days a week. These sprinkler heads are rotated about every eight hours to different locations, thereby, over time, watering the entire 37 acres of property. With OSI, a road would cut through our property putting the pond on one side of the road and some of our fields to water on the other side, thus creating a very serious situation and the expensive requirement to rework our underground watering system.

The comments provided in this letter are similar to other comments received from Paul Dewey and Bruce Levin. Those comments are included in the record of comments as P96 and P107.

#### 001

Your preference for the East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. With the design of the Preferred Alternative, the property located at 20620 Bowery Lane is no longer affected.

#### 002

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, there will no longer be impacts to the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Please also see Topic 25 – Cost and benefit-cost analysis and Topic 30 – Right of way acquisition.

# 003

Thank you for the information on your agricultural watering system. This comment pertains to impacts in the Hunnell Neighborhood and Rock O' the Range area that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, there will no longer be impacts to the property at 20620 Bowery Lane. Please also see Topic 1 — How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P33: Bruce and Susan Levin

Amy Pfeiffer August 20, 2011 Page 2

Further, in our Bowery Lane neighborhood, there are complex ownership and management issues related to the domestic well-water system. The "Bowery Lane Water Association" includes three tax lots, one for the water well and pump and two for the large concrete community water cisterns and connecting water pipes. The well lot is located on Harris Way and the two cistern lots are located on Bowery Lane about 1/8 mile from each other. These three water system lots are deeded to about 1/4 different people. The proposed DSI road would cut through our domestic water system, putting the well on one side of the road and some of the homes serviced by the well on the other side of the road.

In consideration of the above, the selection of DSI is clearly not the best option. DSI will create complexitles associated with a road cutting through our neighborhood's domestic water system and the watering of our 37 acres of fields. This means that the utilization of the typical land acquisition costs used in the DSI analysis seriously underestimate the actual costs that would be incurred with DSI.

We are in the process of reviewing the complete DEIS and Draft Section 4(f) Evaluation and will be providing more extensive comments in the future. Because of the complexity and size of your DEIS and Evaluation, along with their extensive appendices and technical reports, we would appreciate an extension of the public comment period of at least 30 days, to October 12, 2011.

Thank you for your consideration.

Best regards,

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Bruce Levin

Susan Levin

20620 Bowery Lane Bend, OR 97701

#### 004

Thank you for the information on your domestic water system. This comment pertains to impacts in the Hunnell Neighborhood and Rock O' the Range area that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, there will no longer be impacts to the property at 20620 Bowery Lane. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 005

Please see Topic 2 – Request for extension of the Draft EIS comment period.

# P34: John Rhetts, PhD and Tammy Bull, MD

From: jerhetts@gmail.com [mailto:jerhetts@gmail.com] On Behalf Of john rhetts

Sent: Saturday, August 20, 2011 6:21 PM

To: PFEIFFER Amy L; HOLLOWAY Rex A; Toby Bayard

Subject: US 97 Bend North Corridor project

August 20, 2011

Attention: Amy Pfeiffer Environmental Project Manager US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend. OR 97701

Dear Ms. Pfeiffer.

Our names are John E. Rhetts, Ph.D., and Tammy A. Bull, M.D.; we are residents of Hunnel Hills, Deschutes County, Oregon

We own our residence at 63945 W Quail Haven Dr, Bend, OR 97701, and have lived on W. Quail Haven Dr for the last 12 years. Ours is a coherent, tight-knit neighborhood of persons ranging in age from 30s-with-children to mid-80s. Ours is one of the oldest platted communities in Deschutes County.

We are writing this in opposition to ODOT's proposed East DS1 Alternative of your US 97 Bend North Corridor project. It will have a disproportionate negative impact on the Hunnell Hills community, when compared to East DS2 (or the No Build Option).

We strongly favor the DS2 Alternative routing plan.

We strenuously object to the DS1 Alternative routing.

Why? Because DS2 is a simpler and less disruptive alternative that preserves several settled

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The ODOT language that describes the DS2 Alternative as not going to significantly increase local traffic and that it would not disrupt or eliminate the current pattern of mixed-use agricultural land is erroneous and frankly misleading. Multiple experiences, here and in other urban areas, show clearly that as new, increased traffic paths are created by changed routing and congestion points, the

neighborhoods, handles local traffic better, and creates the high-volume artery that is needed for Rt

Given the viability of the DS2 Alternative, it is unnecessary and extremely ill-considered to implement the DS1 Alternative, which would very negatively impact several stable, valuable and long-settled neighborhoods. DS2 better solves the traffic problems that we all agree exist.

character of previously existing neighborhoods are significantly and irrevocably altered.

Sincerely yours,

John Rhetts PhD Tammy Bull MD

#### 001

Your preference for the East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative substantially minimizes impacts to the Hunnell Neighborhood area. In addition, the Preferred Alternative will not impact Quail Haven Drive. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P35: Maureen Schlerf

August 20, 2011

Ms. Amy Pfeiffer
Environmental Project Manager
Oregon Department of Transportation, Region 4
63055 N. Highway 97
Bend, OR 97701

Dear Ms. Pfeiffer:

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I write in strong opposition of ODOT's Alternative East DS1 as described in ODOT's July 2011 Draft EIS for the US 97 Bend North Corridor Project. I have friends that live in the rural, mixed use agriculture Hunnell Neighborhood. It is insane the volumes and type of traffic that ODOT wants to introduce into that area. DON'T DO IT!

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I live in the SOUTH of Bend. Many US 97 problems exist here, too. I notice on page 1-15 of ODOT's Draft Environmental Impact statement that <a href="https://example.com/the-us-42">https://example.com/the-us-42</a> million in ODOT's Region 4 budget through the year 2030. If ODOT pursues the US 97 Bend North Corridor project, all Region 4 dollars will go to it. ODOT also states that with "a project of this importance" it is "not unreasonable" that it would receive more than \$250 million in funding. To me, this is <a href="totally unreasonable">totally unreasonable</a>. I emphatically DO NOT want my tax dollars going to this project.

Is this really about Juniper Ridge? After reading key parts of the Draft EIS, it sounds like it. The city of Bend does need to breathe life into its dead Ridge-to-Nowhere project. But why should taxpayers foot the bill? Facebook went to Prineville, and didn't even consider Juniper Ridge. Two big-name tech companies are expected to follow them now that Prineville found water, provided the recession doesn't stop those new projects.

There's a message here. Don't waste money saving Juniper Ridge. We are in a recession. We don't need a mixed use community on the north edge of Bend modeled after a trendy east coast project. The east coast has hideous urban sprawl and many issues related to lost farm land. We don't want that in Bend. We need to preserve agricultural land and open space.

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I oppose both build alternatives of ODOT's project. If I had to choose, I'd pick East DS2 because it does a better job of preventing urban sprawl and protects agricultural land. But I don't want to have to choose. I want ODOT to stop acting like a bloated government agency populated by too many traffic engineers and start living in the real world. Don't build!!!

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ODOT, please invest our taxpayer dollars in long-term solutions!! If you fund East DS1, it means that US 97 on the south of Bend will continue to fail. I don't want my family to pay the price of unsafe roads or a national debt that continues to grow and grow.

Sincerely,

Maureen Schlerf 60633 Newcastle Bend, OR 97702

#### 001

We acknowledge your expression of opposition for the East DS1 Alternative. This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, the impacts to the Hunnell Neighborhood area are substantially reduced. The traffic analysis for the project shows that the traffic volumes in the Hunnell Neighborhood area will not change with the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

Please see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

#### 003

The purpose for the project is described in Section 1.2 and the need for this project is described in Section 1.3 of the Final EIS. Please also see Topic 18 – JuniperRidge.

#### 004

We acknowledge your opposition to the East DS1 and East DS2 Alternatives. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative contains all improvements within the current urban growth boundary, except for the extension of Britta Street to intersect with US 20 and Robal Road and the roundabout at Cooley Road and O.B. Riley. In addition the Preferred Alternative limits impacts to agricultural land and open space. The Preferred Alternative will not impact land zoned Exclusive Farm Use or Open Space and Conservation. The Preferred Alternative will acquire a total of less than one acre of land zoned Multiple Use Agriculture. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 005

Thank you for your comment. ODOT is committed to improving the safety and congestion on the US 97 corridor throughout Bend.

# P36: Elouise Mattox

From: mtnview210@bendbroadband.com [mailto:mtnview210@bendbroadband.com]

Sent: Sunday, August 21, 2011 4:07 PM

To: comments@us97solutions.org

Subject: Comment for Public Review 8/24/2011

To: US97 Solutions Project Staff

As residents and property owners on Mountain View Drive, we have been interested in the US97 Bend North Corridor Solutions since the beginning of discussions as the end result will impact our daily movement in and around this part of Bend. And since the beginning and throughout the public meetings we have attended we have maintained a solid support for some plan like the East DS2 Alternative.

On This plan keeps traffic moving along areas that are already impacted by noise and movement and would not divert that traffic to an area characterized by quiet rural living. With the current economic downturn, I believe there is now an argument for a "do nothing" approach. The Solution discussions began when Bend was growing and developing rapidly and Juniper Ridge was expected to become a vibrant suburb of Bend. Such development and talk is curtailed at this point. In time growth and development will take place in Bend and planning for it is wise, however, I believe the urgency is gone.

I want to bring up another concern. As north Bend develops, ODOT is surly thinking about ways to link Highways 97 and 20. ODOT staffers have indicated that a link using Harris Way and Rogers Road is not in the plan, but documentation has been found indicating that such a link would be possible with little impact to the area because it would be an indirect route. Let me tell you that living on Mountain View Drive has demonstrated that people will use indirect routes if it get them where they want to go. When we moved to this property in 1973 only a few locals used Mountain View Drive. Now there is brisk traffic use by people preferring it to Old Redmond Bend and Rogers Road that is a more direct route to their destination along Quail Haven and Hunnell Roads. I think it is disingenuous of ODOT to think that a Rogers Road, Harris Way link is not in your thinking and that it would be little used. Developing the East DS2 Alternative would discourage that link through again a quiet rural neighborhood more than the DS1 Alternative.

From my point of view there are many reasons to support East DS2 basically centering around keeping activity concentrated instead of spreading it out much like urban sprawl. And from my point of view there are almost no good reasons to consider DS1, a plan that would destroy much of the rural character of north Bend. And, again, I will suggest that given the current economy, a "No Build Alternative" is certainly worth a consideration.

Thank you for your attention to my input.

Elouise Mattox 20210 Mountain View Drive Bend OR 97701

#### 001

Thank you for your expression of preference for the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

#### 002

We agree that in time growth and development will take place in Bend and planning for it is wise. The projected future land use growth and traffic volumes for Bend and this portion of US 97 are based on a 20 year projection, so it is still possible to meet the long-term projections and have short-term periods of stagnant or declining growth and traffic volumes. Planning for the long-term growth and development of Central Oregon is vital to help with the economic recovery and future development of this region. Please also see Topic 18 – Juniper Ridge.

#### 003

Thank you for your expression of preference for the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative will not include improvements to existing county roads (such as Harris Way and Rogers Road) or new roads in the Hunnell Neighborhood area that could result in changes in traffic using these roads to access US 20 from US 97, or vice versa. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

With the Preferred Alternative the official signed route to connect eastbound US 20 to northbound US 97 will continue to be east on Robal Road and then north on 3rd Street to US 97. While there is no way to force traffic to use that route in lieu of other routes, the traffic analysis done for the project demonstrates that there is very little demand for traffic to purely travel between southbound US 97 and westbound US 20 (and vice versa) in the transportation area of potential impacts, as shown in Exhibit 3-1 FEIS in the Final FIS.

#### 004

Your preference for the East DS2 Alternative has been noted, as well as your opposition to the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative substantially minimizes impacts to the Hunnell Neighborhood area. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P37: Brad Cox

August 22, 2011

Oregon Department of Transportation Attention US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend, OR 97701

#### I STRONGLY OPPOSE ODOT'S US 97 BEND NORTH CORRIDOR EAST DS1 OPTION

To whom it may concern,

My name is Brad Cox. I own property at 20580 Bowery Lane, immediately west of my good friends, Bruce and Susan Levin. You are probably familiar with it because you have been trying to destroy it and surrounding properties for years. The purpose of this letter is to inform you of how strongly opposed I am to the above mentioned realignment option. I am only slightly less opposed to option 2.

As I have watched this realignment project unfold, and I have had a front row seat, I am perplexed at how determined you seem to be to disrupt the lifestyle of the property owners in the Rock O' the Range HOA and our surrounding neighbors. Not to mention the wildlife that calls this area home. The East DS1 Option is without a doubt the most disruptive alternative, as well as the most expensive. Not only does East DS1 dissect several occupied properties, the increase in traffic through our area, (Currently about 30 cars a day.), would totally destroy the quality of life that brought us to this area in the first place.

ODOT's design flaws on the original parkway project created the problems DS1 & DS2 are supposed to fix. Is there really no other way than to put such a road right through the middle of such a pristine area? I invite any one of you to join my dogs and me as we start our day at about 6:00 AM by moving the sprinklers in the fields of the Levin's. We might catch a coyote scrambling back to its den for the day or an owl making one last pass over the field before calling it a night. The sunrise here is beautiful. Call me greedy but I don't really want to share my mornings with commuter traffic. The environmental ramifications created by this type of development would be immeasurable. The areas of and beyond the proposed changes are home to a very diverse selection of wildlife. Ducks and Geese have long chosen this area to rear their young. The Great Blue Herons along with Osprey fish our ponds. Owls and Redtail Hawks hunt our fields. Closer to the ground we enjoy dozens of deer, as this is prime fawning grounds, not to mention the rabbits, squirrels, raccoons, porcupines, coyotes and even badgers that roam our properties while we sleep. Many of these animals are here because their habitat has already been significantly reduced. Your proposed roadway will only increase the mortality numbers of our wildlife.

The US 97 reroute project has already been on the drawing board for a ridiculous length of time. It is intended to resolve traffic congestion "problems" that are far less serious than those just up the road in South Redmond. Why should my neighbors and I have to absorb the burden of your mistakes? Should we have to sacrifice our neighborhood to help the City of Bend attempt to revive their pipe dream Juniper Ridge, and its failed development? I think the No Build Option is the most logical option at this point in time. If you feel that you must do something, given the current state of the economy and budget shortfalls in all levels of government, I would like to suggest the DS2 Option. It will impact fewer people, less property and save the state and federal government millions of dollars.

Sincerely,

**Brad Cox** 

Thank you for your expression of opposition to the East DS1 Alternative.

# 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative the Rock O' the Range area is no longer impacted with roadways or interchanges. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 002

Potential impacts to wildlife and habitat are disclosed in Section 3.13 Non-Threatened or Endangered Species of the Final EIS. The Final EIS lists example species found in the API and does not represent an exhaustive list of the species present. There are no threatened or endangered species within the project area. Please also see the response to P37-001. The impacts of concern in your comment are not expected with the Preferred Alternative.

#### 003

Thank you for your expression of preference for the No Build Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

ODOT recognizes that there are similar capacity and safety issues on US 97 in Redmond between Veteran's Way and Odem Medo Road. ODOT and the City of Redmond are engaged in a refinement planning process to study alternatives to the congestion and safety issues on that portion of US 97.

Please also see Topic 18 – Juniper Ridge.

#### 004

Thank you for your expression of preference for the East DS2 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 25 – Cost and benefit-cost analysis.

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# P38: Theresa Howard

# DRAFT EIS COMMENT FORM



www.us97solutions.org

Submitting Comments – ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative.

For example, comments should:

Comments:

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- Describe the specific elements that you like or do not like about the alternatives
- Suggest ways an alternative could be improved
- Explain why you agree or disagree with the information in the Draft EIS
- Describe information that should be added to the Draft EIS.

Please mail your completed comment form to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than <u>September 12, 2011</u>, which is the end of the public comment period on the Draft EIS. You may also return this comment form during the public hearing on August 24th (5:30 – 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). Thank you!

case provide your contact information below:	
ame: Theisa Hunard	
ddress: JUNI RANDALLE MAR PACK LIZE	Phone (optional):

#### 001

The Preferred Alternative includes a multi-use path that will connect the mobile home parks to the US 97 and 3rd Street signalized intersection. At the intersection of US 97 and 3rd Street crosswalks will be provided that will connect to sidewalks and bicycle lanes on 3rd Street as shown in Exhibit 2-3 FEIS (Inset Map 7).

Email (optional);

# P39: Carol Johnson

Dear ODOT,

Aug 22,2011

My name is Carol Johnson. I have lived at 64115 Harris Way for nearly 20 years and am tired of, and angry at, ODOT's ongoing attempts to take the land in this area for an unnecessary highway project. It is nothing more than a \$220 million land grab!

ODOT's US 97 Bend North Corridor Project East DS1 Alternative will destroy my community and the value of my property, particularly because ODOT says the zoning here will not be changed. I and my neighbors will be stuck living right next to an elevated interchange that routes large volumes of traffic on to and off of Highway 97 and to and from 3rd street, which is a busy commercial road that is plugged with traffic. It is madness, as well as a huge waste of tax dollars, to extend the road into this neighborhood.

I have animals and grandchildren here and we enjoy the peace, quiet and safety of the rural life. It has taken years of hard work to make it the place we love. Not more than 5 cars pass by my house in the busiest hour of the day, most days not even that many. With the East DS1 Alternative of this senseless project, our lives will dramatically change. We will have to deal with traffic noise, pollution, cars and heavy trucks exiting and entering the roadway almost overhead. The safe, quiet life that I and my neighbors have built will be gone. I will have to live out the rest of my years amidst blaring horns and exhaust because ODOT will be shifting the "congestion problems" from it's highway to my neighborhood. Some families will be forced to leave homes they love while others of us will have to stay and endure the destruction of this lovely area. I am disgusted with the greed and lack of concern for citizens, that ODOT shows in it's relentless pursuit of this land for unnecessary purposes, at a time when government ought to be conserving and not wasting!!

ODOT's senseless and wasteful make-work project will be mostly paid for with federal taxpayer's dollars. There is no excuse for it. This is not a time for ODOT to waste money when people are struggling to survive. Our national credit rating has just been downgraded because government does not know how to say no to unnecessary makework projects such as this one.

Words cannot express my outrage and frustration with ODOT's US 97 Bend North Corridor Project, in particular the East DS1 Alternative. This ongoing pursuit begins to look more absurd as the traffic on US 97 seems to be declining. We are in a recession. Gas prices are high and people aren't driving as much but ODOT doesn't seem to notice! I believe traffic studies will show that this project is not needed, now or in the future. Juniper Ridge is not going anywhere. It is time to stop this insane and very unnecessary spending.

Please put my letter into the public record and count me among my neighbors as saying NO to this waste of public money.

Sincerely,

Carol Johnson

#### 001

Thank you for your expression of opposition to the East DS1 Alternative. This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will be no impacts to Harris Way. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

The purpose and need for the project are outlined in Section 1.2 and Section 1.3 of the Final EIS. Please also see Topic 25 – Cost and benefit-cost analysis.

#### 003

Thank you for your expression of opposition to the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The purpose and need for the project are outlined in Section 1.2 and Section 1.3 of the Final EIS. Please also see Topic 24 – Traffic analysis.

#### 004

Please see Topic 18 – Juniper Ridge, Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

# P40: Gary Knight

August 22, 2011

forble Heman

ODOT

RE: North Hwy. 97 reroute

To Whom It May Concern:

I Gary Knight am the owner of the following properties. 63820, 63840, 63860, 63880 N. Hwy 97 Bend. Oreg. This triangular piece sits between Highway 97 on the West and the railroad tracks on the East side. I have owned these properties for approximately 30 years and have operated my business, Knight Mechanical, Inc. from said properties. ODOT condemned property approximately 20 years ago along Highway 97 and widened the highway to four lanes. My plans for the property have been to develop the property into the most feasible usage as highway commercial property through either the City or the County. This has been a part of my retirement plan.

In the latest UGB from Bend, the city has entirely encompassed my property without acquiring it. The reasons given for this is that the State (ODOT) plans to acquire my properties and the City cannot easily service them with utilities. ODOT is now down to 2 alternatives East DS-1 and East DS-2. As I understand it from talking with John at ODOT, either plan would isolate my property by eliminating all accesses and thereby rendering my property useless for both it's current uses and future plans I have. Three years ago Swalley Irrigation began the process of piping the canal and during that process I spent approximately \$240,000 plus on relocating the canal to the backside of my property along the tracks. This was done to eliminate the Swalley canal easement from wandering through the middle of my property. This also made the easement smaller and gave me more uscable property. During that same time, Avion installed a water main through my property and the rights to water usage for my project in the future. At the same time, I had my property further leveled by blasting and excavation to prepare for future development. Shortly after all this occurred, ODOT decided to go with plans that affected this property with East DS-2 bringing an overpass onto my property with the road continuing through my office, through my shop and equipment yard and eliminating one of my rental properties that was formerly on the canal. While East DS-1 does not bring the highway onto my property, it eliminates all access. The east side of my property is hemmed in by the railroad tracks and the North side is bound in by two mobile home parks.

To compound the matter, the apparent condemnation of my property is going to occur right at the lowest dollar value from the last 20 years that I have owned it. I do not plan to stand idly by while ODOT takes my property like I did the first time when they paid

### 001

With the Preferred Alternative, the existing access points on the parcel are too close to the intersection of 3rd Street and US 97. Therefore, two of the access points will be closed when the Preferred Alternative is constructed. Exhibit 2-3 FEIS (Inset Map 7) shows one access point will remain on the far north end of the parcel. If during the project's final design phase it is determined that access to the parcel cannot be maintained, the property will be acquired through the State's right of way acquisition process as described in Appendix B of the Final EIS. Please also see Topic 30 – Right of way acquisition. For additional information regarding right of way acquisitions, please contact ODOT Region 4's right of way manager at (541) 388-6197.

#### 002

Property acquisition and relocation processes are described in Appendix B of the Final EIS. Please also see Topic 30 – Right of way acquisition. For additional information regarding right of way acquisitions, please contact ODOT Region 4's right of way manager at (541) 388-6197.

001

# P40: Gary Knight

me a token sum. I do expect to be compensated for relocating the canal as this also benefits the Highway Department's plan. Compensated for acquiring new commercial property from which I can operate my business as well as a fair value for the land itself as it is ready for development and was to be a part of my retirement.

> I realize that progress must go on and the purpose of this letter is to go on record as having had input in the process that is currently happening. I have attended several of the planning sessions and plan to do so on Wednesday the 24th.

Thank You for your consideration of this matter,

Gary Knight PO Box 6147 Bend, Oreg. 97708

# P41: Frank McKim and Nancy McKim

August 22, 2011

Attention US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend, OR 97701

To Whom It May Concern:

We, Frank and Nancy McKim, live at 20475 Rogers Road, the southwest corner of the intersection of Rogers and Hunnell roads. We have lived in the Hunnell Hills subdivision for 41 years. There have been a lot of changes during that time, some of which have not improved the area north of town. We joined the Hunnell United Neighbors to try to have a greater voice in the developments that are impacting the neighborhood. Please place our comments in the Public Record associated with the US97 Bend North Corridor Project.

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We prefer the East DS2 Alternative. However we would also recommend some changes in it for the following reasons. Since Hunnell Rd., Harris Way and Bowery Ln. will have to be improved in order to for either of the two build alternatives to function well, traffic will increase dramatically in these areas. Once drivers on the Old Bend, Redmond highway learn that there is an alternative route to businesses in the north end of Bend many of them will start using Rogers Rd and Hunnell since it will be much easier and safer for them than trying to get onto Hwy 20 for access to the south.

As taxpayers we object to what appears to be inappropriate use of tax revenue. In the Final Socioeconomic and Environmental Justice Technical Report it is stated that "to access northbound US 97, mobile home park residents would need to travel across US 97 via a new bridge and south on Bowery lane and Hunnell Road, turn on to 3" Street and then access US 97 at the new north interchange". A less expensive option would be to eliminate the unneeded Bowery Lane overpass and extend the proposed road between the mobile home parks south far enough that it can join 3" Street on the east side of 97 at a stoplight. Drivers could then enter the planned access to 97 northbound or enter a southbound lane that would take them over the 3" Street overpass to access 97 southbound.

Frank McKim Nancy McKim Frank McKim Nancy McKim

#### 001

We acknowledge your expression of preference for the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, the Hunnell Neighborhood area is no longer impacted with new roadways or interchanges or improvements to existing roads. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

For the Preferred Alternative Hunnell Road improvements will only occur at the intersection with Cooley Road for the installation of a traffic signal, as shown in Exhibit 2-3 FEIS (Inset Map 6). As shown in Exhibit 3-52 FEIS in the Final EIS, the traffic analysis for the project shows that for the 2036 design year traffic volumes on Hunnell Road will be lower under the Preferred Alternative as compared with the No Build Alternative.

#### 002

The Preferred Alternative will not change the current access from the mobile home parks to US 97. Please also see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

P42: Linda K. Miller

# DRAFT EIS COMMENT FORM



www.us97solutions.org

Submitting Comments – ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative.

For example, comments should:

Comments:

- · Describe the specific elements that you like or do not like about the alternatives
- Suggest ways an alternative could be improved
- Explain why you agree or disagree with the information in the Draft EIS
- Describe information that should be added to the Draft EIS.

Please mail your completed comment form to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than September 12, 2011, which is the end of the public comment period on the Draft EIS. You may also return this comment form during the public hearing on August 24th (5:30 – 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). Thank you!

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#### 001

We acknowledge your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. Emergency vehicle access to the project area with the Preferred Alternative is described in Section 3.5.3 of the Final EIS.

# P43: Richard H. Ettinger, M.D.

Richard H. Ettinger, M. D. 63840 Quail Haven Drive E. Bend, Oregon 97701

ODOT,

We are residents of Hunnel Hills for forty years. I have practiced Internal Medicine in Bend for forty-five years and was one of the early members of the Bend Memorial Clinic

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My wife and I strongly oppose the ODOT plan Option I because of the disruptive effects on our neighborhood and way of life. Instead we favor "No Build" or Option 2 because they are less disruptive and less expensive.,

Your consideration of our concerns is appreciated.

Sincerely,

Richard H. Ettinger, M. D.

# 001

Thank you for your expression of preference for the No Build Alternative or the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

# P44: George Akel

MR. GEORGE AKEL: Good evening. My name is George Akel. I'm with the Newman Development Group. It's nice to see all of you. I appreciate the opportunity to provide you with some of our comments.

Just for the record and as an introduction, we are the owner of a shopping center in Bend at the intersection of Cooley Road and Highway 97. We have been the property owner since 2003. And as part of a little bit of history -- I know I don't have a lot of time -- there is some history going into that entitlement process, approval process, construction development process. We worked with the city on conditions of approval for a master site plan as well as a memorandum of agreement that we entered into between ourselves, the anchor tenant of our shopping center, Lowe's, and ODOT.

I've reviewed the DEIS. There are a few things that I'd like to bring up in the record and, again, I have a detailed letter here that really speaks to these. However, at this point in time I just would like to say that none of alternatives are consistent with the memorandum of agreement that we have. And the other alternatives, east 1, DS1 and DS2, both eliminate key access points to

Mr. Akel's testimony references additional written comments that were submitted. These comments include those submitted by Liz Fancher, attorney to the Newman Development Group, which can be found under comment letters P55 and P111. In addition, Seth King submitted comments on behalf of Lowe's, which can be found under comment letters P57, P114 and P123.

## 001

The Preferred Alternative is consistent with the Memorandum of Agreement (MOA) and the City approved development site plan. The MOA is a three-party development agreement between two private companies and the Oregon Department of Transportation (ODOT) that stemmed from the City's approval of a 23 acre development proposal adjacent to US 97. Under the MOA, ODOT agreed to issue a right-in/right-out approach road permit to existing US 97 (please see Topic 9, Driveway D, for the location of this approach). ODOT fulfilled this obligation. The MOA further states that ODOT agreed to use its best efforts to leave this right-in/right-out driveway open as long as possible. This driveway remains open with the Preferred Alternative; however, there may be temporary closures during construction activities. This is consistent with the MOA. ODOT also agreed to purchase property from the developer at fair market value, and the property was purchased. ODOT also granted the developer a right of first refusal should the purchased parcel ever be deemed surplus. The property is not currently identified as surplus.

## 002

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's), Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, and Topic 23 – Jurisdiction of roadways.

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part of this process.

# P44: George Akel

I believe it's anticipated if one of those alternatives is chosen that the current Highway 97 002 Cont. will alternately go to the city's jurisdiction, we would then ask that those intersections and that access way to that street will not be removed as

our shopping center. And especially given the fact

And, finally, the other only comment I wanted to raise is one of phasing. I know in the DEIS it's contemplated that phasing will occur. However, the document at this point in time fails 003 to assess the impacts of phasing on both the project in terms of its long-term impacts and whether or not there's a likelihood that the ultimate phase and all the phases will actually be built. So that's a big certain of ours.

Again, I have a letter here I'd like to submit. Thank you very much.

## 003

Please see Topic 17 – Phasing.

# P45: Dina Barker

MS. DINA BARKER: Good evening. My name is Dina Barker, and I live on Bowery Lane, 20250.

So, again, talking about the same thing, I would like to have the request for additional time for public comment as part of my record. I do think that it's important after being here tonight and seeing, you know, the different plans -- it's different when you're getting something in the mail, a little brochure, it all looks so different, but now that you're here, you see and have time to interact and we do realize there is a lot more that we as the Hunnell neighborhood need to really kind of discuss and take a look at.

At this point, as far as I'm concerned, actually neither plan really address our concerns at all. Again, going back to the same thing, agricultural lands, you know, as Crystal was talking about, the little chickens chirping and the cows, that's my property; we're right next door to her. And those things really -- we moved to that area for the peace and quiet and for where it was. And it's just a matter of -- you know, our ability to enjoy our home is definitely going to be impacted no matter which of the plans go into place. But I think that there's really not a lot

#### 001

Please see Topic 2 – Request for extension of the Draft EIS comment period.

## 002

This comment pertains to impacts in the Hunnell Neighborhood area that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative impacts to the Hunnell Neighborhood area are substantially minimized. The Preferred Alternative limits impacts to agricultural land. The Preferred Alternative will not impact land zoned Exclusive Farm Use and will acquire less than one acre of land zoned Multiple Use Agriculture. Please see Section 3.2.3 and Section 4.1.3 of the Final EIS for more information regarding impacts to land use, including agricultural land. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P45: Dina Barker

002 Cont.

of consideration for the use of the agricultural lands that's there. We raise cattle, we have chickens, we actually raise plants. We donate a lot of money to local charities in lieu of using our property for that purpose. So there is a lot of, you know, benefit for having those large parcels of property and not taking people's property in this process.

I also want to really feel like this solution is a long-term solution. At this point I'm not really convinced that this is a long-term solution. Going back and looking at the mistakes made in the Parkway, I just feel like there is more conversation that needs to happen. And looking again at both plans, I don't think that this has really been thought through in the sense of how the east/west north/south and everything is tied in and the ultimate traffic patterns that are going to be needed in 20 to 50 years from now are going to be met through this process. And that's my biggest concern.

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I do think that there's some existing roadways that are not being looked at such as Hunnell Road. It's a north/south access that -- there could be more discussion on how that could actually come

### 003

The Preferred Alternative was modeled using a 20-year traffic projection based on the Bend Metropolitan Organization's Travel Demand Model and is intended to be a long-term solution to the US 97 corridor in the north end of Bend. Please also see Topic 24 – Traffic analysis.

## 004

The purpose and need for this project is described in Section 1.2 and 1.3 of the Final EIS. Improvements to Hunnell Road are beyond the scope of this project. Hunnell Road is part of the Deschutes County road network and is maintained by Deschutes County.

# P45: Dina Barker

004 Cont. into play.

But, again, it's just -- I don't think we're at the point when we're ready to make a decision on either of those plans. And so I don't support No Build. I don't think that is -- I think it's a very shortsighted way to approach this process, but I do think that there is a better way to go about this and I don't think we have hit it yet. Thank you.

# P46: Michel Bayard

MR. MICHEL BAYARD: My name is Michel Bayard. I live on Bowery Lane. And I'm the president of Hunnell United Neighbors. Some of you may know we're called the HUNS. It's a neighborhood action group with 163 active members, all of whom live in an area bounded on the east by US 97, the west by Old Bend-Redmond Highway, the south by Deschutes Memorial Gardens, and the north by Pohaku Road.

HUNS members have long standing with this project and oppose East DS1 for the following reasons: East DS1 bisects a rural neighborhood by placing a full diamond interchange on US 97 north of Suzanne Lane. The northern interchange will sweep local traffic off US 97 and into our area. The traffic will not be confined to the 3rd Street 002 arterial. It can and will disperse through our rural area, particularly as improvements, so-called improvements, made to Harris and potentially to Bowery Lane and Hunnell will make it easy to do so.

Ours is a rural residential area with irrigation and prime soils in some areas and agricultural zoning throughout. The East DS1 alternative is inconsistent with NEPA rules that protect farmland and which consider the environment in a holistic sense that goes beyond the common

#### 001

Thank you for your expression of opposition to the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative impacts to the Hunnell Neighborhood are substantially minimized. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 002

We acknowledge your opposition to the East DS1 and Alternative. Please see response to P46 001.

## 003

Please see response to P046 001. The Final EIS addresses regulations that protect farmland. See discussions in Section 3.2.2 in the Final EIS about prime farmland and existing land uses. Appendix A of the Final EIS includes a revised Farmland Conversion Form that reflects the Preferred Alternative.

# P46: Michel Bayard

003 Cont.

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definition of the environment.

East DS1 seeks to urbanize our area without changing our MUA zoning. This is both a wasteful use of land and a serious factor with respect to Oregon Goal 11 and Goal 14 statewide land use planning laws, a problem that East DS2 alternative also has, but to a much lesser extent.

East DS1 will change our community's cohesiveness and its rural character. ODOT's Chapter 3, Affected Environment, Environmental Consequences and Mitigation, and Chapter 4, Cumulative Impacts, make light of these impacts and fail to address them with meaningful measures or other strategies. In Chapter 3, page 98, it is stated that East DS1 would enhance community cohesion by providing more opportunities for people to be outdoors and interact with other community members. This is a slap in the face of our neighborhood.

The significant impacts on the quality of life and environment are routing large traffic to our neighborhood; quality of life impacts that accompany the noise, air, visual, and light pollution associated with East DS1; the introduction of noxious weeds in a rural area that

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Please see response to P046-001. Please also see Topic 5 – Statewide goal exceptions.

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Please see response to P046-001. This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative impacts to the Hunnell Neighborhood are substantially minimized. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

A sidebar has been added to Section 3.5 Socioeconomic Analysis of the Final EIS, which is referenced as Chapter 3, page 98 in your comment, to reference the mitigation measures found in the visual resources, air quality, noise, and invasive species sections of the Final EIS.

The Preferred Alternative will provide new bicycle and pedestrian facilities throughout the project area that will increase the safety of these modes. Please see Topic 12 – Bicycle and pedestrian facilities.

# P46: Michel Bayard

oos Cont. has consistently controlled such exotics; and pedestrian and bicycle safety impacts as well.

Finally, because of size of the document and all the appendices that we have to read, I request that we have 15 more days to review the documents. Thank you.

# 006

Please see Topic 2 – Request for extension of the Draft EIS comment period.

# P47: Toby Bayard

MS. TOBY BAYARD: For the record, Toby Bayard, Hunnell United Neighbors.

I agree with Paul Dewey and Michel in their request to give the public the maximum allowable time under the FHWA rules to give public comments, so I believe it's 60 days maximum, and that is what I ask that you give us, so that would make the deadline of September 27, I believe.

I also live in the Bowery Lane area. I am very concerned as well about urbanization. One of the things that worries me is, while it's perfectly understandable that you -- ODOT has stated in their Draft EIS that you're not going to change the zoning, that then would result almost in a taking because what you would do is run an urban improvement, a road -- and there are, I believe, some -- there's some discrepancies that I found in the Draft EIS about the number of lanes on that road. But, at any rate, you'll be urbanizing a rural area, but there will be no compensatory land use changes for the people that live there. So, for instance -- and you're not even going to be doing complete residential condemnations and relocating tenants, but, rather, it says in the Draft EIS you'll be taking strips of land.

Ms. Bayard submitted additional written comments during the Draft EIS comment period. Those comments are included in the record of comments as comment letters P139, P140, P154, P156, P160, P162, P182, P183 and P185 through P190.

### 001

Please see Topic 2 – Request for extension of the Draft EIS comment period.

### 002

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative contains all improvements within the current urban growth boundary, except for the extension of Britta Street to intersect with US 20 and Robal Road and the roundabout at Cooley Road and O.B. Riley. With the design of the Preferred Alternative, there will be no impacts to Bowery Lane. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 5 – Statewide goal exceptions and Topic 30 – Right of way acquisition.

# P47: Toby Bayard

So several of my neighbors are here. And they will then be — the rural character of our neighborhood will change dramatically because suddenly we'll have an arterial running through the middle of our neighborhood. And, you know, anybody that can read maps well sees that in either East DS1 or DS2 that arterial then, which is also serving the E.J. properties, ends one side of the railroad, BNSF Railroad. And on the other side, if you look at Juniper Ridge or the TSP for the county, you'll see 18th Street ending on the other side of that railroad, which means that all you need to do is put a bridge crossing, and so we're not just talking about some traffic coming through Bowery Lane and Rock O' The Range.

And, in fact, I'm not just speaking for my
little pocket. I'm speaking for all of the HUNS
because this isn't just about Rock O' The Range and
Bowery Lane; it's about this entire area which
Michel described the boundaries of. This traffic
isn't just going to stay on 3rd Street. And,
furthermore, I believe that there are other things
I see in the TSP where there are all kinds of other
roads anticipated as well, so it's very concerning.

So -- and then I guess I'm just going to stop

there. I'm probably out of time. I oppose both build alternatives as I see them now and have read them more. Thank you.

#### 003

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will no longer be impacts to the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Transportation System Plans (TSPs) include lists of projects identified in an area. Those projects that have identified funding can reasonably be expected to be constructed while other are identified needs but do not have funding associated with them.

Thank you for your expression of opposition to the East DS1 and East DS2 Alternatives. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

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002 Cont

MR. JAMES BEAUCHEMIN: As a property owner in the vicinity of the U.S. 97 North corridor Project, I've reviewed the associated draft Environmental Impact Statement and have the following comments on the two proposed build alternatives.

Alternative East DS1 appears to be the most functional option. It addresses all project needs very well and will resolve current traffic flow connectivity and safety issues, while best addressing long-term viability in its placement of a full design north interchange and local street connections.

It connects traffic well at multiple roadways in appropriate support of existing businesses, neighborhoods and planned development. It also offers diversity in routes, able to dispense traffic well.

The East DS1 north interchange could also moderate future impacts by offering a routing alternative for access east of this interchange. It is an appropriately designed interchange to facilitate safe traffic flow, increase connectivity and provide long-term viability.

The East DS1 alternative provides an advantage to highway maintenance as its north interchange,

### 001

We acknowledge your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please See Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred AlternativeComments.

will allow for better access and easy turn around capabilities during winter maintenance activities on this section of U.S. 97.

The East DS1 alternative more equitably distributes traffic and will provide good community 001 cont connectivity while positioned to meet long-term planned demand. It appears that East DS1 is the most appropriate and viable of the two build alternatives. Alternative East DS2 does not provide as efficient community access nor does it have the future potential of East DS1.

> Alternative East DS2 would more restrict access to U.S. Highway 97 for all residents in the area, especially the north end mobile home park residents. Local routes to access southbound U.S. 97 would require more travel on local streets and would make travel routes longer as Empire Avenue would be the nearest local point to access southbound U.S. 97.

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Traffic emanating from east of U.S. 97 would lose significant opportunity to have direct highway access via a properly designed and safe north interchange. Area ingress and egress issues would continue to be a community concern and remain a planning constraint with few options.

### 002

Please see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

### 003

ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative will not construct a new northern interchange. Instead, 3rd Street will be connected to US 97 with a signalized intersection. With the signalized intersection, more of the access points east of US 97 will remain open. In addition, the Preferred Alternative will not preclude potential future planned access from east of US 97.

Overuse and congestion on few connecting roads would continue limiting future connectivity. Under east DS2 future blocked queues, reduced average speeds and more delays are expected to develop sooner.

Business impacts and relocations would be more complex and extensive with East DS2. More businesses, a total of 51 versus 43, would be dislocated with the East DS2 alternative.

A notable difference in business acquisitions would occur in the Clausen Drive and Grandview business area where eight additional businesses would be acquired under alternative East DS2 compared to none in this area with East DS1. It is also expected that alternative East DS2 will displace 80 additional jobs than East DS1.

I'm not going to give you all the references.

Property tax paid by full acquisition parcels
would also decrease under alternative East DS2 by
an estimated \$20,000 annually based on 2009 tax
revenues.

Reduction of available commercial business and properties near Robal Road, Nels Andersen Road and clausen should be mitigated with additional adjacent rezoning.

### 004

ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The purpose and need for the project are outlined in Section 1.2 and Section 1.3 of the Final EIS. Please also see Topic 35 – Purpose and need; goals and objectives.

## 005

The Preferred Alternative will have fewer acquisitions and relocations of businesses compared to the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. The Preferred Alternative will displace 42 businesses, while the East DS1 Alternative could have displaced 43 businesses and the East DS2 Alternative could have displaced 51 businesses. Section 3.5.3 of the Final EIS describes in more detail the business impacts expected with the Preferred Alternative

### 006

The reduction of property taxes associated with the East DS2 Alternative referenced in your comment is consistent with what is disclosed in Section 3.5 Socioeconomic Analysis of the Draft EIS. The reduction of property taxes associated with the Preferred Alternative is disclosed in Section 3.5 Socioeconomic Analysis of the Final EIS.

The project does not propose to revise the zoning of land within the project area. The City of Bend and Deschutes County have jurisdiction over the land use zoning in the project area.

The East DS2 north interchange plan with its associated over crossing, fill and ramps are placed in a constrained area. They may require modification of typical road standards. It should be noted in the EIS that elevated road structures such as the curved over crossing and ramps including compound radiuses like those included in this alternative are often accident prone.

Also, this over crossing and related structures may not be the most effective use of funding as a the same funds could provide a safer full design north interchange, offering both improved access to the larger community and the ability to accommodate long range planning. It appears East DS2 has several concessions and limitations.

Other notable concerns or additions to the EIS include the following. Residential displacements and other landowner encroachments should be minimized whenever possible.

The residential nature of any affected property or neighborhood should be preserved to the highest extent possible by applying standards to best maintain desirable characteristics while also facilitating traffic flows.

#### 007

This comment pertains to the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The northern interchange proposed with the East DS2 Alternative has been removed and replaced with a signalized intersection in the Preferred Alternative.

## 800

To identify the project's Preferred Alternative ODOT took into consideration the project's goals and objectives (Section 1.5 of the Final EIS). Project goals and objectives are desirable outcomes that the project would like to achieve beyond the minimum threshold requirements addressed in the purpose and need statement. These goals and objectives include developing a project that fits into the context of the community. The Preferred Alternative will result in fewer residential acquisitions and displacements than the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. The Preferred Alternative will displace 6 residences, while the East DS1 Alternative could have displaced 19 residences and the East DS2 Alternative could have displaced 13 residences.

Local road improvements will be constructed to local standards and will facilitate traffic flow.

Appropriate road standards and landscape treatments should always be used to preserve quality of life for residents. For example, there appears to be little need to extend 4-lane road sections into long established neighborhoods on cooley Road.

Likewise, local road extensions outside of the urban growth boundary should utilize standards to best preserve rural landscape characteristics while also facilitating traffic flows.

U.S. 97 improvements and new local roads within the project boundary should use treatments consistent with existing ODOT facilities, such as those used on the Bend Parkway and other local roads in Bend. There should be a vegetative median strip and adjacent landscaping where possible along 97.

Moreover, these treatments should visibly blend roads and U.S. 97 with surrounding vegetation and geologic features. Local road improvements should be consistent with the roadway standards for the City of Bend or Deschutes County, including any associated requirements such as street lighting, pedestrian improvements, bicycle lanes and aesthetic landscaping.

Thank you for this opportunity to comment on this important matter. James and Barbara.

#### 009

We agree. Please see Topic 28 – Cooley Road design and operation. Section 3.8.3 of the Final EIS states that a consistent aesthetic and design treatment will be applied to the Preferred Alternative.

### 010

We agree. Improvements in the rural area of Deschutes County, which are limited to the extension of Britta Street to intersect with US 20 and Robal Road and the roundabout of Cooley Road and O.B. Riley Road, will use County road standards wherever possible.

## 011

US 97 Bend North Corridor will be designed to fit into the Bend Parkway context. The Preferred Alternative does not include a vegetated median for the entire distance. Where possible, US 97 will have a barrier separating the northbound from the southbound lanes to reduce the right of way and business impacts. City of Bend standards will be used for city streets and connections.

Vegetated medians and planter strips have created maintenance and fire concerns along the Bend Parkway. The exact architectural and vegetated treatments will be identified during final design. ODOT will continue to involve the public during the project's final design phase.

# P49: Linda Blackwell

August 24, 2011

Attention US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend, OR 97701

To Whom It May Concern:

My name is Linda Blackwell. I live at 20430 Rogers Road. I am a member of the Hunnell United Neighbors (HUNS) and am writing this letter because I oppose ODOT's proposed northern extension of Business Third Street, which is the centerpiece of your East DS1 (Bulletin Option 1) alternative. East DS1 will have a disproportionate negative impact on our area when compared to East DS2 (or the No Build Option).

The HUNS are united in our opposition to East DS1. It would create an interchange off of Hwy. 97 slightly north of Bowery Lane. Traffic that now travels on Hwy. 97 coming to or from the Cascade Village Shopping Center, Home Depot, Lowes and Target, and all the businesses along Business Third Street between Empire and Butler Market would pass through our neighborhood. East DS2 (Bulletin Option 2) would not have nearly the negative impacts to residential neighborhoods and further, is almost completely within Bend's existing Urban Growth Boundary (UGB).

The negative impacts include the following:

- · Destruction of a number of homes
- · Stranding of homes not destroyed along the edge of a major business arterial
- . Dramatic declines in property values (as confirmed by many realtors with whom we have spoken)
- · Reduced opportunity to sell properties threatened by this project
- . Traffic hazards (as vehicles will travel 45 MPH in a residential area, where speeds are now 20 MPH)
- Shifting of traffic (and traffic congestion) as vehicles are rerouted from Hwy. 97 to Business Third, which will
  pass directly through a well-established rural residential area

• Road maintenance responsibilities shift from ODOT to Deschutes County (Third is a county arterial)

003

Urban sprawl

Significantly increased traffic noise

These impacts will not only affect Bowery / Harris Way residents, they will impact everyone in this area. Commercial traffic bound for the shopping centers and existing businesses on Third Street will not remain confined to the north extension of Business Third – it will spread to Rogers, Hunnell, etc. In the future, traffic will also come from Juniper Ridge (as East DS1 envisions an overpass over Hwy. 97 that provides road access to two mobile home parks, but which also appears on some Bend City maps as connecting to Juniper Ridge).

Why is ODOT so focused on the minor traffic problems in this area, when there is far greater congestion to the north, where US 97 passes through a highly commercialized area of south Redmond. Juniper Ridge is often cited as one reason. Should taxpayer's money be used to prop up a Bend City project widely considered to be a failure?

The HUNS support the East DS2 alternative. It will have far fewer impacts, as it routes traffic south of the Deschutes Memorial Gardens (Veterans Cemetery) as opposed to putting it through a rural residential neighborhood. I also 007 | support the No Build Option, as since 2008, I have noticed a dramatic decline in traffic volumes on Hwy. 97. Given 008 | today's difficult economy, should we even be spending \$220 million on this questionable project?

Sincerely, Sunda Blackwell Linda Blackwell

### 001

Thank you for your expression of opposition to the East DS1 Alternative and the northern extension of business 3rd Street. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS, which substantially minimizes impacts to the Hunnell Neighborhood areas. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 002

Please see Topic 23 – Jurisdiction of roadways.

## 003

ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative contains all improvements within the current urban growth boundary, except for the extension of Britta Street to intersect with US 20 and Robal Road and the roundabout at Cooley Road and O.B. Riley. Please see Section 3.16.3 of the Final EIS for a discussion of noise impacts with the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 004

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. With the design of the Preferred Alternative, there will be no impacts to Bowery Lane and Harris Way. In addition, the Preferred Alternative substantially minimizes impact to the Hunnell Neighborhood. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 005

The purpose and need for the project can be found in Section 1.2 and Section 1.3 of the Final EIS.

Planning work is currently underway for the section of US 97 on the south end of Redmond; however, the greatest area of congestion on US 97 is the section between Empire Avenue and Cooley Road in Bend. Please also see Topic 18 – Juniper Ridge and Topic 15 – Separated through and local routes.

#### 006

Thank you for your expression of preference for the East DS2 Alternative. The rationale for selecting the East DS2 Modified Alternative as the Preferred Alternative is included in Section 2.6 of the Final EIS.

#### 00.

We acknowledge your support of the No Build Alternative. Please also see Topic 24 – Traffic analysis.

### 008

Please see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

# P50: Sara Brown

MS. SARA BROWN: (Private testimony) My name is Sara Brown, and when I was 18 years old I bought a house down on Bowery Lane. And when I bought it, it was completely unfinished, torn down to the studs. And over the last year, I've remodeled it, done all the work myself with help from my father, who is a contractor. And I've just built a wonderful place for me to live. And I have roommates living there now. And I love my view, which I get to see all three of the Sisters Mountains and I see Bachelor, which is a wonderful view. I have a little farm out there with chickens and soon to be horses.

My main concerns are that the view that I'm going to have now is going to be roadways, and that makes me very sad to think that I put all this work and all this stuff into an investment I was making for my future, which is going to be practically destroyed with this new road construction. So I would press everyone to go through the DS2 so it's on the other side of the cemetery, which makes more sense, so I don't have to get on the highway just to go see my neighbors which I can walk down to right now.

And I don't know what else to say. I hope to

#### 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will be no impacts to Bowery Lane. In addition, the Preferred Alternative substantially minimizes impacts in the Hunnell Neighborhood. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

00:

# P50: Sara Brown

raise a family there, and I love where I'm at right now. It seems silly that I would be in sort of a city area where I'm way out in the country with seven and a half acres. And I love that feeling of being out in the country and so close to town, but I think with the road construction, it would ruin the feeling of being in the country. And I feel that if the road construction did go out that way that they would have to move the Urban Growth Boundary out a few -- out past my house at least or it seems like they're doing a city road in rural development, which doesn't make sense to me.

I guess that's it.

Although I like the idea of the DS2
alternative, I have just found out that it would
force me to go through Hunnell around down to
Cooley before I could get on the highway, which
right now I travel to Redmond every single day for
work, and it takes me about 10 seconds to go down
the highway because I'm one of the first houses on
Bowery Lane.

If the East DS2 alternative was used, it would add about 30 minutes on to my drive because Hunnell Road, the back way that I have to go right now, is undrivable for my car. It's such a bad road to

002

Please see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

003

We acknowledge there could have been some out of direction travel associated with the East DS2 Alternative. The Preferred Alternative will not cause the out-of-direction travel referenced in your comment. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

001 Cont

# P50: Sara Brown

003 Cont.

drive on; it gets stuck. They would have to improve that a little bit because that would still probably add 10 minutes on to my drive to Redmond, which is already a long-enough drive.

004

With the East DS1, it would put a road where I my mountain views are. And although I don't like that alternative, I enjoy the fact that I can get 005 on the highway so easily and be able to get to either town quickly.

I think that in any situation for the Bowery Lane and the Huns, they need to make a quicker 006 access to US 97 without having to go on Hunnell or without having to drive -- or having a road right in our backyard.

That's it.

## 004

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will no longer be impacts to the Bowery Lane area. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 005

Please see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

## 006

Bowery Lane will remain connected to US 97 under the Preferred Alternative.

# P51: Sara Brown

MS. SARA BROWN: (Public testimony) My name is Sara Brown, and I live on Bowery Lane, one of the first houses there.

testimony tonight, but both DS1 and DS2 greatly affect my property and where I live. The first one puts a road where my mountain view is, and that's very unattractive to -- it's the most beautiful mountain view now. And DS2 would add approximately 15 minutes in drive time for my trip to Redmond which I drive every day. And I don't know exactly where it says in the proposal, but it says that the alternative would lower the amount of traffic and drive time, but that would add so much time for all of Bowery and all the HUNS, for us to drive either to Redmond or to Bend, which is very unsettling to me.

For both of the roads, it would lessen the ability to enjoy my house. I have a beautiful seven and a half acres. I have chickens, free-range chickens, and they run around there. And I would not be able to have that anymore with the roads near my house.

I was welcomed to the neighborhood with all the HUNS and all the Bowery Lane people that are my

### 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will be no impacts to the Bowery Lane area. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

Bowery Lane will remain connected to US 97 under the Preferred Alternative. Please also see the response to P50 006 and P51 001.

## 003

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will be no impacts to the Bowery Lane area. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 30 – Right of way acquisition.

# P51: Sara Brown

next-door neighbors. And now if DS2 or DS1 was put into effect, I would have to either get on a highway or drive a great distance to be able to walk to my neighbors, where right now I can walk to them, and it's very nice to be able to walk down 003 Cont. the road and be able to see my neighbors and not have to get on a highway, which is putting a rural neighborhood -- I would have a huge roadway. And there is no land use compensation, which doesn't seem right to me that there be no compensation for putting such a rural development in such a farmlike area. Thank you.

# P52: Paul Dewey

MR. PAUL DEWEY: Good evening. My name is Paul Dewey. I'm an attorney for Bruce and Susan Levin.

The first thing I wanted to request of you -and I'm not sure you're the ones to be requesting
this of — but as I get into the very technical
appendices that are attached to the Draft EIS and
Section 4f evaluation, it's taking me more time
than I had anticipated. And if it is within your
purview, I would like to request additional time to
the extent you can grant it. I don't know whether
it's 15 or 30 days left within your normal maximum
period for public comment, but it would give the
public a better chance to really digest the
voluminous materials.

My clients are very much opposed to DS1. They live in the Rock O' The Range. And the proposed new road would go right through the middle of their property, and they've written an extensive letter to you already explaining why they're opposed to it and why they're concerned about it.

Among the two action alternatives, they prefer 2 to 1, and I will be submitting more extensive comments and perhaps another alternative to consider as well.

## 001

Please see Topic 2 – Request for extension of the Draft EIS comment period.

# P52: Paul Dewey

But I did want to point out that DS2 does have the advantage over DS1 of less cost and impacting fewer people. And in this day and age, I would think those would be the two primary criteria for making a decision like this.

I won't go into any more detail evaluating the Draft Environmental Impact Statement, but I do want to make some broader-scale comments. I've been interested in working with the Transportation Planning Rule for over a decade. Last year I was on an ODOT committee in Salem on House Bill 3379 working with Bob and others coming up with rules on potentially planning procedures, making it easier for communities to build roads, track the Transportation Planning Rule, legislative proposals in the last legislative session, and then tracking the rules advisory committee, the TPR rules advisory committee, for meeting in Salem.

And it's easy to see that the volumeto-capacity ratio and other elements of the TPR are going to be amended. I don't think there's any question that they're going to be amended.

What concerns me about this process is that you're doing an analysis, a Draft Environmental Impact Analysis, using criteria that are going to

#### 002

We appreciate your expression of preference for the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 - How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 25 – Cost. Please also see Section 2.6.1 of the Final EIS which discusses how the Preferred Alternative was identified.

## 003

We appreciate the time and effort you have put in working with ODOT on the Transportation Planning Rule (TPR). In identifying the project's Preferred Alternative in the Final EIS, ODOT and FHWA considered all current and applicable standards and criteria. For a discussion of the purpose of the TPR and this project please see Topic 36 – Transportation Planning Rule. For a discussion of the volume-to-capacity standards that are applicable to this project please see Topic 14 – Alternate mobility standards.

# P52: Paul Dewey

003 Cont.

be outdated by the time the Final Environmental Impact Statement comes out. I think it really behooves you to wait until we see what the new TPR rules are going to be and then in that context consider what the impacts are going to be, whether it's really likely you're going to get the 100 million dollars or so that's necessary.

And I'll stop there.

# P53: Crystal Dollhausen

MS. CRYSTAL DOLLHAUSEN: My name is Crystal Dollhausen. I live at 20510 Bowery Lane.

Our parcel at Rock O' The Range contains many rock outcrops, and we enjoy a stable habitat for wildlife and native plants. This fulfilled my mother's vision when she purchased the parcel from the Bowers in the 1970s and built our home.

I treasurer our Rock O' The Range community.

The East DS1 alternative would route thousands of cars and trucks a day right through our rural residential community and destroy it. The sounds of birds singing, wind in the trees, and my neighbors' chickens, cows, and sheep would vanish in the noise of traffic. Indeed, many of the wild and domestic animals currently living here would be eliminated.

At night, the Bowery Lane traffic count is usually zero. Our nights are tranquil and dark. The East DS1 alternative would cause a dramatic change and dominate the night with the glare of lights and traffic activity. When I read ODOT's claim that traffic noise and lights could slightly alter the character of the neighborhoods, I say there is nothing slight about it.

The speed limit on Bowery Lane is 15 miles per

#### 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, there will be no impacts to the Bowery Lane area. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

The Preferred Alternative will not change the existing speed limit on Bowery Lane.

001

# P53: Crystal Dollhausen

002 Cont.

hour. It is common to brake, or even stop, to allow wildlife to move off the road or horses to pass. With ease and safety, I can walk or ride my bike to the neighbors or the mailboxes.

Furthermore, while our parcel is largely rock
outcrops, the East DS1 alternative would cut
through the good agricultural land of my neighbors.

My first reaction to DS1 remains one of despair at the thought of my neighbors' homes that would be bulldozed and the degraded living conditions for those of us remaining. I think most people want to cooperate when the public -- myself included -- would want to cooperate when public projects are undertaken. However, the longer I examine the documentation, the more I am convinced that both DS1 and DS2 are flawed and unacceptable. I support the No Build Alternative. Thank you.

#### 003

Please see response to P53 001. The Preferred Alternative does not impact bicycle and pedestrian routes in this neighborhood.

#### 004

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, there will no longer be impacts to the Bowery Lane area. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Thank you for your expression of support for the No Build Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative which no longer impacts the Bowery Lane area and substantially minimizes impacts to the Hunnell Neighborhood areas.

# P54: John Dollhausen

MR. JOHN DOLLHAUSEN: My name is John Dollhausen, and I'm a resident of Bowery lane.

ODOT on the grounds that they would force urbanization of rural residential communities north of the Urban Growth Boundary. The plan seems to be to eliminate local access to Highway 97 and turning it into a truck route. Meanwhile, people living in the project area will be forced to diffuse out over a system of roads that currently provides local residents access to the highway. Bowery Lane, Harris Way, Hunnell Road, and Rogers Road will see a tenfold increase in traffic as they become driveways to the malls.

So an acceptable plan for highway improvement must accommodate local access and improve connectivity to points east of Highway 97. Bend is more divided by the railroad tracks than by the Deschutes River, and I would like to see that change first.

Until ODOT and the City of Bend address these concerns, I must support the No Build Alternative. Thank you for your time.

#### 001

We acknowledge your opposition to the East DS1 and East DS2 alternatives. This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS, which no longer impacts the Bowery Lane area and substantially minimizes impacts to the Hunnell Neighborhood area. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 002

Please see response to P54 001.

## 003

The Preferred Alternative will provide a grade separation of Cooley Road and the BNSF Railway railroad tracks, which will improve local access and connectivity.

# LIZ FANCHER, ATTORNEY

Liz Fancher Sue Stinson, Paralegal

August 24, 2011

## VIA EMAIL AND HAND DELIVERY

Amy Pfeiffer Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

Re: U.S. 97 Bend North Corridor Project Draft Environmental Impact Statement; Written Comments from Newman Development Group of Bend, LLC.

Dear Ms. Pfeiffer:

I represent Newman Development Group of Bend, LLC ("Newman"). Newman owns five of the six parcels of land that make up the Town Square Shopping Center ("Shopping Center"), an approximately 18.8-acre shopping center located at the southwest intersection of Cooley Road and U.S. Highway 97 in Bend, Oregon that includes a Lowe's home improvement store. These properties are separate legal lots known as Tax Lots 200, 201, 202, 203 and 600, Assessor's Map 17-12-16B. A copy of this map is enclosed for your reference.

Newman has built and leases commercial buildings to America's Tire Company and Sherwin Williams. America's Tire is located at 635533 N. Highway 9 (Tax Lot 600) and Sherwin Williams is located at 20515 Cooley Road (Tax Lot 202). One building area in the center remains undeveloped, primarily due to the uncertainty regarding shopping access created by ODOT's North Corridor Project.

This letter includes Newman's preliminary written comments on the Draft Environmental Impact Statement ("DEIS") for the U.S. 97 Bend North Corridor Project ("Project").

#### Summary of Comments.

Newman offers the following comments:

001

Of the three alternatives for U.S. 97 analyzed in the DEIS, Newman recommends that the
Oregon Department of Transportation ("ODOT") select the East DS-1 Alternative as the
preferred alternative for the Project with a modification to retain one point of access to
the Shopping Center on Third Street. Newman favors this alternative because it includes

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#### 001

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1- How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

With the design of the Preferred Alternative, access to the commercial area including the Town Square Mall shopping center is more direct compared to both of the alternatives considered in the Draft EIS, while still maintaining improvements in traffic operations for both through and local traffic. Please see Topic 4 - Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, Topic 9 - Access and impacts to the Town Square Mall shopping center (including Lowe's), and Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

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because it includes a full northern interchange and offers the greatest improvement in traffic operations for both through and local traffic. It also displaces fewer businesses and imposes noise impacts on fewer properties.

• None of the three alternatives is consistent with the Memorandum of Agreement dated June 2, 2003 ("Agreement"), among ODOT, Newman and Lowe's. The Agreement allowed ODOT to acquire a significant portion of land owned by Newman for use in constructing an interchange at Highway 97 and Cooley Road. This acquisition forced Newman to seek a modification of its site plan for construction of a scaled-down Shopping Center. Newman's support for East DS-1 Alternative is not and should not be construed to be a waiver of Newman's rights under the Agreement.

 Alternatives East DS-1 and East DS-2 are inconsistent with the final master site plan approved by the City of Bend for development of the Shopping Center approved in City of Bend File PZ-05-108.

- Alternatives East DS-1 and East DS-2 will deprive Newman's properties of all rights of direct road access to all of its Shopping Center properties and leave these properties with inadequate access to the Shopping Center.
- Contrary to the statements in the DEIS, construction and operation of the Project will adversely impact the operation of the Shopping center, including Lowe's, Sherwin Williams and America's Tire Company and the ability of Newman to complete the construction of the final building approved as a part of its shopping center development. The Project will compromise access to the center and reduce parking with the likely result being that fewer customers will shop in the center. In order to preserve the commercial viability of the businesses in the Shopping Center and Newman's investment in its buildings in the center, the Project must:
  - Restore the existing access between U.S. 97 and the Shopping Center which
    the Project proposes to eliminate and allow the City of Bend ("City") to make
    access decisions that relate to future Third Street, a future City arterial street,
    and
  - Relocate the right-of-way/slope easement envelope for Cooley Road to the north so that either none or very little of the Newman and Lowe's properties is acquired for the widening of Cooley Road; and
  - Maintain the proposed, full movement, signalized access to the main ingress/egress for the Shopping Center in front of Lowe's on Cooley Road ("Main Driveway") as this access is crucial to customer access for the entire Shopping Center; and
  - Maintain a full movement access unencumbered by a median to the primary truck entrance at the rear of the Lowe's store ("Truck Driveway") which is crucial to delivery access for the Lowe's store.

## 002

The Preferred Alternative is consistent with the Memorandum of Agreement (MOA) and the City approved development site plan. The MOA is a three-party development agreement between two private companies and the Oregon Department of Transportation (ODOT) that stemmed from the City's approval of a 23 acre development proposal adjacent to US 97. Under the MOA, ODOT agreed to issue a right-in/right out approach road permit to existing US 97 (please see Topic 9, Driveway D, for the location of this approach). ODOT fulfilled this obligation. The MOA further states that ODOT agreed to use its best efforts to leave this right-in/right-out driveway open as long as possible. This driveway remains open with the Preferred Alternative; however, there may be temporary closures during construction activities. This is consistent with the MOA. ODOT also agreed to purchase property from the developer at fair market value, and the property was purchased. ODOT also granted the developer a right of first refusal should the purchased parcel ever be deemed surplus. The property is not currently identified as surplus.

## 003

The Preferred Alternative will maintain adequate access to the Town Square Mall shopping center. The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto future 3rd Street (existing US 97). In addition, the Preferred Alternative minimizes the property that will be acquired from the Town Square Mall shopping center. For additional information please see Topic 9 - Access and impacts to the Town Square Mall shopping center (including Lowe's), Topic 4 - Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, Topic 23 – Jurisdiction of roadways and Topic 13 - Additional connectivity to businesses in the Robal Road vicinity.

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- Build the Project in one phase or revise the DEIS to identify phases, their impacts and proposed mitigations for each phase.
- The DEIS fails to adequately and appropriately assess the cumulative impacts of the Project on the Shopping Center and other area property owners for the following reasons:

The DEIS contemplates that the Project will be phased (p. 2-9, DEIS) but fails to assess the impacts of planned project phasing in its assessment of cumulative Project impacts and in other elements of the DEIS. Impacts from phasing will, most likely, be significantly different than for the Project as it will offer far less relieve from traffic congestion will imposing the same or greater burdens on area property owners. The DEIS should either be revised to authorize the Project as a single-phase project, as it was assessed in the DEIS, or revised to delineate and address the impacts of the Project by Project phase.

The DEIS fails to identify and address the impacts that will be caused to the Shopping Center and other area properties from the adoption of interchange management plans.

 The DEIS fails to determine the impact of closing the Highway 97 Shopping Center access on the Shopping Center, Third Street traffic, Cooley Road traffic and the only remaining point of customer access to the Shopping Center on Cooley Road.

Newman reserves the right to submit additional comments and questions prior to the close of the public comment period on the DEIS.

# 2. ODOT Should Select the East DS-1 Alternative as the Preferred Alternative for the Project, Subject to Conditions.

None of the alternatives considered in the DEIS is perfect, and none is the alternative that Newman would have designed if it were managing the Project. Notwithstanding these points, of the three (3) alternatives for U.S. 97 analyzed in the DEIS, Newman recommends that ODOT select the East DS-1 Alternative as the preferred alternative for the Project for four (4) reasons.

First, this alternative is the only alternative that includes a full northern interchange. Newman believes this element of the Project is essential to providing a meaningful connection between the state and local transportation networks. Although the partial interchange of the East DS-2 Alternative is closer to the Store, the partial interchange will not provide adequate access to and from the Cooley/Robal commercial corridor because it only allows two connections to the local roadway system, not all four.

### 004

The Draft EIS considered the phasing impacts of the build alternatives associated with the additional land that would be required to construct those alternatives in phases. The direct and indirect impacts associated with the additional land acquisitions for the build alternatives were assessed for each resource in Chapter 3 and the cumulative impacts were assessed in Chapter 4 of the Draft EIS. In this same manner, the Final EIS assesses the direct, indirect and cumulative phasing impacts of the Preferred Alternative. For additional information on phasing, please see Topic 17 – Phasing. The cumulative impacts analysis in the Final EIS does not discuss separate phases of the project because within the time frame used to assess cumulative impacts the entire project will be constructed. The temporary impacts to businesses from construction activities are disclosed in Section 3.5.3 of the Final EIS.

#### 005

Please see Topic 3 – Interchange area management plans (IAMPs).

## 006

The Preferred Alternative will maintain adequate access to the Town Square Mall shopping center. The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto future 3rd Street (existing US 97). With the Preferred Alternative, one existing access point to the Town Square Mall shopping center will be closed because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of the realigned US 97 and the BNSF Railway. The assessment of impacts from the Preferred Alternative in the Final EIS includes closing the one existing access from Cooley Road into the Town Square Mall shopping center. For additional information please see Topic 9 - Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

## 007

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative will not include a new interchange in the north of Bend. Instead, the Preferred Alternative will include a new signalized intersection of 3rd Street and US 97 just south of the Deschutes Memorial Gardens and Chapel. This new intersection will provide a connection of the local roadway system to the highway while minimizing impacts to land located outside of the City of Bend's adopted urban growth boundary (UGB). Please also see Topic 1- How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

The Preferred Alternative improves the traffic operations on both US 97 and the local roadway network, as discussed in Section 3.1.3 of the Final EIS. The identification of the Preferred Alternative included evaluation of the project's goals and objectives, as listed in Section 1.5 of the Final EIS.

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Second, the East DS-1 Alternative generally appears to offer the most overall improvement to traffic operations on both U.S. 97 and the local roadway network. In short, the northern 007 Cont. interchange and improved traffic operations afforded by the East DS-1 Alternative further the supplemental objective of the Project set forth at page 1-20 of the DEIS that the Project "[i]mprove transportation system linkage and operation."

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Third, the East DS-1 Alternative displaces fewer businesses and has noise impacts at fewer locations. Finally, the cost of the East DS-1 Alternative is comparable to the cost of the East DS-2 Alternative, although the latter does not offer the same overall benefits to the system.

Newman's support for this alternative is not unqualified however. It is subject to the following conditions:

- Review of the final design; and
- Consistency with the Agreement; and
- Retention of access to Third Street for the Shopping Center as contemplated by the Shopping Center's site plan; and
- Implementation of reasonable phasing and construction plans that minimize impacts to the Shopping Center and maintain full access to the Shopping Center property throughout the process; and
- Addressing the additional adverse Project impacts raised in Section 3 of this letter.

#### 3. In Order to Meet Project Objectives, ODOT Must Address Adverse Project Impacts on the Shopping Center.

The Purpose and Need for the Project requires that the Project meet certain performance objectives set out at page 1-3 of the DEIS for the medium- and long-term planning periods. One of these performance objectives requires that the Project "minimize impacts to existing and planned local economic base." The supplemental objectives of the Project set out at page 1-20 of the DEIS include an objective for the Project to "[m]aintain access to commercial and industrial areas." In order to fulfill these objectives for the Project, ODOT must modify certain aspects of the Project design that adversely affect the Shopping Center.

According to design plans ODOT previously provided to Newman and Lowe's, at least some of which are expressly set forth in the DEIS, the Project includes design elements that significantly and adversely affect the use, functionality, and accessibility of the Shopping Center for its commercial purposes and, because of this, make it much more difficult for customers to reach the Shopping Center. Newman's concerns with these Project design elements are summarized below:

#### 800

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative displaces fewer businesses than the alternatives evaluated in the Draft EIS (see Section 3.5.3 of the Final EIS) and minimizes impacts, including noise impacts (see Section 3.16.3 of the Final EIS), to neighborhoods north of Cooley Road and east of US 97. For more information, please also see Topic 1-How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 25 – Cost and benefit-cost analysis, and Topic 29- Noise impacts.

## 009

ODOT conducted outreach to stakeholders and provided information on the design of the East DS2 Modified Alternative during the identification of the Preferred Alternative. ODOT will work with all property owners and businesses during the project's final design phase and construction phase to minimize impacts. Property and business impacts from the acquisition of land for public right of way will be addressed with the right of way process during the final design phase. Please see Topic 38- Right of Way Acquisitions. Access to the Town Square Mall shopping center during business hours will be provided throughout construction. For more information on the access provided by the Preferred Alternative please see the description of the Preferred Alternative in Section 2.1.2 of the Final EIS and Topic 9 -Access and impacts to the Town Square Mall shopping center (including Lowe's).

Please see the response to comment P55-002. Please also see Topic 17 – Phasing.

#### 010

ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative, which meets the purpose and need for the project including the performance objectives. The goals and objectives were considered in the identification of the Preferred Alternative. Please see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

The Preferred Alternative will maintain adequate access to the Town Square Mall shopping center. The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing rightin/right-out access onto future 3rd Street (existing US 97). With the Preferred Alternative, one existing access point to the Town Square Mall shopping center will be closed because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of the realigned US 97 and the BNSF Railway. In addition, the Preferred Alternative minimizes the property that will be acquired from the Town Square Mall shopping center. For additional information please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

~5- August 24, 2011

## a. Access.

The DEIS indicates that ODOT intends to close two (2) access driveways to the Shopping Center – the easternmost driveway on Cooley Road and the driveway to existing U.S. 97/future Third Street. Newman is particularly concerned about the loss of direct access to future Third Street for the reasons explained below. In light of the likely transfer of jurisdiction of existing U.S. 97/future Third Street to the City, as mentioned at page 3-104 of the DEIS, Newman recommends that ODOT refrain from making long-term access decisions over this future local facility through the DEIS process. Instead, the City should make access decisions relating to future Third Street at a later time in consultation with affected property owners and businesses.

011

Closure of this access point is problematic for at least five additional reasons. First, it will force all customer and employee traffic to enter and exit the Shopping Center through a single driveway on Cooley Road (the Main Driveway), creating significant congestion as vehicles are forced from three different access points into one. The Shopping Center site was not designed to operate in such a manner and was not approved to operate in such a manner. Vehicles that currently leave the Shopping Center headed southbound do so using the Highway 97 access. The closure of that access will divert trips to the failing intersection of US Highway 97 and Cooley Road. Newman is concerned that this intersection will continue to fail under one or more of the phasing plans. Intersection failure will prevent any development from occurring in the area served by this intersection other than development ODOT may allow in Juniper Ridge.

21

Second, access closures will force traffic exiting the Shopping Center to use the congested intersection of Cooley Road and Highway 97/Third Street rather than using the direct access that allows southbound traffic to bypass the intersection. Newman is also concerned that traffic congestion will be created on Cooley Road. In addition to requiring all Shopping Center traffic to use Cooley Road, ODOT's East DS-1 and East DS-2 plans reduce the stacking distance for vehicles turning left into the Shopping Center from Cooley Road by moving Third Street to the West.

01

Third, the closure of the Shopping Center's Third Street will deter customers from coming to the Shopping Center. It is a simple fact of the retail business that if customers cannot conveniently access a business, they will not spend money there. If competitor business has better access to Third Street, customers will shop at that competitor. ODOT has singled out Newman's property for access closure to a local street. No other Third Street access closures are imposed on any other Third Street commercial area accesses between the cemetery on the north end the Project and the intersection of Highways 20/97 and Empire Avenue on the south. In this context, Newman takes issue with the findings on page 3-104 of the DEIS that "the separation of local and regional traffic on Third Street and US 97, respectively, would have minimal to moderate changes in patronage of businesses."

### 011

The Preferred Alternative will maintain adequate access to the Town Square Mall shopping center. The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto future 3rd Street (existing US 97). With the Preferred Alternative, the eastern parking lot driveway to the Town Square Mall shopping center (please see Topic 9, Driveway C, for the location of this access) will be closed because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of the realigned US 97 and the BNSF Railway. Please see Topic 9 - Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 28 – Jurisdiction of roadways.

The traffic analysis of the Preferred Alternative indicates that closing this access point (labeled Driveway C in Topic 9) will not compromise the future 3rd Street (existing US 97)/Cooley Road intersection. In addition, the traffic analysis of the Preferred Alternative forecasts that the future 3rd Street (existing US 97)/Cooley Road intersection will be under capacity and will function well beyond the 2036 design year. Traffic congestion on Cooley Road west of 3rd Street will be much less under the Preferred Alternative than in the No Build Alternative, as described in more detail in Section 3.1.3 of the Final EIS.

Property and business impacts from the acquisition of land for public right of way will be addressed with the right of way process during the final design phase. Please see Topic 38- Right of Way Acquisitions. For information on project phasing please see Topic 20 – Phasing.

## 012

The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto future 3rd Street (existing US 97). The traffic analysis of the Preferred Alternative forecasts that the 3rd Street/Cooley Road intersection will be under capacity and will function well beyond the 2036 design year. In addition, the Preferred Alternative will construct a signalized intersection on Cooley Road with the main ingress/egress into Lowe's. This signalized intersection will include a left turn lane for vehicle storage ("stacking distance") and will facilitate vehicles turning left into the Town Square Mall shopping center from Cooley Road. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

## 013

The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto 3rd Street/Business 97. With the Preferred Alternative, the eastern parking lot driveway to the Town Square Mall shopping center (please see Topic 9, Driveway C, for the location of this access) will be closed because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of the realigned US 97 and the BNSF Railway. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's), Topic 13 – Additional connectivity to businesses in the Robal Road vicinity, and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

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Fourth, the closure of the existing Highway 97 access is inconsistent with the access plan approved by the City of Bend during its site plan review for the Shopping Center property. The Shopping Center's PZ-05-108 site plan authorizes and requires access to Highway 97 until such time as ODOT develops an interchange at the intersection of Cooley Road and Highway 97 (future Third Street). As stated in the findings in the City's approval of PZ-05-108, "[t]he applicant will retain access rights to Highway 97 across the ODOT right-of-way until such time as ODOT installs an interchange [at Cooley Road and existing US Highway 97]."

\*\*Administrative Review and Decision\*\*, PZ-05-108, City of Bend, page 11. ODOT participated in the local land use review process of this modification caused by ODOT's acquisition of land from Newman. ODOT did not oppose approval of the modified site plan. The modified site plan was consistent with the Agreement. ODOT may not and should not collaterally attack that access decision by calling for the closure of the Shopping Center's only access to Highway 97/Third Street. \*\*Doney v. Clatsop County\*\*, 142 Or App 497, 921 P2d 1346 (1996).

Fifth, the DEIS analysis has not demonstrated that the closure of the Highway 97/Third Street access is needed by the Project. It is hard to see why this closure is needed when the access is a local street access located a significant travel distance from the points of access to the new Highway 97.

The access closure threatens the viability of the Shopping Center. Lowe's, alone, is approximately 143,000 square feet in size and employs approximately 135 Central Oregon residents in full and part-time positions. Newman and Lowe's purchased and improved the Shopping Center at substantial expense and has expected to continue to utilize the Shopping Center for retail purposes. If ODOT limits access to the Shopping Center to a single customer driveway, it will eliminate reasonable access and undermine the substantial investments Newman and Lowe's have made in the Shopping Center and the construction of area roadway improvements required as a condition of Shopping Center approval.

Newman appreciates and supports ODOT's current plans to provide a full movement signalized access at the intersection of the Main Driveway in front of Lowe's at Cooley Road. A signal in this location should improve the flow and safety of traffic in the area. However, it will not substitute for loss of the other access points.

Finally, it is unclear from the DEIS what actions, if any, ODOT intends to take to close or limit access to the Truck Driveway behind the Lowe's store. Delivery vehicles utilize this driveway to gain ingress to and egress from the Shopping Center. It is imperative that the Truck Driveway remain a full access driveway without a median or other turn limitations in order to allow Lowe's to continue to segregate its delivery vehicles from other Shopping Center traffic and to ensure that delivery vehicles gain access to and from the Shopping Center in the manner that results in the shortest distance traveled on the local transportation system.

### 014

The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto 3rd Street/Business 97. The access provided by the Preferred Alternative is consistent with the City of Bend's approved development site plan. As part of the Memorandum of Agreement (MOA) between ODOT and the Newman Development Group, ODOT agreed to develop a conceptual design for a single point urban interchange for the intersection of US 97 and Cooley Road. During the project's alternatives development process, an interchange at US 97 and Cooley Road was considered but eliminated from further consideration (please see Section 2.4.2 of the Final EIS for discussion of the GM-2 and Existing DS1 Alternatives). An interchange at this location is not included with the Preferred Alternative. Please see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

## 015

The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto 3rd Street/Business 97. One of the access points from Cooley Road that will be retained, with full movements and no turn limitations, is the truck driveway into Lowe's (please see Topic 9, Driveway A, for the location of this driveway). Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

...

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## b. Right-of-Way Taking.

The impacts of the access changes are increased by ODOT's proposal to take approximately ten (10) feet of right-of-way from the north side of the Shopping Center property in order to widen Cooley Road. The proposed right-of-way taking adversely affects Newman and Lowe's because it will force a significant redesign of the common parking and circulation area that Lowe's shares with Newman, likely leading to a loss of existing parking spaces. This redesign will shorten the "throat" of the Main Driveway, likely reducing the on-site queuing distance for drivers seeking to exit the site. Thus, together with forcing all drivers to use this single access point, the right-of-way taking at the Main Driveway will force more vehicles to queue on-site in less space. Furthermore, it will steepen the grade of the Main Driveway to such an extent it may be unsafe for vehicles to enter and exit the site, particularly in winter weather conditions.

016

In order to avoid this outcome, Newman and Lowe's will be forced to redesign the Main Driveway and the surrounding circulation areas, which will, in turn, likely eliminate existing parking spaces and the existing ADA-compliant pedestrian accessway. These modifications to the development will be expensive and will raise ODOT's Project costs. The Shopping Center's only remaining customer access will need to be closed to make reconstruct the access, imposing a significant economic hardship on Newman, Lowe's, America's Tire and Sherwin Williams. The needed modifications are also inconsistent with the site plan approved by the City. As a result, Newman and Lowe's would be required to obtain approval of a modified site plan. Newman is concerned that it may not be able to obtain approval of a modified site plan and to comply with ADA accessibility requirements given the increased grade of the new driveway. This issue affects Newman's ability to market, lease, sell and maintain the Shopping Center.

## 4. ODOT Should Implement the Following Solutions to These Concerns.

In order to preserve the commercial viability of the Shopping Center, it is imperative that the Project, including any interim solution or phase thereof, be designed and constructed to incorporate the following elements:

Restore the existing access between U.S. 97 and the Shopping Center, which the Project is proposing to eliminate and allow the City to make access decisions that relate to future Third Street;

Relocate the right-of-way and slope easement envelope for Cooley Road to the

- north so that either none or very little of the Newman and Lowe's property is acquired for Cooley Road:
- Maintain the proposed, full movement, signalized access at the Main Driveway;
- Maintain a full movement access without medians or turn limitations at the Truck Driveway; and

### 016

The Preferred Alternative is consistent with the City of Bend's approved development site plan.

The Preferred Alternative minimizes the property that will be acquired from the Town Square Mall shopping center. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's). The Preferred Alternative will close one existing access point to the Town Square Mall shopping center because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of the realigned US 97 and the BNSF Railway, which may result in changes in the internal circulation. The level of design that is complete at this time is a lower level than what is needed to determine precisely how these improvements will interface with the Town Square Mall shopping center. These details will become clearer as ODOT pursues final design. ODOT will continue close coordination with affected property owners during final design.

The Preferred Alternative will construct a signalized intersection at Cooley Road and the main ingress/egress into the Town Square Mall shopping center (please see Topic 9, Driveway B, for the location of this driveway). This signalized intersection will facilitate vehicles exiting the site onto Cooley Road. During the project's final design phase the driveway grades and the Americans with Disabilities Act (ADA) accessible access into the Town Square Mall shopping center will be evaluated. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's). In addition, access to the Town Square Mall shopping center during business hours will be provided throughout construction.

- 1) The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto future 3rd Street. If the City of Bend accepts jurisdiction of 3rd Street, they will make future access decisions.
- 2) The Preferred Alternative minimizes the property that will be acquired from the Town Square Mall shopping center. The sidewalk along the Newman and Lowe's property remains in its current location. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).
- 3) The Preferred Alternative maintains the full movement signalized access at the main driveway (please see Topic 9, Driveway B, for the location of this driveway).
- 4) The Preferred Alternative maintains the full movement driveway with no turning restrictions at the truck driveway (please see Topic 9, Driveway A, for the location of this driveway).
- 5) Please see Topic 17 Phasing.

-8-

017 Cont

(5) Build the Project in one phase or revise the DEIS to identify phases, their impacts and proposed mitigations for each phase.

Incorporating these elements into the Project will preserve the use, functionality, and accessibility of the Shopping Center. These elements will also help reduce total Project costs in two (2) ways. First, ODOT will not need to compensate Newman and Lowe's for eliminating the driveway at U.S. 97. Second, ODOT's cost for acquiring right-of-way along Cooley Road will be reduced, because the cost of purchasing vacant land on the north side of Cooley Road will be comparatively less than the cost of acquiring portions of the Property, which are improved.

## 5. Conclusion.

Newman requests that ODOT select the East DS-1 Alternative as the preferred alternative for the Project, subject to addressing the identified adverse Project impacts raised in this letter. Newman reserves the right to submit additional written comments on the DEIS prior to the close of the public comment period. Thank you for your consideration of these comments.

Sincerely,

Liz Fancher

Mr. George Akel (via e-mail)

Mr. Seth King (via e-mail)

Mr. Rob Doane (via e-mail)

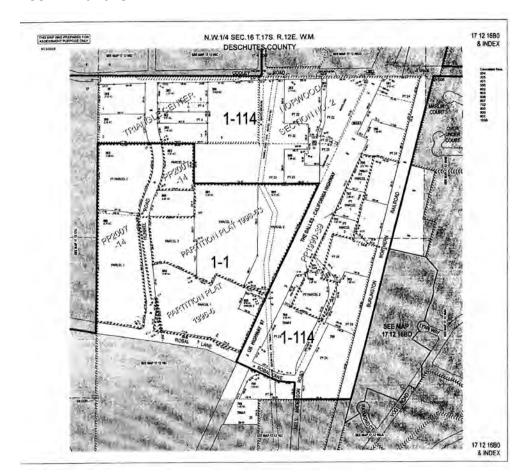
Mr. Mark Stoner (via e-mail)

Mr. Michael Robinson (via e-mail)

## 018

August 24, 2011

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please see Exhibit 2-3 FEIS (Inset Map 6) for the design of the Preferred Alternative, including access, in the area of the Town Square Mall shopping center. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, and Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).



# P56: Larry Kierulff

MR. LARRY KIERULFF: I'm Larry Kierulff and I represent myself as well as a neighborhood association that being Boyd Acres Neighborhood association for which I am the chair and have been for the past year and a half.

I live near Cooley Road and use Cooley Road as a main access to my house, but I also try to listen to the concerns of the 4,000 or so tax lots in the neighborhood which is largely between Cooley and empire Avenue both west and east of this controversial corridor.

So, as a neighborhood I think the large amount of people would like to see improvement to the corridor go forward. And it seems to me that that is to help select one of the alternatives that have been put forth.

And so as I look at the alternatives, I have a preference for the DS1 which has -- the main feature being the 4-way interchange north of cooley. And I think that's better because it should provide better access to the future industrial area of Juniper Ridge and would provide better access I think also to Cascade Village Shopping Center.

And from a personal point of view -- well, and

#### 001

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, there is no longer an interchange connecting 3rd Street (Business 97) and US 97. The Preferred Alternative provides full movements between US 97 and 3rd Street with a signalized intersection. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future. For a description of access to the Cascade Village Shopping Center, please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts. For a description of Cooley Road under the Preferred Alternative, please see Topic 28 – Cooley Road design and operation.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

# P56: Larry Kierulff

001 Cont.

003

speaking for most of the neighborhood, I feel it's the solution that would give less stress on Cooley road, which is a street that provides access to most of the neighborhood as well as the two schools in the neighborhood.

I would like to -- I mean, I have two other concerns. One is the impact of noise. It appears to me that there's more potential for noise abatement with that alternative I mentioned and so that's where I stand on that.

I would like to add the idea that it is in neither of the plans and that is there is very little access from the area east of 97 area -- east of 97 between Cooley and Empire. There's very little access from there into the shopping center east west.

And I would like to see as part of either alternative some bicycle, pedestrian path carefully protected to provide a safe access without having to go way out of the way because people on bicycles, particularly children on bicycles, shouldn't have to go way out of the way in order to access the many facilities that are already there at Cascade village. That's the way I see it at this time.

#### 002

Please see Topic 29 – Noise impacts. Section 3.16.3 and Section 3.16.4 of the Final EIS provide more detail on noise impacts and abatement measures.

#### 003

Access from the areas east of US 97 between Empire Avenue and Cooley Road will continue to be provided via Empire Avenue and Cooley Road. No new local road connections from the area east of US 97 and the railroad tracks are proposed as part of the Preferred Alternative. The Preferred Alternative will greatly enhance the safety of crossing US 97 and the railroad tracks further north at Cooley Road by providing a grade-separated undercrossing with sidewalks, bicycle lanes, and crosswalks and pedestrian refuges at the intersection with 3rd Street. In addition, the Preferred Alternative includes a trail undercrossing for a future City of Bend multi-use path. Please see Topic 28 – Cooley Road design and operation.

#### 004

The City of Bend's Bicycle and Pedestrian System Plan shows a planned extension of the North Parkway Trail that would connect from Empire Avenue north to Robal Road adjacent to the railroad tracks, as shown in Exhibits 3-61A FEIS and 3-61B FEIS in the Final EIS. The funding for the planned trail is not currently identified. The Preferred Alternative will require realignment of a portion of this unfunded, planned trail, but the Preferred Alternative does not preclude this future trail system as discussed in Section 3.6.3 of the Final EIS. The City's Bicycle and Pedestrian System Plan does not show a planned connection across the railroad tracks; further, there are no sidewalks or trails in the neighborhood on the east side of the railroad tracks east of Robal Road (near Raymond Court). At such a time that the City's Bicycle and Pedestrian System Plan is amended to show a pedestrian connection across the railroad track, ODOT will work with the City of Bend to construct an independent project that crosses US 97 in the Robal Road vicinity. This US 97 Bend North Corridor project will greatly enhance the safety of crossing US 97 and the railroad tracks further north at Cooley Road by providing a grade-separated undercrossing with sidewalks, bicycle lanes, and crosswalks and pedestrian refuges at the intersection with 3rd Street. . Pedestrian and bicycle facilities included in the Preferred Alternative are described in Section 2.1.2 in the Final EIS. Please also see Topic 12 – Bicycle and pedestrian facilities and Topic 28 – Cooley Road design and operation.

P57: Seth King

MR. SETH KING: Yes. Hello. Good evening.

My name is Seth King. I'm an attorney at Perkins

Coie in Portland. I'm here tonight on behalf of

Lowe's HIW, Inc. Thank you for the opportunity to

address you. I'm here tonight also with Mark

Stoner, who is the director of real estate

acquisitions for Lowe's. He's made the trip up

from California and has been monitoring the project

on behalf of Lowe's.

I wanted to speak to you specifically to object to the loss of two access points and the widening of Cooley Road, which are depicted in the Draft Environmental Impact Statement, as both of these proposals will significantly and adversely affect Lowe's. Of course, Lowe's has the site that's located on the south side of Cooley Road just west of existing US 97 as part of a common development plan with Newman Development Group. George Akel previously addressed you on that property.

Lowe's concerns on these issues are that closure of these access points will force all the traffic onto a single driveway which will increase on-site queuing. In addition, the widening of Cooley Road as depicted there will require the site

The comments provided in this letter are similar to other comments received from Seth King. Those comments are included in the record of comments as P114 and P123.

#### 001

The Preferred Alternative will maintain adequate access to the Town Square Mall shopping center. The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto 3rd Street/Business 97. With the Preferred Alternative, the eastern parking lot driveway to the Town Square Mall shopping center (please see Topic 9, Driveway C, for the location of this access) will be closed because of geometric grade differences that will result from lowering Cooley Road to support an undercrossing of the realigned US 97 and the BNSF Railway. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

This comment is similar to P123 016.

#### 002

The Preferred Alternative widens Cooley Road to the north side of the road to the extent possible while maintaining the alignment of Cooley Road needed for the new undercrossing of the realigned US 97 and the BNSF Railway to the east. Small areas of the Lowe's site that are immediately adjacent to Cooley Road will be acquired to construct the signalized intersection into the main ingress/egress in front of Lowe's. These areas of acquisition will not impact existing structures or parking. If the grade changes to the existing truck driveway (please see Topic 9, Driveway A, for the location of this driveway) are infeasible, a new driveway or modifications of the existing driveway will be addressed with the right of way process during final design of the project. For additional information please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 30 – Right of way acquisitions.

This comment is similar to P114 004, P123 004, and P123 025.

P57: Seth King

002 Cont

to be reconfigured. It will likely result in a loss of parking, change in circulation, relocation of utilities, additional impacts.

Moreover, it will also steepen the grade of the existing driveways there. In fact, the truck driveway to the rear of Lowe's is currently at a grade of 8 percent, which exceeds the Lowe's standard of 7 percent. And with the likely modifications to Cooley that are proposed with the project, it will result in a driveway grade of perhaps 9 percent or more, which would likely be infeasible for the trucks to access there. And that could, again, force them onto the main driveway as well increasing the safety concerns there. Finally, it would also, by reducing the access points, would hinder the emergency response to the site.

Lowe's is particularly concerned about the representations in the DEIS on this issue because the understanding is that over the long term these roads will be outside of ODOT's jurisdiction and will likely be under the city's jurisdiction. So we would ask that you not take action at this early stage that will bind the city or give any sort of hint of binding the city as to later decisions

003

The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto 3rd Street/Business 97. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's). These three access points will provide adequate access for emergency response providers. In addition, the Preferred Alternative will extend Britta Street to US 20 which will give emergency service providers traveling from the Public Safety Complex located on Jamison Road better access to US 20 which will improve response times to Cooley Road.

004

ODOT acknowledges that Cooley Road is under the jurisdiction of the City of Bend. ODOT and the City of Bend will develop an agreement regarding the closure of the access point to the Town Square Mall shopping center (please see Topic 9, Driveway C, for the location of this access). In addition, future 3rd Street (existing US 97) may be under the City of Bend's jurisdiction once construction of the project is complete. However, even after the project is constructed this section of 3rd Street will be the route that connects US 20 to US 97 northbound via Robal Road, so access decisions will continue to require coordination with ODOT. Please see Topic 24 – Jurisdiction of roadways.

# P57: Seth King

concerns.

regarding the access of right-of-way. These will be future local roads. We would recommend and request that you leave these decisions for another day and another process. Or, if you really must take an action now on these issues, we ask that you do so in a way that takes into account Lowe's

The second issue that we have is that we believe that the DEIS is incomplete because it does not address the construction and phasing impacts of the project. These impacts are real and will be felt. We ask that you address them. Thank you.

### 005

Please see Topic 17 – Phasing.

This comment is similar to P114 006.

004 Cont.

P58: Tim Larocco

MR. TIM LAROCCO: My name is Tim LaRocco. I own Instant Landscaping Company at the south end of Nels Anderson Road. The number is 63160. The site is the homestead property that was the center of Nels and Lillian Anderson's dairy. We are licensed by the Department of Agriculture. We are distributors for McPheeters Turf Farm. We have three acres of Swalley water rights and irrigate turf grass slabs and trees. Instant also blends specialty soils and sells agricultural and forest by-products for landscapers and gardeners.

I have developed much respect for the local ODOT staff, but the process is a bit frustrating.

Suggestions: A bit more evaluation of the first Parkway project, increased flexibility in obtaining contracted parts of technical studies.

001| Time - the 45-day comment period is too short.

Evaluation of past project. Example: Nels

Anderson Road years after the first project has

four sections on two sides of the Parkway. Signage

problem never got resolved. A multi-agency

003 commitment with the city, county, and ODOT needed.

Flexibility to share all study information, including the two interchange areas studies yet to be done.

#### 001

Please see Topic 2 – Request for extension of the Draft EIS comment period.

#### 002

The Bend Parkway project did bisect the existing Nels Anderson Road, leaving segments on either side of the Bend Parkway and creating challenges with signage and access to existing properties. The prior Bend Parkway project is not within the scope of this project and the impacts of the past project are not included in the Final EIS.

Sign design for the Preferred Alternative will be addressed during final design.

#### 003

ODOT has coordinated with the City of Bend and Deschutes County throughout the course of the project. These agencies have all taken an active role in the project through their involvement on the Agency Coordination Committee and the Steering Team. Information about these coordination efforts is documented in Chapter 7 of the Final EIS. ODOT worked closely with the City of Bend, Deschutes County, and the Bend Metropolitan Planning Organization to develop the project's Preferred Alternative. In August 2013, the Bend Metropolitan Planning Organization amended the Metropolitan Transportation Plan to include the portions of the Preferred Alternative that were not previously included in the plan, and on March 5, 2014, the City of Bend amended its Transportation System Plan to include the Preferred Alternative. Deschutes County determined that the portions of the Preferred Alternative located in unincorporated Deschutes County are already included in the County's Transportation System Plan. These formal plans demonstrate the various agencies' commitments to the Preferred Alternative.

#### 004

When the Draft EIS was made available to the public, the development of the Interchange Area Management Plans (IAMPs) was expected to take place before publication of the Final EIS. While ODOT does involve the public in the development of IAMPs, the Preferred Alternative will not require IAMPs. Please see Topic 3 – Interchange area management plans (IAMPs).

The National Environmental Policy Act process for the US 97 Bend North Corridor project provided many opportunities for ODOT to share information and get input from the public on the alternatives considered in the Draft EIS. Section 7.3 of the Final EIS provides a complete description of the public involvement activities associated with this project. In addition, technical reports and other project information was made available on the project website during the Draft EIS comment period.

### P58: Tim Larocco

The loss of a sense of place is threatening to many stakeholders. In small business, it's no secret that if you're not unique in carving your niche, you will fail. Over 20 years ago, we started an extensive search for a unique site that was very rural where we could operate an agricultural-related business and at the same time abut a high-traffic roadway. We found a unique piece of old Bend that was in the very center of Nels and Lillian Anderson's homestead. The fit was perfect. It was and is quite rural. For 96 years, it was and is agriculturally income related. It is right next to one of the highest traffic count sections of the North Bend Parkway. This has enabled us to advertise less and preserve the historic Nels and Lillian Anderson farmhouse.

In 2009, Mike Schmidt commented at a steering committee meeting that many businesses in the right-of-way areas were in danger of being displaced out of the core area. As much as I like Redmond, to suggest there is available property in Redmond is a bit insulting.

The first section of land that Nels Anderson purchased was in 1915 from the Department of Interior and was signed by Woodrow Wilson. The

#### 005

We recognize the historic nature of the Nels and Lillian Andersen house. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen house will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. This adverse effect has been resolved though the Memorandum of Agreement that is included in Appendix D of the Final EIS.

ODOT met and coordinated with Mr. Larocco throughout the project, including Mr. Larocco's participation as a member of the Citizen Advisory Committee (CAC). CAC meetings are documented in Chapter 7 of the Final EIS. ODOT provided Mr. Larocco with draft copies of the Section 106 Memorandum of Agreement to resolve the adverse effect to the Nels and Lillian Andersen House. ODOT and FHWA reviewed and considered Mr. Larocco's comments when developing the final Memorandum of Agreement.

Section 3.5.3 of the Final EIS analyzes the impacts of the Preferred Alternative on businesses, including business and job displacements.

P58: Tim Larocco

005 Cont.

Andersons had one of the few English tudor bungalow farmhouses in Bend constructed in Bend about 1929.

The State Historic Preservation Office determination on Nels and Lillian Anderson's house is found in Chapter 3.

Also with the affected environment, both DS1 and DS2 reflect that the visual impact would remain the same. That seems to contradict the description on page 126 discussing the Nels Anderson homestead, quote, The vegetation on the property would be removed. The Nels and Lillian Anderson homesite property has quality groves of pioneer-planted ash, poplar, fruit trees, pines, grapes, and berries that will be lost without a plan.

Both build routes in the draft document are proposed to include demolition and/or removal of the Nels and Lillian Anderson house. ODOT has informed the Bend community that mitigation measures are currently being considered, yet no solutions have come forward. Thank you.

#### 006

Section 3.8.3 in the Draft and Final EIS analyzes changes to the overall visual character in the project area. The project area was broken into two landscape units, and each unit was given an overall visual quality score. The existing visual quality score for the southern landscape unit, where the Nels and Lillian Anderson House is located, is moderately low (a score of 3 out of 7). The visual quality score for the southern landscape unit will remain the same (a score of 3) under the Preferred Alternative. While there will be site-specific changes to the landscape, the overall visual character in the project area remains unchanged with the Preferred Alternative, as described in Section 3.8.3 of the Final EIS.

The Nels and Lillian Andersen House has been identified as a historic resource as described in Section 3.7.2 of the Final EIS and the Final Section 4(f) Evaluation. The house will require relocation or removal under the Preferred Alternative, resulting in a Section 106 Finding of Adverse Effect. Mitigation measures to resolve this adverse effect have been agreed to as specified in the Memorandum of Agreement signed by FHWA, ODOT, and the State Historic Preservation Officer (see Appendix D of the Final EIS). Please also see the response to comment P58 005.

### P59: Elouise Mattox

# DRAFT EIS COMMENT FORM



www.us97solutions.org

Submitting Comments – ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative.

For example, comments should:

- Describe the specific elements that you like or do not like about the alternatives
- Suggest ways an alternative could be improved
- . Explain why you agree or disagree with the information in the Draft EIS
- Describe information that should be added to or revised in the Draft EIS.

Please return this comment form during the public hearing on August 24th (5:30 – 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). You may also mail it to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than <u>September 12, 2011</u>, which is the end of the public comment period on the Draft EIS. Thank you!

again comment as I have throughout

#### Comments:

	this process that I prefer the no bild option
	as growth and the economy have slowed in
1	Central Osegon. If a plan must proceed then I.
	Areles DS2 as it beeps the congestion and mouse
001	compartly located where therail road, which will
	not more is located. Very the ortivity in awas
	already nature instead of the needlesly disruption
	a jusal farm neighborhood.
	I am also concerned about the inevitable
002	connection between US 97 + Highway 20, Where
	will that go?
	Please provide your contact information below:
	Name: Elouise Mattex Phone (optional):
	Address: 20210 Mountain View Dr
	City, State, ZIP: Bend OR 97701
	40.10 30.00

#### 001

We acknowledge your support of the No Build Alternative and your preference for the East DS2 Alternative over the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative.

The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

#### 002

No new east-west connections between US 20 and US 97 will be constructed as part of the Preferred Alternative. Northbound travelers on US 97 can access US 20 via the Sisters loop ramp north of the Empire Avenue interchange. Southbound travelers on US 97 can use the new 3rd Street extension to connect to Robal Road or Cooley Road to travel to US 20. Similarly, southbound travelers on US 20 can use Robal Road or Cooley Road to connect to 3rd Street to reach US 97. Please see Section 2.1.2 and Exhibit 2-8 FEIS in the Final EIS for additional description of travel routes under the Preferred Alternative.

# P60: Frank McKim

# US 97 Bend North Corridor DRAFT EIS COMMENT FORM Solutions www.us97solutions.org Submitting Comments - ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative. For example, comments should: Describe the specific elements that you like or do not like about the alternatives Suggest ways an alternative could be improved Explain why you agree or disagree with the information in the Draft EIS Describe information that should be added to or revised in the Draft EIS. Please return this comment form during the public hearing on August 24th (5:30 - 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). You may also mail it to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than September 12, 2011, which is the end of the public comment period on the Draft EIS. Thank you! Comments: 001 Please provide your contact information below: Phone (optional): City, State, ZIP: Email (optional):

#### 001

Thank you for the information on this resource. An archaeological survey of the area of potential effects was performed for the project as described in Section 3.7 Historic Resources of the Final EIS. The Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, will not impact this resource.

# P61: George Morrison

MR. GEORGE MORRISON: My name is George A.

Morrison. I'm just a citizen from the local area.

I live off of Cooley, High Standard.

And I have -- my opinion is of the change DS1, DS2, and the reasons for it are as traffic is coming south on 97, they have a tendency of wanting to make U-turns on 97 to go north. I've seen several times near miss, near accidents. If not on 97, then they will come down Cooley, make a U-turn, and there's been twice that I've had to stop to keep from hitting the person making the U-turns.

The second one, traffic sitting on the tracks. If there is a long light going north and south, a couple of times traffic sitting on the tracks, signs coming down. I've lived there two and a half years now. That's the amount of times that I've saw that happen.

The third one is the train noise. The engineers during the daytime, mornings, nights, it's not much of an issue. There are several gentlemen or women that like to lay on the horn two or three seconds, and they do it in intervals of four. That would just be a handy benefit to having the changes.

That's my concerns. Thank you.

#### 001

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, drivers wishing to change directions on US 97 can use the signal at 3rd Street and US 97 to access 3rd Street and find a safe area to turn around. Median barriers on US 97 will prevent u-turns. It is impossible to prevent illegal u-turns on local streets or on sections of US97 where there is no median barrier.

#### 002

Under the Preferred Alternative Cooley Road will cross underneath the railroad tracks, enhancing safety of vehicles, bicycles, and pedestrians traveling on this roadway. With this undercrossing, vehicles will cross under the railroad tracks so this will eliminate the possibility of vehicles sitting on the tracks. Please see Topic 28 – Cooley Road design and operation.

#### 003

Under the Preferred Alternative, the BNSF Railway crossing of Cooley Road will be grade-separated, which avoids the need for all trains to sound their horn as is done under current conditions. Existing BNSF Railway noise was measured and evaluated in Section 3.16 Noise of the Final EIS. The Final EIS includes an updated noise evaluation for the Preferred Alternative based on ODOT's 2011 revised Noise Policy. Please also see Topic 29 – Noise impacts.

# P62: Randy Reed

Martad 8-24-11

# DRAFT EIS COMMENT FORM



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Comments:

001

CORRENTLY I OWN Property at 3340 to 1109 11 one of
my bosiness Color Tite. After reviewing this project I
have a concern with the possibility of losing Access
from Hay 97 17 this project is completed. Mervin Somples
road would be widered & the closure of Shermon Road
& Empire would increase traffic that prombly postlefor
a signal light go into Effect on Hung 97 & mervin Samples.
I was reassured by several members from OPOT
that A signal light would not hoppen. Housever with
the increase use of Mervin Samples being the only occess
Tom afraid of that a tropies being the only poccess
would lose both North & south bound access to my
Store. At this time I appare this project until I get my
Store. At this time I appear this project until I get my Please provide your contact information below. Assurence that I will not lose recess to my perspectly from both
Name: Kandy Keed - Color IIIE. Phone (optional): Cirecti
Address: 3520 N. Hwy 97
City, State, ZIP: Bond BR 92701
(mail (optional): Color tile a bend broad band, com

#### 001

The current design of the Preferred Alternative will keep the existing driveway access to Color Tile open. The Preferred Alternative includes a new traffic signal at the intersection of Mervin Sampels Road and 3rd Street, as well as paving, widening, striping, and the addition of sidewalks on Mervin Sampels Road to accommodate two-way traffic, truck movements, and pedestrian access. The widening for Mervin Sampels Road on the east side of 3rd Street will primarily be to the south.

If it is determined during final design that adequate access cannot be provided for your business, the impacts will be addressed during the right of way acquisition process. Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure and Topic 30- Right of way acquisition.

# P62: Randy Reed

	Additional Space for Comments:  Lastly Morvin Soproples is bosically on alloy or undereloped road. It is my understoowding a street needs to be 60' wide currently it 1/2 aprox 31'. My concern again is which way would you develop this road to hindle traffic that will increase because of the closure on Empire.
001 Cont.	to be 60' wide currently it 1/2 aprox 31' My
- 61	concern again is which way would you develop
	this round to handle traffic that will increases because
	8 the chave on Empire.
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	Sond OR 97701
-	A STATE OF THE STA
	ATTN: US 97 Bend North Corridor Project Oregon Department of Transportation 63030 N. Hwy 97 Bend, Oregon 97701
-	US 97 Bend North Corridor Solutions
	www.us97solutions.org
	Fold along dotted line. Tape closed (10 staples). 1
	Please return this comment form no later than September 12, 2011.

# P63: Kreg and Judy Roth

August 24, 2011

Oregon Department of Transportation (ODOT) Attention US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend, OR 97701

## SUBJECT: We oppose the East DS1 Option for ODOT's US 97 Bend North Corridor Project

To Whom It May Concern:

Our names Kreg and Judy Roth. We live at 63980 Hunnell Road. We are writing this letter as members of Hunnell United Neighbors (HUNS).

Along with the rest of the HUNS, we strongly oppose ODOT's US 97 Bend North Corridor East DS1 alternative, which will have a disproportionately negative impact on our neighborhood, when compared to the project's East DS2 or the No Build Option.

East DS1 will extend existing Business 3rd Street north and route all traffic traveling to or from businesses along existing US 97 between Cooley Rd. and the Hwy. 20 exchange onto it. Vehicles traveling to or from the Cascade Village Shopping Center, big box stores such as Home Depot or Lowes, and/or businesses on existing Business 3rd between Butler Market and Empire will pass over this new Deschutes County arterial. As part of this option, ODOT will close the Hwy. 97 on/off ramps at Empire and construct an overpass over Hwy. 97 that will terminate in a road that provides access to two Hwy. 97 mobile home courts and ultimately, to Juniper Ridge.

East DS1 will result in the destruction of a number of our neighbors' homes, or the taking of a portion of their land. This \$220 million (or more) project will also shift traffic from a US highway into an existing rural residential neighborhood. The project is intended to solve a problem that was created when ODOT designed the Bend Parkway. A ODOT representative actually told a HUNS representative that the problem was created when ODOT ended the Parkway one mile too far south (the original Parkway should not have had traffic lights on Robal Road or Cooley Rd.). Now, ODOT's is our neighborhood to bear a disproportionate brunt of its Bend Parkway design mistakes.

The negative impacts associated with East DS1 that will disproportionately affect the residents of our area (west of Hwy, 97, south of Pohaku Rd., north of the Veteran's Cemetery and east of the Old Bend Redmond Hwy.) are not just limited to the destruction of homes and the taking of property.

 A number of our neighbors will end up living on the edge of a key north/south Deschutes County businessoriented arterial. Traffic hazards will increase as vehicles will travel through a residential area at approximately 45 MPH. Many will speed, as they do on the Parkway. Today, vehicles travel through our neighborhood at 20 MPH. Traffic noise pollution will also be a problem.

We and our neighbors can expect to experience big declines in our property values – if we can even sell.
 These property value declines and selling difficulties will hang over our heads even if ODOT waits for years to build the US 97 interchange (and the overpass over Hwy. 97, which terminates in a road that provides access to two mobile home courts and ultimately, Juniper Ridge).

Traffic will not stay contained on the north extension of Business 3<sup>rd</sup>, but rather, can also access a number of other roads such as Hunnell and Rogers.

#### 001

We acknowledge your opposition to the East DS1 Alternative. These comments pertain to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and FHWA's consideration of comments on the Draft EIS resulted the agencies' identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative impacts to the Hunnell Neighborhood have been minimized. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

#### 002

At the time the Bend Parkway was built, there was not enough funding to complete the north end of the project. The Preferred Alternative completes the north end of the Bend Parkway and will eliminate the traffic signals at Robal Road and Cooley Road.

#### 003

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, there are no longer impacts to the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

#### 004

As shown in Exhibit 2-3 FEIS in the Final EIS, the Preferred Alternative will not include any new roadways through the Hunnell Neighborhood. Traffic noise impacts are disclosed for the Preferred Alternative in Section 3.16.3 of Final EIS based on ODOT's 2011 revised Noise Policy. Please also see Topic 29 – Noise impacts.

#### 005

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. With the design of the Preferred Alternative, there are no longer impacts to the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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003

004

# P63: Kreg and Judi Roth

We are also unhappy with how ODOT has handled this project over the years. It has been difficult to get straight answers. ODOT continued to change the project's alternatives and the leadership. While on the surface, it appears that ODOT is cooperating with "stakeholders", it continues to ignore the feedback of not only the HUNS, who have been overwhelming opposed to the East DS1 alternative, but also (based on their testimony), the objections of the shopping malls (Cascade Village, Bend Associates, etc.). ODOT has always promoted the East DS1 alternative, even though the only entity that benefits from it is ODOT itself (and perhaps, the City of Bend, because East DS1 will make it easier for Bend to develop Juniper Ridge).

The HUNS support the East DS2 alternative. It will have far fewer impacts, as it routes traffic south of the Deschutes Memorial Gardens (Veterans Cemetery) as opposed to putting it through our rural residential neighborhood.

According to ODOT itself, East DS2 has very similar performance to East DS1 and has a projected cost that is 10 to 15% lower than East DS1 (per ODOT).

Along with the HUNS, we also support the No Build Option. Should the State and Federal governments be spending \$220 million on this questionable project at a time when we have such issues with our national debt and such major budget problems?

Sincerely,

Kreg and Judy Roth 63980 Hunnell Road Bend, OR 97701

#### 006

We acknowledge that transitions associated with changes in project leadership can be frustrating. While some ODOT employees working on the project have changed over time, we have tried to maintain continuity of leadership to the extent possible given the multi-year duration of this large project.

We acknowledge that the alternatives did change throughout project development, which is a natural outcome of the project development process as more information is gained and alternatives are modified to better fit new information. Alternatives that did not meet the purpose and need of the project were dropped from consideration.

ODOT has tried to implement a fair and transparent public involvement process throughout the course of the project, including public open houses, focus group meetings, involvement of a Citizens Advisory Committee, as documented in Chapter 7 of the Final EIS. ODOT has carefully taken into account comments and concerns expressed by stakeholders throughout the process. The public comments submitted on the Draft EIS ultimately resulted in development of the East DS2 Alternative, which ODOT and FHWA identified as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, impacts to the Hunnell Neighborhood have been minimized.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

#### 007

The Draft EIS did not identify a Preferred Alternative. The East DS1, East DS2 and the No Build Alternatives were all analyzed at the same level of detail in the Draft EIS. One alternative was not favored more than another in the Draft EIS.

#### 800

Thank you for your expression of preference for the East DS2 and No Build Alternatives. ODOT and FHWA have identified East DS2 Modified as the Preferred Alternative in the Final EIS. Please also see Topic 16 – Funding, Topic 25 – Cost and benefit-cost analysis, and Sections 1.2 and 1.3 of the Final EIS, which include the purpose and need for this project.

P64: Scott Siewert

MR. SCOTT SIEWERT: Good evening ODOT

officials and fellow citizens who are opposed to

the East DS1 for all the right reasons. My name is

Scott Siewert. I'm here to represent No Juniper On

Our Ridge, which can be contacted at that same

address, NoJuniperonourRidge@BendBroadband.com.

I must admit tonight that my vision is no longer perfect. When I studied the ODOT maps in the other room, I see just a bunch of lines. If my wife was doing it, she would see roads in everything that you're attempting to portray.

But my nose is still pretty good. In a sniff test for East DS1, it smells exactly like the city's failed trojan horse at Juniper Ridge, which has been comatose now for a decade.

I e-mailed Rex Holloway yesterday to question the massive interchange through Bowery Lane where there's absolutely nothing or no one to serve. I asked him to enumerate the ancillary costs envisioned by ODOT for the failed mess at Juniper Ridge, including Cooley, Empire, et cetera, et cetera. I further asked him for absolute assurances that ODOT has no plans whatsoever to destroy the neighborhoods bordering Bowery lane, Harris Way, Hunnell, and Rogers Road, despite a

001

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, impacts to this area have been substantially reduced and Bowery Lane is no longer impacted with an interchange. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative and Topic 25 – Cost and benefit-cost analysis.

# P64: Scott Siewert

001 Cont.

note on page 37 of ODOT's tech report, this signaling exit extension of Harris Way through to 97. I wanted that information tonight to pass along to everyone here. Rex replied, "We'll get back to you, maybe next week." Doesn't that sound an awful lot like the meeting that we had a couple years at the ODOT facility on Highway 97?

In summary, my wife and I would ask ODOT to remove east DS1 and any route north of the cemetery from consideration at the earliest possible time.

Thank you very much.

P65: Wayne Simpson

MR. WAYNE SIMPSON: Good evening. My name is wayne Simpson, and I own property at the north end of your project.

First I'd like to say, unfortunately, the one plan that actually resolves most of the objections to ES1 and ES2 is off the table. There were some good plans done prior to this, and I wish that there were some way once a government organization gets rolling, somebody can say, "Stop, this is not good, let's go back and redo this again." And it needs to be done with this project.

That being said, seeing that I can't address those issues, the access road along the tracks is not adequate enough to service commercial industry. Having an industrial property at the north end of town that services semi trucks, I'd like to remind you of our wonderful roundabouts that got formed and built and then had to be rebuilt because the delivery traffic wasn't able to handle it. So I would like you to look at that issue because those roads are not going to be adequate for commercial trucks.

In your planning, one of the items that you said in this impact report is that you want the development and encouragement of employment and

#### 001

Thank you for your opinion. Preliminary alternatives were evaluated using a three-step screening process described in Section 2.2.2 in the Final EIS, which resulted in the identification of two build alternatives, the East DS1 and East DS2 Alternatives, that achieved the purpose and need for the project and were studied in the Draft EIS. Alternatives that did not meet the purpose and need for the project were dismissed from further consideration in the Draft EIS. For more information, please see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

ODOT and FHWA's consideration of comments on the Draft EIS resulted in the agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

The Preferred Alternative has been designed to accommodate truck traffic. As shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS, the Preferred Alternative does not include a local road along the railroad tracks at the north end of the project as the East DS1 and East DS2 Alternatives did. Under the Preferred Alternative, properties north of the Deschutes Memorial Gardens and Chapel will retain their existing access onto US 97. Please also see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel and Topic 15 – Separated through and local routes.

#### 003

Thank you for your opinion. Part of the purpose of the project is to support economic development that is consistent with local agency plans. Please see Exhibit 3-27 FEIS of the Final EIS for a summary of the Preferred Alternative's consistency with local land use plans and policies.

# P65: Wayne Simpson

003 Cont. growth, and that will not do that.

The other item that I would like to say is that I know there's a lot of objections to the ES1 project, I believe it is, the one with the big loop that goes through Hunnell. That is the best for us because it gives the access closest to the highway. What they're not realizing about the other one on 004 ES2 is all of our truck traffic, all of our customers are going to be traveling across that one road and down into Bowery Lane and over to Hunnell and around the dirt roads for access to get back to the highway. There is no real direct access for any of that commercial building that we have at the north end of this issue.

And then the last thing that I would really like to say is -- and I did get a chance to talk earlier and I have some understanding on it, but I need to say it for the record - that I would prefer right-in/right-out accesses not be taken away from us. I understand the safety of the concrete barrier and separating the highway and access across the highway. That I agree with, but I would like to see our accesses not just be removed but be changed to right-in/right-outs. Thank you.

004

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, no changes will be made to driveways north of Deschutes Memorial Gardens and Chapel. The truck and customer access to US 97 that your business has today will stay the same under the Preferred Alternative. Trucks traveling into Bend will use the new extension of 3rd Street. Please also see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

005

Under the Preferred Alternative access to your business will not be changed to rightin/right-out. Please also see the response P65 004 above.

P66: Tim Thompson

US 97 Bend North Corridor DRAFT EIS COMMENT FORM Solutions www.us97solutions.org Submitting Comments - ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative, For example, comments should: Describe the specific elements that you like or do not like about the alternatives Suggest ways an alternative could be improved Explain why you agree or disagree with the information in the Draft EIS Describe information that should be added to or revised in the Draft EIS. Please return this comment form during the public hearing on August 24th (5:30 - 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). You may also mail it to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than September 12, 2011, which is the end of the public comment period on the Draft EIS. Thank you! Comments: Please provide your contact information below: Phone (optional): City, State, ZIP: Email (optional):

Comment received and entered into the Record of Comments.

### P67: Leonard Weitman

MR. LEONARD WEITMAN: I'm Leonard Weitman,
Vice President of Technical Operations for
BendBroadband, located at 63090 Sherman Road, off
Empire Boulevard.

Since May 2010, I've attended several open houses and public meetings regarding the US 97 North Corridor Project. In each case, I've stated our concern regarding the interruption in service that would result from having to cut, relocate, and splice 390 fiber optic conductors that leave our Sherman Road property in route to our customers.

Further, when asked to do so by ODOT, we provided statements regarding potential impacts of the project, depending on the alternative designs under consideration. In each case, until last week, we were reassured by ODOT personnel they did not see a need to realign Empire Boulevard in such a way that our business or our fiber optic lines would need to be relocated. However, despite past reassurances, the DEIS does exactly that.

We have the following concerns with

Alternatives East DS1 and DS2 as they are now

designed: 1) Last week we became aware that the

utility poles that are along the south side of

Empire Boulevard will need to be relocated as part

#### 001

This comment pertains to the impacts along Empire Avenue that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. With the Preferred Alternative, the design along Empire Avenue has been modified to reduce the impacts so that even though utility poles carrying Bend Broadband's fiber optic lines will need to be relocated; the fiber optic conductors will not need to be spliced or cut, and service will not be interrupted. We are not aware of any assurances by ODOT personnel that there will be no impact to the fiber optic lines for the alternatives evaluated in the Draft EIS, and we apologize for any confusion. Please also see Topic 11 – Bend Broadband utilities and property.

### P67: Leonard Weitman

001 Cont

002

splice 360 fiber optic conductors interrupting service over a three-week period to hospitals, public safety providers, banks, other businesses, and 42,000 customers. The impact to the community is substantial due the length and severity of the interruption. 2) The proposed alignment of Empire Boulevard appears to eliminate paved access to the rear of our Sherman Road building. This prevents fire department trucks from using the existing fire lane and having access to that portion of the structure. 3) The proposed elimination of traffic access to Empire Boulevard from Sherman Road requires the redesign and construction of the south end of Sherman Road and Mervin Sampels Road to allow access to 3rd Street. This change will increase traffic on Mervin Sampels and 3rd Street by a thousand trips per day. No traffic signal is planned at 3rd Street. 200 customers, 20 suppliers, 200 employees visit BendBroadband daily using the Empire and Sherman route. Under the proposed design, the customers, employees, and suppliers of BendBroadband and other businesses on Sherman Road will be required to use Mervin Sampels Road. The proposed design creates an unsafe level

of the realignment. This will cause us to cut and

#### 002

The Preferred Alternative will not impact the fire lane around the Bend Broadband building on Sherman Road. Fire trucks will access the fire lane via Sherman Road and the new signal at 3rd Street and Mervin Sampels Road.

#### 003

The Preferred Alternative includes a traffic signal at the intersection of Mervin Sampels Road and 3rd Street, as well as paving, widening, striping, and the addition of sidewalks on Mervin Sampels Road to safely accommodate truck movements, two-way traffic and pedestrian access. Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

### P67: Leonard Weitman

003 Cont.

of uncontrolled traffic, crossing the lanes of heavily-traveled 3rd Street from and to Mervin Sampels Road. We strongly advocate for the installation of traffic signals at this intersection as part of the project. 4) Mervin Sampels Road and the south end of Sherman Road will need to be constructed in such a way that full-size tractor/trailers will be able to continue to have safe access to BendBroadband's existing warehouse operation, located between Nels Anderson Road and Sherman Road, and to the other commercial and industrial businesses on Sherman Road.

004

BendBroadband asks that risks to public safety detailed above be mitigated by designing the project to: A, eliminate the need to relocate poles and disrupt broadband service to the community; B, maintain access for fire trucks to the rear of our Sherman Road facility; C, provide a traffic signal at the intersection of 3rd Street and Mervin Sampels Road; and, D, construct Sherman and Mervin Sampels Roads to safely support tractor/trailer traffic. Thank you.

#### 004

Please see the responses to P67 001 (pole relocation and service disruption), P67 002 (fire access), P67 003 (traffic signal and design of Mervin Sampels Road), and Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

# P68: Ken McCormic

From: Ken [mailto:KMc2002@BendBroadband.Com] Sent: Friday, August 26, 2011 9:45 AM To: comments@us97solutions.org Subject: 97 project

With the economy as it is and may be for years to come, whichever project has the smaller cost is the one which should be pursued.

We cannot keep spending money we don't have, traffic or not.

Ken McCormic Bend, OR

### 001

Please see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

### P69: Jere Smith

From: DSI Computers [mailto:dsi@bendbroadband.com]
Sent: Wednesday, August 31, 2011 12:45 PM
To: comments@us97solutions.org

Subject: DS1 & DS2

I live at 64100 N. Hwy 97 #20 in 4-Seasons park.

DS2 makes it impossible for me to even think I can get my Corvette on the paved road without being covered with dust, rock chips etc. with the round about way I would have to find my way to Hwy 97. Without improvements to Bowery lane and Hunnell rd. those residents who live there will be inundated with more traffic and dust than they should have to bear.

Therefore I am for DS1 Alt. as it addresses everyone's access to the hiway on the north side, Gives access to Larry's RV and the motels and gas station. Granted it does eliminate some properties in the process, but given these 2 choices it's a no brainer...DS1

Jere Smith, Pres. DSI Computers Bend, Oregon

#### 001

We acknowledge your preference for the East DS1 Alternative. ODOT and FHWA have identified the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This comment pertains to impacts in the north end of the project area that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. With the design of the Preferred Alternative, Hunnell Road, Bowery Lane, and the mobile home parks are no longer impacted. Access to the mobile home parks will not be changed. Please also see Topic 1 – How analysis of neighborhood impacts (Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative and Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

### P70: John and Carole Hansen

September 1, 2011

Ms. Amy Pfeiffer
US 97 Bend North Corridor Project Environmental Manager
ODOT, Region 4, Building K
63055 N. Highway 97
Bend, OR 97701

Dear Ms. Pfeiffer:

Our names are John and Carole Hansen. We reside at 20550 Bowery Lane in the Rock O' The Range Sub-division in unincorporated Bend. We were one of the first families here and built our house in the 1970s. We've raised our kids here. Forty years ago we planted trees on our property that are now 40 feet high. We have roots here and we treasure our land and this area.

We have examined the maps and descriptions of the US97 Bend North Corridor's Bast DS1 and East DS2 alternatives.

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After looking at the maps, we are contacting you to say that we are very opposed to East DS1. It will extend Third Street from the south and put it directly through our established rural residential neighborhood. The project will not rezone our land and will make it impossible for us to sell. The East DS1 Northern Interchange and its connection to 3rd Street and an overpass that crosses US 97 has been shown in your documentation to have a great potential to also connect to the local street network that serves Juniper Ridge and, thereby, all of Northeast Bend. This a foreseeable action that has not been adequately explored in your Draft EIS, particularly in its Chapter 4 section. We also object to the fact that ODOT buried the discussion of Cumulative Impacts in the very back of the Final Socioeconomic and Environmental Justice Technical Report, obscuring the important information that section contains.

We can't imagine what this area will be like once the traffic volumes projected (as much as 75% of local trip traffic will be diverted onto 3rd Street, which runs through the heart of the Rock O' The Range neighborhood. What was a beautiful, peaceful neighborhood with clean air, peace and quiet and NO TRAFFIC will now become a key component of ODOT's transportation network, not just as a result of the direct effects of East DS1 but also as the Indirect Effects associated with future road development, commercial expansion and population growth.

on.

We are in our late 70s and 80s. We are not willing to contend with cars flying by our house less than 200 feet from our door on a 2 lane major arterial (which, by its very design, will be congested from the moment it is opened to the public. It's inconceivable to us that ODOT is considering an option such as East DS1 when you yourselves helped to create the problem by making the Bend Parkway share the same path as US 97. Of course traffic congestion is the result – when you put traffic control signals and commercial development along the edge of a major highway, it should come as no surprise that congestion will be the result. Now you want to divert that traffic to the local road system, to 3<sup>rd</sup> Street and by extension to Bowery Lane, Hunnell Road, Harris Way, Rogers Road, etc.

Page 2

#### 001

We acknowledge your opposition to the East DS1 Alternative. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

The cumulative impact analysis is contained within the Draft EIS in Chapter 4. Please see Topic 26 – Cumulative impacts and Topic 18 – Juniper Ridge.

### 003

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### P70: John and Carole Hansen

John and Carole Hansen letter to ODOT September 1, 2011

We live on property that has Hunnell Road to the north and west of our property line and Bowery Lane to the east and south. In addition to creating a major thoroughfare that cuts through our neighborhood, Hunnell Road will inevitably become heavily traveled, too. We will be sandwiched between a busy city arterial and a busy rural connector. This is intolerable to us.

From what we can see from the ODOT maps, it looks like East DS2, while far from being a good solution for our neighborhood, is the lesser of two evils and the Build Alternative that comes closest to addressing the real source of the problem - the shopping malls and the lack of a connection between US 97 and Hwy. 20.

We also wish to add that we believe ODOT and the FHWA are obligated to consider a full range of alternative under NEPA rules. For years, there was discussion of placing an interchange at Cooley Road or running Cooley Rd, under US 97 and the BNSF railroad tracks to the east. We believe that ODOT should include this alternative, and combine it with TDM and TSM traffic management and traffic reduction methods, to arrive at an additional alternative that is lower cost and less impactful to the Hunnell Neighborhood and to the Rock O' The Range neighborhood in particular.

In summary: We strongly oppose East DS1. We can tolerate, but dislike East DS2. We ask that ODOT include a third Build Alternative, which is either an interchange at Cooley Rd. (which can be placed partially on the Wal-Mart property) or else a solution that runs Cooley under US 97 and the BNSF tracks.

the Ho

Thank you for considering our comments.

John and Carole Hansen

20550 Bowery Lane, Bend, OR 97701

#### 004

Under the Preferred Alternative, there will be no improvements to Bowery Lane, and improvements to Hunnell Road will be limited to the installation of a traffic signal at the intersection with Cooley Road as shown in Exhibit 2-3 FEIS (Map 6) in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including impacts to Bowery Lane and Hunnell Road, Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 005

We appreciate your expression of tolerance for the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. The Preferred Alternative includes an undercrossing of Cooley Road under both the new US 97 alignment and the railroad tracks. ODOT also analyzed a Transportation Demand Management/Transportation System Management Alternative, but the alternative failed to meet the purpose and need for the project as described in Chapter 2 of the Final EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 21 – Transportation demand management and transportation system management measures, Topic 28 - Cooley road design and operation, and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

### P71: Jan Pickett

From: Jan Pickett [mailto:janp@bendbroadband.com] Sent: Friday, September 02, 2011 10:11 AM

To: comments@us97solutions.org
Subject: Bend North Corridor Solutions

This email is in response to your Aug 24 invitation for public comment regarding the alternatives for dealing with the "Bend North Corridor Project".

Since you have put a lot of time and effort in distilling all the possibilities into 3 solutions, I must assume that all three are equally viable. Which means that the task before us is to select one of the 3. Obviously all alternatives have their own set of advantages and disadvantages. The choice then is really a decision about values and priorities. We must make a value judgement about all of the pluses and minuses of each solution and decide which, as a community, are more important to us.

As long as people continue to reproduce faster than they die, "growth" is (unfortunately) inevitable. Those that currently inhabit the earth must make room for the new. But there ought to be limits on what we should have to give up to accommodate the new.

For me the choice is simple. I would choose the alternative that has the least impact on people's homes and way of life. The projects as presently defined might not have a large direct effect on my property at this time. However, the East DS1 Alternative would have immediate and devastating consequences for homeowners in the Bowery Lane area. Not only might some lose their home but all would lose their unique tranquility and the full use of their property. This is not right nor fair when there are 2 equally viable alternatives that have substantially less impact or impact fewer homes and property. Actually one alternative – no build – would have virtually no impact.

Therefor I would prefer No Build. Next would be East DS2. East DS1 should be taken off the table

There is a song from the 1970's that perfectly expresses my opinion. Just click on the link below.

Big Yellow Taxi

#### 001

We acknowledge your opposition to the East DS1 Alternative, and preference for the No Build and East DS2 Alternatives in that order. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P72: Crystal Dollhausen

September 5, 2011

ODOT

Attention: US 97 Bend North Corridor Project

63055 North Highway 97 Bend, Oregon 97701 Due September 12, 2011

(requests for an extension of comment period was not granted)

REGARDING: US 97 Bend North Corridor Project

To Whom it May Concern:

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My name is Crystal Dollhausen and I am providing my comments on the US 97 Bend North Corridor Project. Before I continue, I want to emphasize that I oppose the East DS1 Alternative. It will not only urbanize my own neighborhood, but the entire area within the "Y" between US 97 and US 97 north of Cooley Rd). The Cumulative Impacts associated with this urbanization (largely driven by Juniper Ridge, although ODOT fails to address it in any meaningful way) are potentially enormous for what ODOT calls "the Hunnell Neighborhood". ODOT has ignored the urbanizing potential of Juniper Ridge in Chapter 4 of its draft EIS, but certainly considered Juniper Ridge when developing its traffic forecasts for 2030 and 2035. Apparently land use is a far lower priority for ODOT (but not for NEPA) than is getting all those dirty local trips off of ODOT's clean US97 highway.

What are cumulative impacts and why should we consider the full range of these impacts when analyzing the merits of a highway project?

The answer can be found in Notes on the State of Virginia by Thomas Jefferson. It is one of my favorite books. Jefferson writes about agrarian life, urbanization, population growth, climate, wildlife, native plants, species extinction, historical sites, public income and expenses, manufacturing, trade, transportation, and subjects that today we would list under environmental justice. Thomas Jefferson is one of the most intelligent people ever born. I love to read Notes on the State of Virginia because of Jefferson's interest in the historical development of humankind, his ever-present sensibility to the aesthetic qualities of everything, and constant inquiry as to the happiness of the people, and I find Jefferson's ideas of what makes people happy, insightful.

In Jefferson's words, "It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together." The public has the reasonable expectation that ODOT will endeavor to provide efficient transportation and public safety.

00

Six years ago, the ODOT proposal was to improve the intersection at Cooley Road and Hwy 97. It has now morphed into a \$250 million project that is unduly influenced by controversial city planning projects. At first, the inconsistencies I saw in the ODOT draft were puzzling. Now I'm rather angry about them, as ODOT finds no problem with urbanizing rural areas if it means that freight and throughtrips can zip along on US97 at the posted speeds and as long as Juniper Ridge (a dismal example of what happens when local government gets into the development business) is propped up using Federal Highway Fund monies. ODOT has adopted Juniper Ridge boosterism where its proper role is to conservatively manage public money to solve traffic problems.

#### 001

We acknowledge your opposition to the East DS1 Alternative. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

Please see Topic 26 – Cumulative impacts and Topic 18 – Juniper Ridge.

### 003

Please see Topic 35 – Purpose and need; goals and objectives and Topic 18 – Juniper Ridge. The Preferred Alternative has been designed to keep all improvements, except for the extension of Britta Street, within the City of Bend urban growth boundary. Please also see Topic 33 – Induced growth.

# P72: Crystal Dollhausen

The current ODOT proposals are overblown and a potential boundoggle. The two alternatives are predicated on the existence of things that do not exist. As a member of the HUNS, I and my neighbors do exist and I, along with them, demand to be treated fairly and without the obfuscations of ODOT.

004

At the August 24 hearing, when I saw that a "sound man" had placed his decibel meter device next to Hwy 97, I have to wonder about it. Is it so ODOT can use that as a comparison to the level of noise we will get from its highway project? FYI – our neighborhood is quiet. The night noise comes from owls and the wind. The day time noise is ... nothing. There are only 15 families living here and most are retired. We have no "peak pm trips" because very few of us are commuters. We have no "cut-through traffic" because our road terminates on Hunnell Road in an impassible section. ODOT fails to acknowledge this on page 3-99 of the Draft EIS in a way that is almost laughable. But, I'm not laughing.

In Jefferson's words, "Civil government being the sole object of forming societies, its administration must be conducted by common consent." The city of Bend has had the unfortunate experience of elected officials falling under the spell of, what our local paper termed, "movers and shakers". Public money was shaken out of the pockets of tax payers and moved to Juniper Ridge. Many people were unhappy for a variety of reasons, and I think it is fair to say that the Bend community viewed it as a misstep. The 1500 acre site of sagebrush is the future high tech industrial park, convenience services center, residential area and four year university. My opinion is that the Juniper Ridge site for a four year university seems a dreary, unimaginative choice, whereas, Central Oregon Community College is a beautiful institution and a true asset to the City of Bend. My mother was one of COCC's very first students.

006

It should be noted that in January 2010 the Department of Land Conservation and Development remanded the UGB Expansion Proposal back to the City of Bend. Somehow, this fact seems to have escaped ODOT's notice.

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The mistakes and controversies surrounding city planning will have to be resolved, however it is not ODOT's place to rezone our neighborhood in a "de facto" sense. While ODOT states we will remain MUA zoned, it is very difficult to get out and ride around on a tractor when the field you are plowing sits on the edge of 3rd Street, an urban arterial. It's very difficult to walk across the street to visit the neighbors when the street in question is 3rd Street, and has no sidewalks.

In ODOT's EIS draft, the single lane gravel road of Bowery Lane that winds through Rock o' The Range to our home is projected at peak traffic time to carry 150 vehicles per hour, whereas, the current traffic count by our home is 2 or 4 vehicles per day. There is the appearance that the East DS1 and DS2 proposals are designed to transform the character of our rural residential area so that the vision of "movers and shakers" can be realized. Clearly the plan fails to fit into the existing human and natural surroundings.

Our public money would be better spent if ODOT applied itself to better purpose and focused on the more realistic traffic problems. ODOT should not interject itself into planning issues that are not appropriate to ODOT's mission, and will have the effect to undermine "common consent".

In closing, I urge ODOT to make realistic assumptions about growth, consider the true prospects of Juniper Ridge and most of all, to abandon the East DS1 alternative.

Crystal Dollhausen 20510 Bowery Lane, Bend, OR 97701

### 004

An analysis of existing and future noise levels is a component of preparing an EIS. The noise data collected are used to model potential noise impacts that would result from the alternatives studied in the Draft EIS and Final EIS. For more information on noise analysis conducted for the project, please also see Topic 29 – Noise impacts.

#### 005

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. During the project's traffic modeling ODOT and FHWA assumed that Hunnell Road would be impassible north of Loco Road. This section of Hunnell Road would have been improved under the East DS1 and East DS2 Alternatives, thus causing an increase in traffic volumes over the No Build Alternative. The Draft EIS on pages 3-98 and 3-99 and in Exhibit 3-52 mistakenly refers to the improved section between Cooley Road and Loco Road in the comparison between the No Build Alternative and the East DS1 and East DS2 Alternatives rather than to a section around the Rogers Road/Hunnell Road intersection. This reference has been corrected in the Final EIS. For the Preferred Alternative, improvements to Hunnell Road will only occur at the intersection with Cooley Road where a traffic signal is proposed, as shown in Exhibit 2-3 FEIS (Map 6). As shown in Exhibit 3-52 FEIS in the Final EIS, traffic volumes on Hunnell Road are projected to be lower under the Preferred Alternative as compared with the No Build Alternative.

#### 006

Pages 1-16, 3-15 and 4-4 of the Draft EIS acknowledged the Oregon Department of Land Conservation and Development Director's Report that remanded the urban growth boundary expansion proposal back to the City of Bend. Please also see Topic 20 – Urban growth boundary expansion.

#### 007

Under the Preferred Alternative 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel and will not run through the Hunnell Neighborhood, as shown in Exhibit 2-3 FEIS (Map 7). More details on the design of 3rd Street can be found in Section 2.1.2 of the Final EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including

# P72: Crystal Dollhausen

Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 800

Under the Preferred Alternative, there will be no improvements to Bowery Lane and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 6) in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including impacts to Bowery Lane. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P73: Ray and Anita Hasart

September 6, 2011

Attention: US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

Dear ODOT Representatives:

Our names are Ray and Anita Hasart and we reside at 20505 Bowery Lane in Bend. We wish to go on the record as opposing ODOT's East Downscaled Alternative 1 (East DS1), one of two alternatives that ODOT has selected to study in its Draft Environmental Impact Statement (DEIS). For the record, we've also communicated our opposition to East DS1 previously as it will have a very detrimental impact on us and our neighbors.

The East DS1 Alternative places an interchange off of Hwy. 97 just north of the Bowery Lane Bridge. This interchange will sweep southbound Hwy. 97 traffic onto what ODOT proposes to be an extension of Business 3rd Street. Any vehicle that has a destination between Bowery Lane and the Bend Parkway and/or Bowery Lane and the existing Business 3rd Street north of Empire will have the option of taking this exit and passing directly through the middle of our sub-division. Signage will encourage those who are visiting the shopping centers and commercial areas on the north of Bend to exit on that interchange. These vehicles will then pass directly through our neighborhood.

Our Rock O'The Range subdivision, established in 1962, is in Deschutes County, one mile north of Bend's UGB. It is zoned Multiple Use Agricultural (MUA-10). It has CC&Rs that prevent any resident from using their property for commercial purposes. If East DS1 is constructed, what is now a rural area, with many residents owning farm animals, having small children and grandchildren, riding horses on our unpaved road, etc., will be deluged with commercial traffic. Property values will plummet. Our quality of life will decline significantly. And all this will happen because ODOT made mistakes when it designed and built the Bend Parkway in 2000.

We and our neighbors strongly object to the East DS1 Alternative, for these reasons:

- 1. The volume of traffic (cars, trucks, motorcycles and the tractor/trailer units that supply the commercial businesses located between Empire and Bowery Lane) will be substantial because it has as its destination some of Bend's largest and busiest commercial areas. The extension of Business 3rd is expected to serve businesses that include two of Bend's three largest and businesses shopping malls (Cascade Village and the Bend River Promenade), as well as businesses on Nels Anderson Road, businesses on 3rd Street north of Empire, and businesses off these roadways.
- 2. Businesses will most likely be accessed through our neighborhood by vehicles traveling south on Hwy. 97 from points north of Bowery Lane. Those traveling through this residential area not only include the cars of shoppers, but also the huge, noisy semi-truck trailer units that supply the malls and the other businesses along Hwy. 97 and 3<sup>rd</sup> Street. There will also be noisy motorcycle traffic. While ODOT asserts that the noise pollution associated with the traffic passing through our neighborhood will be minimal, we simply don't believe this. Common sense suggests a substantial increase in noise levels.
- The road that passes through our neighborhood will also carry the vehicles associated with the employees of all the above-mentioned businesses. Many service workers live north of Bend in Redmond or Prineville, because the average service employee cannot afford to live in Bend.
- 4. ODOT's Draft EIS states that, "Between Cooley Road and the City of Bend's UGB, 3rd Street would have two northbound lanes and two southbound lanes. North of the UGB, 3rd Street would have one northbound travel lane and one southbound travel lane". Whereas ODOT is saying that the extension of Business 3rd through our neighborhood will be limited to two lanes, an ODOT representative told two of our neighbors that ODOT is planning a road bed that will accommodate four lanes. Further, wouldn't it cause traffic congestion to funnel traffic

#### 001

We acknowledge your opposition to the East DS1 Alternative. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 002

Under the Preferred Alternative, the new extension of 3rd Street will be located within the urban growth boundary, terminating at a new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 6) and Exhibit 2-15 FEIS. There will be no new interchange as was proposed under the East DS1 and East DS2 Alternatives studied in the Draft EIS. Traffic traveling south on US 97 will exit at this new signalized intersection south of Deschutes Memorial Gardens and Chapel to access the shopping malls. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

#### 003

Under the Preferred Alternative, southbound traffic will exit US 97 at the new signalized intersection south of Deschutes Memorial Gardens and Chapel to travel into Bend. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including impacts to Bowery Lane. Please also see response to P73 002 and Topic 20 – Noise impacts.

#### 004

Please see response to P73 002 and P73 003.

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# P73: Ray and Anita Hasart

005 Cont.

from four lanes to two lanes north of the UGB? We do not feel that ODOT is being honest with citizens about its ultimate plans, particularly as all of your maps and other documents are marked "Draft Subject to Change" and because common sense suggests congestion is the result when roads narrow from four lanes to two lanes.

006

 Today, the speed limit in this area is 20 MPH. Much of the roadway on Bowery Lane is not paved, and what is paved is paved very poorly. The vehicles traveling on extended Business 3<sup>rd</sup> will be traveling at much higher rates of speed, creating a dangerous environment for us.

007

6. An overpass over Hwy. 97 is intended to serve two mobile home parks along Hwy. 97 and to continue over the BNSF railroad tracks. From ODOT's maps, it is clear that, by crossing the railroad tracks, this road will terminate in the western-most boundary of Juniper Ridge. Likewise the City of Bend has published documents that show Juniper Ridge having a roadway on its extreme west edge that terminates in a roadway over the railroad tracks in exactly the same place. While a connection to Juniper Ridge is not explicitly part of this project, it is clear that a connection to Juniper Ridge is envisioned. This suggests that not only will vehicles use a northern extension of Business Third to reach businesses along Hwy. 97 and 3<sup>rd</sup> Street, but also to reach Juniper Ridge. These vehicles will pass through our rural residential neighborhood. The fact that this likely outcome is ignored in the DEIS also appears intended to deceive the mublic.

008

7. Because there are no direct connections between southbound Hwy. 97 traffic and Hwy. 20, it is very fikely that vehicles traveling south on Hwy. 97 will opt to take the interchange and travel along Harris Road (which will be improved on its western edge), then Hunnell Road, and finally Rogers Road and the Old Bend Redmond Highway to access Hwy. 20. In fact, in 2005 ODOT and the city of Bend proposed a direct connection between Hwy. 20 and Hwy. 97 for southbound traffic along a very similar route, although the Oregon Transportation Commission declined to fund this proposal. This potential connection will further increase traffic in our area.

To summarize the above points, ODOT's East DS1 Alternative will destroy a long-established rural residential neighborhood in order to resolve problems that ODOT created when it failed to properly design and site the Bend Parkway. The residents in the Rock O' The Range neighborhood are now being asked to sacrifice their homes and property, property values, tranquil way of life, ability to enjoy their gardens and outdoor environment and safety in order to correct a situation that ODOT could have avoided in the 1990s.

ODOT spent \$120 million to construct the Bend Parkway, which was completed in late 2000. It failed on its north end almost immediately. Now citizens and taxpayers are being asked to spend over \$200 million to correct these problems. The waste of state and federal dollars is bad enough but the needless destruction of a rural residential neighborhood is unforgiveable. ODOT's US 97 Bend North Corridor Project is hiding behind a Purpose and Need statement that states it intends to correct traffic congestion and safety problems on the Parkway's north end, but fails to accept responsibility for creating those problems.

We strongly object to the East DS1 Alternative, which will destroy our way of life. We favor the East DS2 alternative or an alignment along the railroad tracks that steers clear of this neighborhood and keeps roadways to the south of the Deschutes Memorial Gardens Veterans Cemetery.

Hasart Out & South

Sincerely,

Ray and Anita Hasart 20505 Bowery Lane Bend, OR 97701 005

As described in the Draft EIS, with the East DS1 Alternative, 3rd Street would have one northbound travel lane and one southbound travel lane north of the urban growth boundary. The traffic analysis conducted for 2035 conditions indicate this roadway capacity would sufficiently handle the traffic volume.

In the Preferred Alternative, 3rd Street will be located entirely within the urban growth boundary, and will be configured as shown in Exhibit 2-3 FEIS (Map 7), of the Final EIS, with two northbound lanes and two southbound lanes north of Cooley Road.

#### 006

Under the Preferred Alternative, 3rd Street will be located entirely within the urban growth boundary, south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 7). The posted speed on 3rd Street, north of Cooley Road, will retain the currently posted 45 miles per hour speed limit. The Preferred Alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including Bowery Lane. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 007

Under the Preferred Alternative, the existing driveways to the mobile home parks on US 97 will be retained, and no new overpass or local roadway will be constructed to reach this area on the east side of US 97, as shown in Exhibit 2-3 FEIS. Please see Topic 26 – Cumulative impacts and Topic 18 – Juniper Ridge.

#### 008

Under the Preferred Alternative southbound traffic on US 97 will be able to access US 20 by exiting US 97 at the new signalized intersection with 3rd Street and then traveling south on 3rd Street to then travel west on Cooley Road or Robal Road to reach US 20.

### P74: Ned C. Austin

001

002

September 7, 2011

Oregon Department of Transportation 63030 N. Hwy 97 Bend, Oregon 97701 ATTN: US 97 Bend North Corridor Project

I am writing to comment on the Draft Environmental Impact Statement for the US 97 Bend North Corridor Project. My wife and I are long-time residents of Hunnell Hills and have been involved in the public aspects of this highway project from its inception.

Hunnell Hills is one of Bend's oldest communities operated by a homeowners association; a number of the 26 families who live here on Quail Haven Drive and Rogers Road are original owners who continue to enjoy the values of the rural environment that brought them here in the 1970's. Whether its raising children, horses, sheep, llamas or a vegetable garden, everyone enjoys the peaceful tranquillity of this area. It is a very desirable place to live.

I am opposed to the East DS1 Alternative in the Draft Environmental Impact Statement. I believe it will have serious consequences for our neighborhood, impacting the quality of our lives and the value of our property. Specifically:

 The extension of 3<sup>rd</sup> St, to the DS1 Northern Interchange will be routed through a neighboring residential community causing some families to lose their homes and compromising the properties of others.

2. This extension of 3<sup>rd</sup> St. becomes in effect a Business US 97 for northern Bend through our neighborhood with all the associated issues this large amount of traffic near us will cause. It also will open our neighborhood to the sprawl of commercialization we see now on 3<sup>rd</sup> St. and at the north end of the Bend Parkway. This too raises many concerns for us.

 The DS1 Northern Interchange will be a magnet for malls, big box stores and other commercial development which will greatly increase traffic on Rogers Road and other secondary roads in our neighborhood.

 The DS1 Northern Interchange will likely be the main access point for Juniper Ridge and for a connector along Rogers Road to US 20 routing more traffic through our neighborhood.

I prefer the East DS-2 Alternative or the No-Build Alternative. I mention the No-Build Alternative because the current recession seems to undercut the justification for this project for the foresecable future. I support the statement made by the Hunnell United Neighbors (HUNS) at the public hearing on August 24, 2011 and I am a member of the HUNS.

Sincerely

Ned C. Austin

63900 East Quail Haven Drive Bend, Oregon 97701

#### 001

We acknowledge your opposition to the East DS1 Alternative. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the extension of 3rd Street through the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 33 – Induced growth.

#### 002

The Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, does not include a new northern interchange as referenced in this comment. This alternative will not provide new connections to the Juniper Ridge area. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

#### 003

We acknowledge your expression of preference for the East DS2 Alternative or the No Build Alternative. ODOT and FHWA have identified the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The purpose and need for the project, as described in Sections 1.2 and 1.3 in the Final EIS, still exists despite the economic recession that was being experienced at the time this comment letter was submitted. Please also see Topic 35 – Purpose and need; goals and objectives.

## P75: Kate Blake

September 7, 2011

ODOT-US 97 Bend North Corridor Project 63055 N. Highway 97 Bend, OR 97701

rate Blake

To whom it may concern:

Rock 0 the Range is a small community on Bowery Lane. It consists of 15 families who are all members of the Rock 0 the Range Homeowners Association. This association has been in effect for over 40 years and is subject to Covenants Conditions and Restrictions. The CC and Rs run with the land and are binding on all persons on the land.

These CC and Rs have maintained a rural and harmonious environment for all this time, but now we are being subjected to changes to our way of life, with no recognition of our CC and Rs. The Covenants state among other things that structures have to be submitted and approved with respect to topographic and grade elevations so as" not to interfere with the reasonable enjoyment of any other lot". So, ODOT's proposal for roads coming into our area is not only disheartening, but leaves me wondering why the Rock O the Range Association and its CC and Rs was not considered important enough to have been part of the process. I would like to know how a busy road can be introduced into thus rural area without the consent of the Rock O the Range Association in lieu of its bylaws?

Sincerely,

Kate Blake, President of the Rock O the Range Homeowners Association 20575 Bowery Lane, Bend OR 97701

#### 001

ODOT and FHWA have identified the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative, as shown in Exhibit 2-3 FEIS, does not include new roads or elevated structures in the Rock O' the Range area. Covenants, Conditions, and Restrictions do not apply to land that ODOT purchases and converts to right of way. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

P75: Kate Blake

5963

va 147 me 87

## DECLARATION OF CONDITIONS AND RESTRICTIONS

FOR

#### ROCK O' THE RANGE

...

The undereigned record owners and parties in interest of all of the

following-described real property located in the County of Deschutes, State of Oregon:

The Southwest Quarter of the Southeast Quarter (SW\$ SE\$) of Section Four (4), and the East Half of the Northwest Quarter (£\$ NW\$) of Section Nine (9), all in Township Seventeen (17) South, Range Twelve (12) E, W. M., and ALSO:

A tract of land situated in the North Half of the Northeast Quarter (N. NE2) of Section Nine (9), Township Seventeen (17) South, Range Twelve (12) E.W.M., being more particularly described as follows: Starting at a point on the Westerly right of way line of The Dalles-California Highway (US 97) which point is marked by an iron pipe and located 515, 36 feet South and 752, 60 feet West of the Northeast corner of said Section 9, Township 17 South, Range 12 E.W.M., thence West 792.65 feet to a point; thence South 9" 48' West 50.5 feet to a point; thence North 87\* 41' West a distance of 345,0 feet to a point; thence North 89\* 43' West 760 feet more or less to the West line of the Northwest Quarter of the Northeast Quarter (NW: NE;) of Section 9. Township 17 South, Range 12 E. W. M., thence North 0° 17' East 522 feet more or less to the North line of said Northwest Quarter of the Northeast Quarter (NW4 NE4), Section 9, Township 17 South, Range 12 E.W.M., thence South 89° 43' East to the East line of said (NW4 NE4); thence South 89° 43' East 132 feet to the Northwest corner of the Marvin W. Alt tract; thence southerly along the westerly boundaries of the said Alt tract 493, 86 feat to a point; thence East to a point on the Westerly right of way line of the Dallos-California Highway (US 97), which point is marked by an iron pipe and located 494, 86 feet South and 741.50 feet West of the Northeast corner of said Section 9, Township 17 South, Range 12 E.W.M., thence Southwesterly along said right of way line to the point of beginning, and ALSO:

A portion of the Northwest Quarter of the Northeast Quarter (NW4 NE<sup>±</sup>1) of Section Nine (9), Township Seventsen (17) South, Range Twelve (12) East of the Williametta Moridian, Deschulca County, Oragon, described as follows: Beginning at a point 1, 633.9 feet South 70° 34° West of the Northeast corner of said Section 9, thence South 9° 48° West 439.7 feet; thence North 80° 55° West 531.3 feet; thence South 0° 06° West 353.3 feet; thence North 89° 53° West 495.6 feet; thence North 800.0 feet; thence South 87° 54° East 757.6 feet; thence South 87° 41° East 345.0 feet to the point of beginning.

do horeby make the following declaration of conditions and restrictions covering

the above-described real property, specifying that this declaration shall consti-

Page I MCKAY, PANNER, JOHNSON & MARCEAU
Declaration of Conditions and STORMER AT SECTION
Restrictions for Rock Of the Range

# VO. 147 ME 88

tute covenants to run with all the land and shall be binding on all persons claiming under them and that these conditions and restrictions shall be for the benefit of and limitations upon all future owners of said real property.

No building, fence, wall or other permanent structures shall be erected, altered or placed on any lot in the above-described property until building plans, specifications and plot plan showing the location of structures on the lot have been submitted to and approved in writing as to quality of workmanship, materials, harmony of external design with existing structures, location with respect to topography and finish grade elevation, and as not interforing with the reasonable enjoyment of any other lot by the Rock O' the Range Land Use Control Committee composed of W. D. Bowers, Baba Lee Bowers and Ronald L. Marceau, nor shall the color of any building, fence. wall or other permanent structure be changed unless approved by said committee. Upon failure by the committee or its designated representatives to approve or disapprove plans and specifications for new structure or change in color of any existing structure within 30 days after the same have been properly presented, approval thereof will be deemed to have been made, provided the proposed construction complies with all the provisions otherwise in this declaration,

With respect to design, simplicity and naturalness to the acting will be required. Extremely ornate or view-obstructing structures shall not be approved. Woven wire or rail boundary fences will be preferred and no high picket, solid or view obstructing fences will be approved. The use of painted or white-washed rocks or trees or other type of decoration foreign to the natural environment will not be approved.

If any member of the committee resigns or is unable to act, the remaining members shall discharge the functions of the committee. At any time the committee may by recorded statement to that effect relinquish the right herein reserved to appoint and maintain the committee and at such time the then record owners of 50% or more of said property may elect and appoint a committee of three or more of such owners to assume and exercise all the powers

Page 2 MCKAY, PANNER, JOHNSON & MARCEAU
Declaration of Conditions and STRUMBERS AND ST

## va 147 me 89

and functions of the committee specified herein. No member of the committee may receive any compensation or make any charge for his services as a member of the committee.

No lot shall be used for other than residential purposes except with the express approval of the committee.

No tract of the above-described property will be divided or sub-divided without the express approval of the committee.

Trailer houses or mobile homes may not be used as residences except for construction periods which will not exceed one year or except in areas designated and approved by the committee.

No part of the above-described property shall be used or maintained as a dumping ground for rubbish. Trash, garbage and other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, other household pets, riding horses and one beef animal may be kept provided they are not kept, bred or maintained for any commercial purpose.

All sewage disposal systems must be designed, located and constructed according to the requirements, standards and recommendations of Public Health authorities, including septic tank of FHA approved type with drain field.

These conditions and restrictions are covenants which shall run with the land and shall be binding on all parties and all persons claiming under them for a period of ten years from the date this declaration is recorded after which time these conditions and restrictions shall be automatically extended for successive periods of five years unless an instrument signed by the majority of the then owners of the lots has been recorded, agreeing to change these covenants in whole or in part.

Invalidation of any of these covenants shall in no way affect any of the other provisions, which shall remain in full force and effect.

Page 3 McKAY, PANNER, JOHNSON & MARCEAU
Declaration of Conditions and Ambiguation
Restrictions for Rock Of the Range Carson 87301

## va 147 ma 90

The foregoin conditions and restrictions shall bind and inure to the benefit of, and be enforceable by suit for injunction or for damages by the owner or owners of any of the above-described property, their and each of their legal representatives, heirs, successors or assigns; to enforce any of such conditions or restrictions shall in no event be deemed waiver of the right to do so thereafter.

Should suit or action be instituted to enforce any of the foregoing restrictions or covenants after the written demand for the discontinuance of the violation thereof and any failure so to do, then, whether said suit be reduced to decree or not, the owner seeking to enforce or to restrain any such violation shall be entitled to have and recover from such defendant or defendants, in addition to the costs and disbursements allowed by law, such sum as the court may adjudge reasonable as attorney fee in such suit or action.

DATED this 24th day of January, 1966.

Baba Lee Bowers

1)1214 (line Finger)

STATE OF OREGON)

January 34 , 1966.

Porsonally appeared the above-named W. D. Bowers and Babs Lee Bowers, husband and wife, and acknowledged the faragoing instrument to be their volumeary act. Before me.

Notary Public for Oragon
My Commission expires: May 15, 1447

Page 4
Declaration of Condi-McKAY, PANNER, JOHNSON & MARCEAU
tions and Restrictions for
Rock O' the Range

va 147 ma 91

STATE OF

County of

January 24 , 1966.

Personally appeared the above-named Robert C. Langdon and Mary Alyce Langdon, husband and wife, and acknowledged the foregoing instru-

ment to be their voluntary set. Before mo:

Ndray Public for My Commission expires: MAN 13, 1969



Page 5 MCNAY, PANHER, JOHNSON & MARCEAU Declaration of Conditions and ADMINISTRAL RESTRICTIONS FOR ROCK Of the RANGE CAROON STREET

ROCK O' THE RANGE

WOL JED PARE STY

BY INSTRUMENT entitled Declarations of Conditions and Restrictions for Rock O' The Range dated January 24, 1966 and recorded January 25, 1966, in Book 147, page 87, Deed Records, Deschutes County, Oregon, the record owner of the certain real property described in said Declaration, subjected the property to certain conditions and restrictions.

The undersigned record owners and parties in interest in the real property described in said Declaration, Conditions and Restrictions for Rock O' The Range now desire to amend said Declaration.

## WITNESSETH:

The Declaration of Conditions and Restrictions for Rock O' The Range is hereby amended as follows:

1. The following language is hereby deleted:

"No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats and other household pets, riding borses and one beef animal may be kept provided they are not kept, bred or maintained for any commercial purpose."

The following language is hereby inserted into said Declaration:

> "No poultry or swine may be kept, bred or maintained for any commercial purposes."

IN WITNESS WHEREOF, the undersigned have executed this agreement the day and year indicated next to their signature.

Care & Wilson

July 14, 1980

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this will of Ludy , 1980, by Earl B. Stiller A

NOTARY PUBLIC FOR OREGON

My Commission expires:

-1-

1999

Name	pate	Roself H Melle	11,7/60
Mary a. allen	July 14 1980	STATE OF OREGON, County of De	
STATE OF ORGON, County			cknowledged before me this 1774 day
The Foregoing instrumer	by Thing A. Cities	of JLLY . 1980, by	SONDACO H. MILLEY
I PORLICE T	Charles NV H.	3 to 100	NOTARY PUBLIC FOR OREGON
0000	NOTARY PUBLIC FOR OREGON My Commission expires: 9/4/83	- T	My Commission expires: 8-25-83
The same of the sa	Date	/ Name	Date
A THE	Club 14 1980	Robert Time	7-18-80
STATE OF OREGON, County		STATE OF OREGON, County of De	
		The sortegoing instrument was	Tobert D. Louis
of 04/4 , 1980,	by Ada North The this 197 day	A WOLVILL W	Carry Shart
	NOTARY PUBLIC FOR OREGON	WE RUBIAC .	NOTARY PUBLIC FOR OREGON My Commission expires: 2-1-82
1	My Commission expires: 9-1/-83	OF Chame	Date
Name	Gate	Willia & Kell	Jel 21 1880
Hange Hange	gerly 14, 1980	TATE OF OREGON, County of De	schutes, ss:
STAND OREGON, Count	W -	The foregoing instrument was	acknowledged before me this 21 day
of 1980,	nt was acknowledged before me this 14 day	4 24	1 .
Veral St	NOTARY PUBLIC FOR OREGON	COUNTY S	NOTARY PUBLIC FOR OREGON My Commission expires: 5-15-82
- Walter Branch	My Commission expires: 1-1-53	Name Name	Date
Name	Date	-stamm-	
Octor 7 Jaan	7-14-80	STATE OF OREGON, County of De	schutes, ss:
STATE OF OREGON, Count		The foregoing instrument was	acknowledged before me this day
of the instrume	by Xolust 1. Sail lines.	of, 1980, by	•
NO BELLOW	mura in xilial.		NOTARY PUBLIC POR OREGON
OF O	My Commission expires: 9-4-83		My Commission expires:
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Name	Date	
STATE OF OREGON, County	of Deschutes, ss:	
The foregoing instrumer of, 1980,	t was acknowledged before me this	_ day
	NOTARY PUBLIC FOR OREGON My Commission expires:	
Name	Date	
STATE OF ORRGON, County	of Deschutes, ss:	
The foregoing instrumer of, 1980,	nt was acknowledged before me this by	_ day
	NOTARY PUBLIC FOR OREGON My Commission expires:	
name	Date	
STATE OF OREGON, County	of Deschutes, ss:	
The foregoing instrument of , 1980,	nt was acknowledged before me this	_ day
7	NOTARY PUBLIC FOR OREGON My Commission expires:	-
18		
*	1869	
1	STATE OF OREGON	

## AMENDED DECLARATION OF CONDITIONS AND RESTRICTIONS FOR ROCK O' THE RANGE

BY INSTRUMENT entitled Declarations of Conditions and Restrictions for Rock O' The Range dated January 24, 1966, and recorded January 25, 1966, in Book 147, Page 87, then amended and recorded July 23, 1980, in Book 325, Page 393, Deed Records, Deschutes County, Oregon, the record owner of the certain real property described in said Declaration, subjected the property to certain conditions and restrictions.

The undersigned record owners and parties in interest in the real property described in said Declaration, Conditions and Restrictions for Rock O' The Range now desire to amend said declaration.

## WITNESSETH:

The Declaration of Conditons and Restrictions for Rock O' The Range is hereby amended as follows:

The following language is hereby deleted:

"Trailer houses or mobile homes may not be used as residences except for construction periods which will not exceed one year or except in areas designated and approved by the committee."

The following language is hereby inserted into said Declaration:

"Trailer houses, mobile homes, or manufactured homes may not be used as residences except for construction periods which will not exceed one year or except in areas designated and approved by the committee."

To: Patty Packard 20075 Bowery Ln Bend, OR 97701

DESCHUTES COUNTY OFFICIAL RECORDS MARY SUE PENHOLLOW, COUNTY CLERK

2002-24398

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D-CRR Cht=1 Stn=3 SHIRLS

Amended Declaration of Conditions and Restrictions Page 2	Amended Declaration of Conditions and Restrictions Page 2
IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.	IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.
Signature Joseph Joseph Date 5/19/01  Print Name  20515 BOWERY LANG  Property Address	Patricia Carol Packard  Print Name  20515 Bowery Ln Bend, OR 97701  Property Address
State of Oregon ) ss.  County of Deschutes )  Signed or attested before me on May 19 , 2001, by Jeels Found  Notary Public - State of Oregon  My commission expires:  MARILYN K. HUGE NOTARY PUBLIC OREGON COMMISSION NO. 326534 MY COMMISSION EXPIRES SEPT. 24, 2003	State of Oregon ) ss.  County of Deschutes )  Signed or attested before me on May 19, 2001, by Pathicia Grad Making I  Notary Public - State of Oregon  My commission expires:  OFFICIAL SEAL MARILYN K. HUGE NOTARY PUBLIC OREGON COMMISSION NO. 326534 MY COMMISSION EXPIRES SEPT. 24, 2003

	the state of the s
Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2	Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2
IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.    Carole Hansen   Date 5-8-0/    Signature   Print Name   20550   Bowlery Ln,	IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.  Date May 9, 2001  Signature  Outh HANSEN  Print Name
Property Address	Print Name  20550 BOWERY LN, BEND, OR 97701-8850  Property Address
State of Oregon ) ss.  County of Deschutes )  Signed or attested before me on 5/8 ,2001, by Carole Hansen  OFFICIAL SEAL GINA LUCERO Notary Public - State of Oregon  My commission expires: April 17, 2004  My commission expires: April 17, 2004	State of Oregon ) ss.  County of Deschutes )  Signed or attested before me on 59, 2001, by John Haven  Official Seal Gina Lucero Notary Public - State of Oregon  My commission expires: April 17, 2004

Rock O' The Range

Amended Declaration of Conditions and Restrictions Page 2 IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures. State of Oregon County of Deschutes ) Signed or attested before me on May 10 2001, by Stephen Van Joseph Notary Public - State of Oregon My commission expires: 12-21-01

Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2

IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.

Signature Date S-10-01

LOEL R- JENSEN

Print Name

20525 BOWERY LN BEND OR 97701

Property Address

State of Oregon ) ss.
County of Deschutes )

Signed for attested before moon May 10, 2001, by Love & Junson

Notary Public - State of Oregon

My commission expires: Duc 20,2002

OFFICIAL SEAL DARCY A TURNER NOTARY PUBLIC-OREGON COMMISSION NO. 307850 MY COMMISSION EXPIRES DEC. 21, 2004

Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2	Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2
IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.	IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.
Signature Date 15 May 200 (	Signature Date 05-21-01
Print Name	Toby Bayard Print Name
Property Address OR 9770/	Property Address Jane, Bend, OR 97701
State of Oregon ) ss. My Commission Expires Alig 16, 2004	State of Oregon ) ) ss. County of Deschutes )
County of Deschutes)  Signed or attested before me on May 15	Signed or attested before me on May 21 of , 2001, by Toby Bayard Tatty Wishon
Notary Public - State of Oregon  My commission expires: 8-16-2004	Notary Public - State of Oregon  My commission expires: 7-19-2002
	OFFICIAL SEAL

Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2	Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2
IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.	IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.
Signature  Michel BAYARD  Print Name  20555 Bowery Lane, Bend OR 97701  Property Address	Signature Date Co/7/01  Signature Date Co/7/01  Print Name  Le 36.80 Hunnell Rd. Bendior 97701  Property Address
State of Oregon ) ss.  County of Deschutes )  Signed or attested before me on May 21st , 2001, by Michel Bayard Patty-Wishow  Notary Public - State of Oregon  My commission expires: 7-19-2002  OFFICIAL SEAL PATTY WISHON NOTARY PUBLIC OREGON COMMISSION EOFRES JULY 10, 2002	State of Oregon ) ss.  County of Deschutes )  Signed or attested before me on 6 - 1 2001, by Quely A. Roth  Notary Public - State of Oregon  My commission expires: 10 / 0 3 / 300 / 1  OFFICIAL SIEAL PEGGY SPENCER NOTARY PUBLIC-OREGON COMMISSION NC. 305451 MY COMMISSION EXPIRES OCT. 3, 2001

Rock O' The Range Amended Declaration of Conditions and Restrictions Page 2

IN WITNESS WHEREOF, the undersigned has executed this agreement the day and year indicated next to their signatures.

Signature Date 4-27-2001

Brith Name

20580 Bowery Lane Bend 97701 Property Address

State of Oregon ) ss.
County of Deschutes )

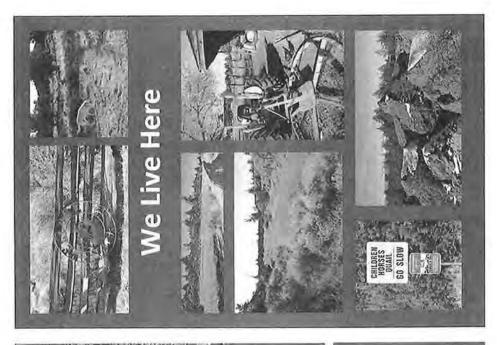
Signed or attested before me on April 27 , 2001, by BIADFORD COX

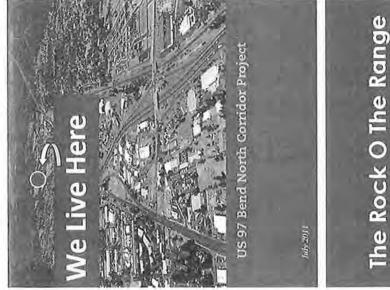
Charlene ha forest

Notary Public - State of Oregon

My commission expires: 6-29-0/







The Rock O The Range Neighborhood on Bowery Lane (HUNS)

The US97 Bend North Corridor project solves a few big problems for ODOT and creates a big one for us; the East DS1 Alternative

## Figure 3: East DS1 Scenario Figure 3: East DS1 Scenario NORTH NORTH

of Cooley Road with an extension of 3" Street. Third Street provides local access north of Cooley Road and a future connection into the humper Road edvelopment. Third Street is two lates from the interthange down to start of the commercial area north of Cooley. Road. A northbound leff-east off-ramp from US97 provides a connection to US20 via the existing loop ramp and to 3" Street. In addition, from the northern interchange south to the US20/Butler Market Road interchange, all of the on-ramps have ramp metering.



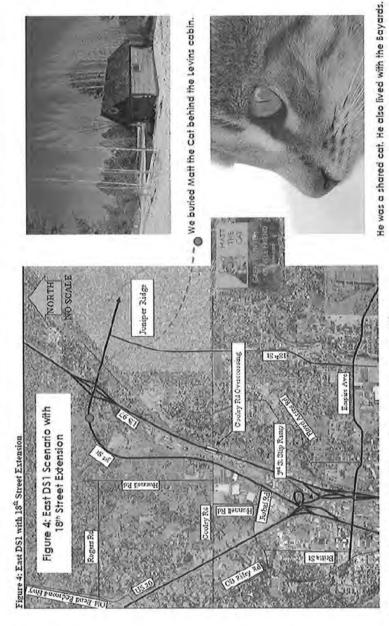


## 002

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the extension of 3rd Street through the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

002

Figure 3 will turn into Figure 4. Juniper Ridge will get its western entrance. 18th Street will connect to 3td Street



is scenario is the same as the East DS1 scenario except for the extension of 3" S?

W Arterial) to an extended 18th Street Eighteenth Street has been upgraded to fers and has arterial classification from Empire Avenue to the E-W Arterial.

## 003

Under the Preferred Alternative, 3rd Street north of Cooley Road will have two travel lanes in each direction separated by a median that will also serve as a turn lane. Approximately 0.6 miles north of Cooley Road the new extension of 3rd Street will connect with US 97 through a signalized intersection south of the Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS in the Final EIS. No extension of 18th Street or new connection to the Juniper Ridge area will be constructed as part of the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

the East DS1 Alternative will build a Northern Interchange and connect it to 3rd Street, a city arterial. Through our neighborhood.









004

ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative does not include a northern interchange. Under the Preferred Alternative 3rd Street will connect to US 97 at a new signalized intersection south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS.

## 004

The Preferred Alternative will remove approximately 15.9 acres of western juniper woodlands habitat and sagebrush shrublands/shrub-steppe strategy habitat, due to the construction of new roadways, new stormwater facilities, and improvements to existing roads. Habitat removal will be greatly reduced from what was expected in the Draft EIS, which would have been 66 acres under the East DS1 Alternative and 62 acres under the East DS2 Alternative. Please see Exhibit 3-69 FEIS.

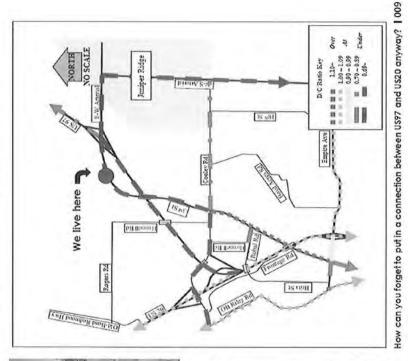
In addition, the Preferred Alternative will result in the fragmentation of western juniper woodlands habitat and sagebrush shrublands/shrub-steppe strategy habitat with the construction of a new extension of Britta Street.

## 005

Please see response to P75 003.

## 006

Please see response to P75 003. Under the Preferred alternative there will be no impact to the pressure ridge referenced in this comment.







## 007

The Preferred Alternative will not require acquisition of right of way from the Levins' property located at 20620 Bowery Lane or otherwise impact this property. The comment provided is similar to other comments received from Paul Dewey and Bruce and Sandra Levin. Please see the responses to comments P33 and P107.

## 800

The Preferred Alternative will avoid impacts to the Rock O' the Range Bridge, and the Rock O' the Range Bridge will still be accessible from US 97 as it is today.

## 009

Under the Preferred Alternative southbound traffic on US 97 will be able to access US 20 by exiting US 97 at the new signalized intersection with 3rd Street and then traveling south on 3rd Street to then travel west on Cooley or Robal Road to reach US 20. Please see Exhibit 2-3 FEIS in the Final EIS.

We are a neighborhood. We pop in next door for a cup of coffee. We share things. We've all been here a long time except Sara.

















Sara sees the mountains and the Steele's barn from her house



Sara and her roommates live here. Sara bought her house when she was 18. She remodeled it herself. She's now 20.

We all live here.

Rick and Kate live here. They have an owl, ancient junipers, and special places that their grandkids claim as "kids only".

When the grandkids are not at Kid Rock, they hang out here and look for frogs and snakes.



The owl went missing for a while but in June 2011 it returned to its old tree

010

The Preferred Alternative will not require acquisition of right of way from the Blakes' property located at 20575 Bowery Lane or otherwise impact this property.









010









Brad Cox lives here. He has a landscaping business and a nursery on his land. He can fix anything. He has nice dogs.

011

012

This is the house that Brad built to cover the community well pump that serves the Levins, Lloyds, Sara Brown and Brad Cox. Brad maintains it.

e community cistern. It will be destroyed the East DS1 alternative. It's been in ace since the 1970s.



crowing. He has 8 hens

Our mailboxes by Brad's driveway.

Brad spends very long hours working. He has to, to make it in Bend's tough economy.



011

Please see response to P75-003. The cistern referenced in this comment will not be removed or damaged by the Preferred Alternative.

## 012

The well pump referenced in this comment will not be removed or damaged by the Preferred Alternative.

# Toby and Michel live here. Michel formed the HUNS in 2005. They garden, mountain bike and know every trail in the area.

## P75: Kate Blake





## 013

The Preferred Alternative does not include an extension of 3rd Street into this neighborhood. Under this alternative, 3rd Street will connect to US 97 at a new signalized intersection south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 7). Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 014

Please see response to P75 013. Visual impacts of the Preferred Alternative are described in Section 3.8.3 in the Final EIS.













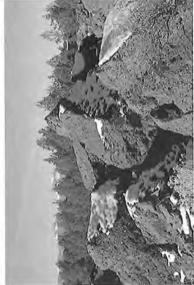










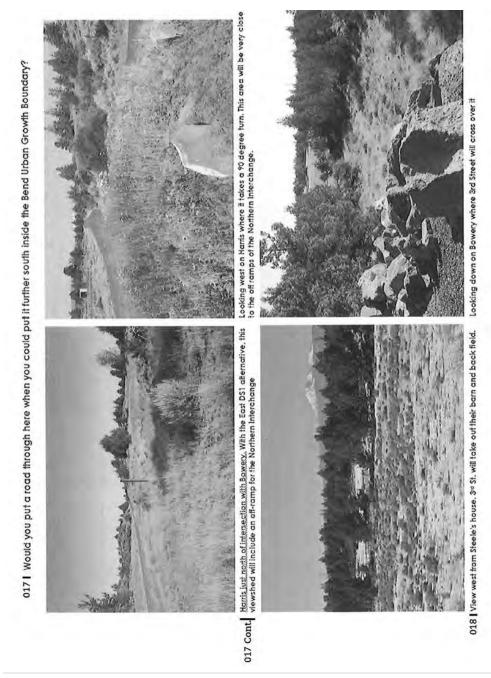


015

Section 3.8.2 of the Final EIS has been revised to describe the Hunnell Neighborhood as a subset of the landscape unit north of Cooley Road. Under the Preferred Alternative, no visual resources north of the Deschutes Memorial Gardens and Chapel will be removed.

## 016

Under the Preferred Alternative, 3rd Street will be located within the urban growth boundary and will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS in the Final EIS. Under the Preferred Alternative, no visual resources north of Deschutes Memorial Gardens and Chapel, including the pressure ridge referenced in this comment, will be removed. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.



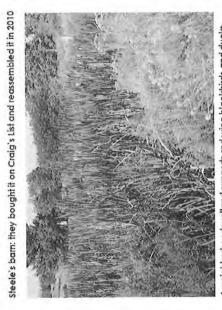
## 017

The Preferred Alternative does not include a northern interchange. Under this alternative 3rd Street will be located completely within the urban growth boundary and will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Visual impacts of the Preferred Alternative are described in Section 3.8.3 of the Final EIS.

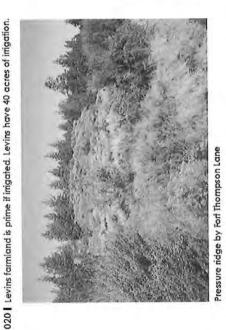
## 018

The Draft EIS acknowledges that there would be visual impacts to the Hunnell Neighborhood under the East DS1 and East DS2 Alternatives, but the degree of change has been more clearly described in the Final EIS. Under East DS1 Alternative, this rural residential neighborhood, between Hunnell Road and US 97, would have experienced a substantial visual change as 3rd Street bisected the intact visual character of the neighborhood and visual resources such as pressure ridges were removed. The Preferred Alternative will minimize impacts to the Hunnell Neighborhood because 3rd Street will be located completely within the urban growth boundary and will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Additionally, the Preferred Alternative contains no elevated structures so spillover light and glare will be minimized. Please see Section 3.8.3 for additional description of the Preferred Alternative's impacts to visual quality in this area.







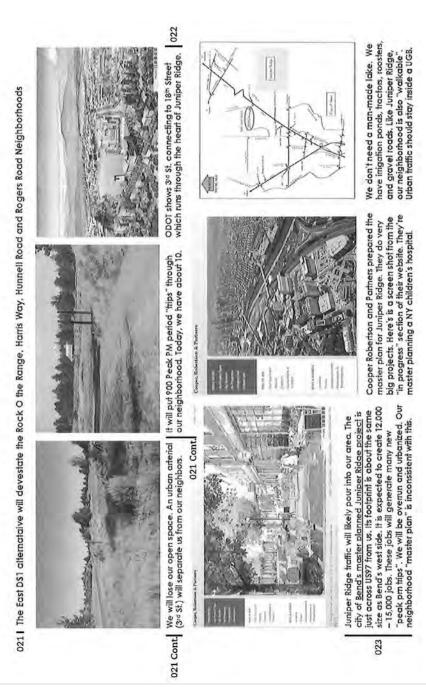


## 019

The term "hobby farmers" in the Draft EIS has been revised in Section 3.2 Land Use of the Final EIS to describe these activities as "non-commercial agriculture." Please also see response to P75 013.

## 020

The Levins' property (20620 Bowery Lane) is identified as Farmlands of Statewide Importance by the Natural Resources Conservation Service, rather than Prime Farmland. The Preferred Alternative will not require right of way from this property or otherwise impact it.



## 021

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified the East DS2 Modified in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, this area is no longer impacted. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 022

Under the Preferred Alternative, 3rd Street will be located within the urban growth boundary and will terminate at the signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS. The Preferred Alternative does not include any new connections to the Juniper Ridge area. Third Street north of Cooley Road will have two travel lanes in each direction separated by a median that will also serve as a turn lane. Approximately 0.6 miles north of Cooley Road the new extension of 3rd Street will connect with US 97 through a signalized intersection on the southeast side of the Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

## 023

Under the Preferred Alternative, 3rd Street north of Cooley Road will remain entirely within the City of Bend urban growth boundary as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS in the Final EIS. Please also see Topic 18 – Juniper Ridge.



## WE LIVE HERE





## P76: Brett Kalamen

From: Brett Kalamen [mailto:kalamen@yahoo.com]
Sent: Wednesday, September 07, 2011 7:49 AM
To: comments@us97solutions.org
Subject: US 97 Bend North Corridor Sound Wall Comment/Concern

## Hi,

I live on the East side of Highway 97, between Empire and Cooley. After reading through the draft EIS, chapter 3 states the following regarding sound walls:

"The BNSF Railway operates freight trains along the railroad that is adjacent to US 97. BNSF does not operate the train on a fixed schedule;

however, the train is operated 10 times a day with 6 day trips and 4 night time trips. There are no more than two trains per hour. The BNSF

Railway anticipates that the train will operate more frequently in the future with 15 trips a day, 8 of which occurring during daylight hours

and 7 at night. Based on this future schedule and relationship to the existing schedule and noise levels from rail, areas within approximately

300 feet of active railroad tracks would not be considered for roadway traffic noise abatement because the abatement measure could not also

feasibly reduce noise from the railroad."

I strongly disagree with this conclusion. I have also discussed this plan to avoid installing a sound wall on the East side of 97 with over 100 neighbors who also disagree with the conclusion.

Page 3-193 of the report even shows a site that has a roadway noise impact that is well beyond 300' away from the BNSF railroad. Further, even if BNSF operates 15 trips a day, and say the average train noise is 3 minutes long, you are talking about a period of 45 minutes throughout the entire day of noise generated by a train based on an anticipated future railroad schedule. That is just over 3% of the day that you would have noise from the railroad. To avoid mitigating additional road noise from the relocation and increased traffic flow of Highway 97 based on something that happens for 3% of the day, and making homeowners in the area live with the additional noise the other 97% of the day is simply not fair to any of the homeowners in the surrounding communities.

Myself along with 100's of others in my community strongly suggest that you install a sound wall barrier along the East side of 97 between Empire Ave to at least Bowery Ave.

Thank you for your time and consideration.

Sincerely, Brett Kalamen 541-350-0694

## 001

ODOT and FHWA acknowledge your concern about noise impacts. For highway transportation projects with FHWA involvement, the Federal-Aid Highway Act of 1970 and the associated implementing regulations (23 CFR 772) govern the analysis and abatement of traffic noise impacts. The noise regulations govern noise prediction requirements, noise analyses, noise abatement approach criteria (NAAC), and requirements for informing local officials. The noise analysis has been updated in the Final EIS to reflect the 2011 updated ODOT Noise Policy.

Fourteen noise barriers for the Preferred Alternative were evaluated for their effectiveness at abating traffic noise. However, no noise barriers were found to be feasible and reasonable for the Preferred Alternative because none met one or more of the ODOT feasibility or reasonableness criteria as described in Section 3.16 Noise in the Final EIS.

Please also see Topic 29 – Noise impacts.

## P77: Scott Siewert

From: nojuniperonourridge@bendbroadband.com [mailto:nojuniperonourridge@bendbroadband.com] Sent: Wednesday, September 07, 2011 1:18 PM

To: HOLLOWAY Rex A

Cc: HEACOCK Jon W; PFEIFFER Amy L

Subject: Re: RE: Connection between Hwy. 20 and US 97 via Rogers Rd.

referenced in ODOT's Draft EIS

Hi Rex:

You might want to ask the city of Bend ; 'how supid is stupid?" After today's guest editorial from Mitchell and Ditz, ODOT might want to ask why they ever were hoodwinked by Bend in the 1st place. ODOT covers for the disaster at Juniper Ridge, and City officials admit all in a ghastly editorial. East DS1 is all about the failed Trojan horse at Juniper Ridge! Surprise, surprise!

I now find your response to be either illusive at best, or deceptive at worst, but we knew that before you sent it. You must be a student of Peter Murphy who was a very poor master at the same art of "spin."

Ditz has now provided us with the ammunition we need to mobilize all of those who understand that Juniper Ridge is, was, and always be an unmitigated disaster. Since 2007, they have missed their own revenue forecasts by 90%. How can ODOT give this bunch any credibility whatsoever?

Nothing but 2 evil corporate villains like Schwab and Suterra with zero new jobs in a decade, and ODOT "stands for nothing but falls for anything."

In years gone by, we held out some hope that Bob Byant would take a reasoned stand agains the city's monster at Juniper Ridge. I guess hope springs eternal. I have received calls from ODOT section Managers stating that they, and their groups, are adamantly opposed to Juniper Ridge despite misguided Senior Managers who "drive on" toward certain oblivion.

I am willing to address your senior management team anyplace, anytime with overwhelming arguments that Juniper Ridge is not viable using information from the city and their own worthless consultants as proof that Juniper Ridge is already dead. We need only a funeral to confirm it.

Please take East DS1 off the table immediately if not sooner before ODOT ultimately drowns with the city over this boondoggle.

The City is in so deep, that CYA may be their only alternative. Why should they care if ODOT is naiive enough to waste another couple of hundred million on this phantom?

Bend is already "up Bridge Creek without a paddle." How many more

Scott Siewert submitted additional comment letters. Those comment letters are included in the record of comments as P64, P79, P88 and P134 through P138.

## 001

We acknowledge your opposition to the Juniper Ridge development and the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS.

No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, and Topic 18 – Juniper Ridge.

001

## P77: Scott Siewert

```
travesties can they create?
Scott
---- Original Message -----
From: HOLLOWAY Rex A <Rex.A.Holloway@odot.state.or.us>
Date: Monday, August 29, 2011 2:50 pm
Subject: RE: Connection between Hwy. 20 and US 97 via Rogers Rd.
referenced in ODOT's Draft EIS
> Mr. Siewert,
> Attached are the answers to your questions.
> Rex
> Rex Holloway
> Community Liaison Representative
> Oregon Department of Transportation
> 541-388-6178
> Visit us at http://www.oregon.gov/ODOT/HWY/REGION4/
> ----Original Message----
> From: nojuniperonourridge@bendbroadband.com
> [mailto:nojuniperonourridge@bendbroadband.com]
> Sent: Tuesday, August 23, 2011 4:30 PM
> To: HOLLOWAY Rex A
> Cc: eking@ci.bend.or.us; jclinton@ci.bend.or.us
> Subject: Fwd: Connection between Hwy. 20 and US 97 via Rogers Rd.
> referenced in ODOT's Draft EIS
> Rex:
> 2 Questions:
> 1. Can you provide me with specific infrastructure costs
> associated in
> Northside option 1 for Juniper ridge in combination with supporting
> rationale as JR has been comatose for nearly 11 years?
> Specifically, I
> am questioning the unnecesssary interchange N of Bowery Lane in option
> 1. Why is it there given the city's massive failure at Juniper Ridge
> over the past decade?
> What ancillary costs are envisioned by ODOT for the city's failed
> project at Juniper Ridge including improvements at Cooley, Empire, etc
> etc?
> 2. Can you provide my group with absolute assurances that there
```

## 002

On August 29, 2011, during the public comment period on the Draft EIS, ODOT provided replies to Mr. Siewert's questions in this comment. The replies explained:

- That the purpose of the proposed northern interchange with the East DS1
   Alternative was to connect 3rd Street to US 97. It was explained that the East DS1
   Alternative would not provide a connection to the Juniper Ridge area. A hyperlink
   was provided to the signed agreement between ODOT and the City of Bend
   regarding improvements that would be needed to allow development in Juniper
   Ridge.
- To state that discussions with Deschutes County regarding that local road improvements that would have been included with the alternatives evaluated in the Draft EIS were ongoing.

In addition, it was explained that the notation that is cited in Mr. Siewert's email on August 23, 2011, was an excerpt from the Socioeconomic and Environmental Justice Report and to state that his, and his wife's, opposition to the East DS1 Alternative has been noted in the record of comments.

## P77: Scott Siewert

```
> are no
> current plans whatsoever involving rogers Road, Hunnel Road,
> Harris Way,
> or Bowery lane by ODOT to destroy our neighborhoods? If not, what
> influence does the city's failed project at Juniper Ridge have on this
> equation. Why would the HUNS have to fight and win this battle a 2nd
> time?
>
> Plese explain the attached e-mail notation.
>
> Finally, please log my wife karen, and I as adamantly opposed to
> option1.
>
> Thank you;
> Scott Siewert
> Cell: 541 410-2098
```

## P78: George Myrmo

SEP-88-2011 10:35 From: MYRMO & SONS

5417476832

To:541 317 5962

P.1/1

MYRMO & Sons, Inc. 3600 FRANKLIN BOULEVARD P.O. BOX 3215 EUGENE, OREGON 97403 (541) 747-4565 (541) 747-6832 Fux

September 8, 2011

As an owner of two lots located on Sherman Road in Bend, OR, I am concerned about the proposed closure of Sherman Road at it's flow into Empire Blvd.

00

The elimination of traffic access to Empire Blvd. From Sherman Road would have many negative impacts, one of which is the useability of the 2 lots in the future. Entering and exiting only at 3<sup>rd</sup> street would limit the uses that these two lots would have and make it very difficult for us to develop them to their optimum level.

I stongly urge ODOT to reconsider the closure of Sherman Road at Empire Blvd.

Thank you,

Georgé Myrmó Myrmo & Sons, Inc. 001

Traffic analysis of the Preferred Alternative showed that the closure of the Sherman Road access to Empire Avenue and the closure of an additional driveway slightly west of Sherman Road will allow the safe and efficient operation of both US 97 and US 20/3rd Street. Without closure of Sherman Road, Empire Avenue will experience long traffic queues, stop and go traffic flow, and difficult merging and weaving.

Access into this industrial area will be provided via a signal at 3rd Street and Mervin Samples Road and a right-in/right-out on 3rd Street as shown in Exhibit 2-3 FEIS (Map 2). Additionally, the curve at Sherman Road and Nels Anderson Road will be widened to accommodate large trucks.

Impacts to individual properties will be assessed during the final design phase and will be addressed as part of the right of way process.

Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure, and Topic 30 – Right of way acquisition.

II.D. Truck Parts . Machine Shop



Welding & Mechanical . Hydraulics

## P79: Scott Siewert

From: nojuniperonourridge@bendbroadband.com [mailto:nojuniperonourridge@bendbroadband.com] Sent: Thursday, September 08, 2011 3:41 PM

To: nojuniperonourridge@bendbroadband.com

Cc: jclinton@ci.bend.or.us; mcapell@ci.bend.or.us; jeager@ci.bend.or.us; keckman@ci.bend.or.us; eking@ci.bend.or.us; jmitchell@ci.bend.or.us;

dditz@ci.bend.or.us

Subject: Re: Ridge to Nowhere 357

Hi Jim / Rex:

In emergency situations involving the city of Bend / ODOT and your collective ongoing conflicts with the HUNS, we dial 357 and engage 800 great neighbors for the pending battle. I learned this AM that our buttons have been pushed beyond the point of tolerance again by Mitchell's editorial, and you will learn that "this big dog will bite when you rattle our cage" as you have with East DS1.

Juniper Ridge is an albatross! The ship sank 6 years ago with Juniper Ridge partners, Schwab, et al. Why can't the city get it? How did ODOT get snookered into aiding and abetting an entity (opponent) that has not done anything for the people it's supposed to represent in a decade or more except to waste 10's of millions on grandiose schemes?

10 years of failure should prove beyond any stretch of imagination that Juniper Ridge is done forever. Even after a decade of attempting to protect the public from Bend, as John Paul Jones said in his epic battle, "we have just begun to fight." If it takes another decade to behead this monster, so be it. We will sink it to the bottom of the sea.

We know that the city of Bend always loses these epic battles due to core incompetencies which are overwhelming, but taxpayers stand to lose much more as the city "plays with their monopoly money and loses it all."

It's far past time for a 10 year moratorium at Little Junior. In a best case situation, it would take that long to rescue it with roads and more infrastructure.

Thanks for not listening;

Scott Siewert

Scott Siewert submitted additional comment letters. Those comment letters are included in the record of comments as P64, P77, P88 and P134 through P138.

## 001

ODOT and FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative.

The Preferred Alternative substantially minimizes impacts to the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

A connection to Juniper Ridge is not included in the Preferred Alternative. Please also see Topic 18 – Juniper Ridge.

001

## P80: Greg A. Smith



September 8, 2011

Comments of Thompson Pump & Irrigation, Inc. US Hwy 97 North Corridor Project

I am Greg Smith, President and Owner of Thompson Pump & Irrigation, Inc. We have been and still are located at 63002 Sherman Rd. for over 30 years serving the agricultural community of Central Oregon. I have recently learned that ODOT is proposing the realignment of Empire Blvd.

We have the following concerns:

- 1. The proposed alignment of Empire would make it very difficult for farmers (our customers) from East Deschutes County, Jefferson County and Harney County to reach our business. If they are towing a 40' pipe trailer it would be almost impossible to reach our business safely if they have to get on to Hwy 97 and then get on the present Mervin Samples Rd. without any controlled access.
- 2. Mervin Samples Rd, would have to be redesigned to handle the large amount of traffic for Empire and Sherman Roads. In our peak season we can see 100-150 customers per day at our business that includes passenger cars, trucks, trailers, semi-trucks and daily delivery vehicles. Keep in mind this is just our traffic and does not include the many other businesses on Sherman Road. If all this traffic is entering and crossing Hwy 97 without any traffic controls it will be a mess, it is bad enough as it is.

Sincerely,

Greg A. Smith President/Owner

63002 Sherman Rd. • Bend, Oregon 97701 • Phone (541) 382-1438 Fax 382-3199 2425 SW Highway 97 • Madras, Oregon 97741 • Phone (541) 475-1215 Fax 475-7515 CCB# 56341 • www.thompsonpump.us

## 001

We acknowledge the importance of retaining access for customers to this industrial area. This comment is similar to P78 001. Please see the response to that comment.

## 002

This comment is similar to P78 001. Please see the response to that comment.

US 97 Bend North Corridor Project

## P81: Josh Steele

From: Steele, Josh [mailto:Josh.Steele@bendresearch.com]

Sent: Thursday, September 08, 2011 2:37 PM

To: PFEIFFER Amy L

Subject: Comments for Public record on US 97 Bend North Corridor Project

Importance: High

Dear Ms. Pfeiffer:

Our names are Josh and Holly Steele. We live at 20545 Bowery Lane, Bend, OR 97701. Please insert our comments into the public record associated with the US 97 Bend North Corridor Project;

I (Josh) attended the August 24th Open House and looked at the maps associated with both Build Alternatives. When I looked at the map associated with East DS1, I noticed that much of the back (east side) of our property is likely to be converted to "right of way" with that alternative. Converting to right of way happens when a roadway is going to be built on top of what used to be our land ...

00

We have examined the Draft EIS to learn about what this means, as we grow a large garden on our land, have animals, take in foster kids, and live a very rural life. We have horses, pigs, rabbits, dogs, cats, chickens and lots of other critters. This is the life we chose and we are very worried about East DS1 ruining it for us.

We found a map of soil types (Exhibit 3-25) on page 3-43, Chapter 3 of the Draft EIS. This map confirms what we know from growing vegetables and fruits on our land: Our land is considered to be "prime farmland if irrigated". Our land is irrigated so it is prime farm land. We want to be sure that ODOT knows this.

002

We also read page 3-33 of the Draft EIS and saw that NEPA and the Farmland Protection Policy Act (7 USC 4201-4209; and its regulations, 7 CRF Part 658) require federal agencies to coordinate with the Natural Resources Conservation Service if their activities may irreversibly convert farmland (directly or indirectly) to non-agricultural use. For purposes of the Farmland Protection Policy Act, farmland includes prime farmland and land of statewide importance. All of our land is considered either prime farmland or farmland of statewide importance.

003

We are very concerned about ODOT's East DS1 build alternative. It will definitely convert our prime farmland to non-agricultural use. In doing so, it will ruin our quality of life, deprive our son and the foster children that we care for of a peaceful farm-like home, and expose us and our animals to car exhaust, traffic noise, traffic danger, noise pollution, light pollution. It will also cause us to lose our privacy.

004

Please make sure that someone at ODOT considers our request not to have our land, which is really not just land, but really our home, converted to right of way so that an arterial can be built. We can't imagine living here if that happens, especially because ODOT is not going to mitigate for noise or even put in sidewalks.

00

We strongly oppose East DS1 and support the East DS2 alternative, particularly if ODOT routes traffic from the businesses and environmental justice properties away from Bowery Lane. It doesn't make sense to put big semi-tractor trailer rigs down Bowery Lane.

Thank you for your consideration,

Sincerely,

Josh and Holly Steele

## 001

We acknowledge your opposition to the East DS1 Alternative. The Preferred Alternative will not require acquisition of this property. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the 3rd Street extension through the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 002

This property (20545 Bowery Lane) has been identified as Prime Farmland if Irrigated by the Natural Resources Conservation Service and was identified as irrigated farmland by the project team. The Preferred Alternative will not require acquisition of this property.

ODOT has coordinated with the Natural Resources Conservation Service on this project, as described in Section 3.2.3, Section 7.2, and Appendix A of the Final EIS.

## 003

The Preferred Alternative will not convert prime farmland to right of way use at this property as 3rd Street will terminate at a new signalized intersection with US 97 south of the Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7).

## 004

The Preferred Alternative does not include any changes to Bowery Lane as shown in Exhibit 2-3 FEIS. Please also see response to P81 002 and 003.

## 005

The Preferred Alternative will not result in increased noise levels at this location on Bowery Lane. As shown in Exhibit 3-90 FEIS of the Final EIS, the modeled noise levels at this location on Bowery Lane will not approach or exceed the noise abatement criteria under the Preferred Alternative.

## 006

We acknowledge your opposition to the lack of sidewalks on 3rd Street north of the UGB limits under the East DS1 Alternative. The Preferred Alternative does include sidewalks on the extended 3rd Street for its entire length from Cooley Road to the new signalized intersection with US 97 near Deschutes Memorial Gardens and Chapel.

## 007

We acknowledge your opposition to the East DS1 alternative. The Preferred Alternative does not include any changes to Bowery Lane as shown in Exhibit 2-3 FEIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## P82: Wayne Barker



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(541)- 382- 2362 • TEL (541)- 388- 3389 • FAX

Sept 9, 2011

My name is Wayne Barker. I am the Branch manager of Norco Welding, Safety, and Medical Supply located at 63024 Sherman Road in Bend OR.

I am very concerned about the impact to our business and to our customers from the proposed changes in access to our business. The EAST DSI & DS2 alternatives show closures to Empire Avenue at Sherman Road. This road currently provides our employees and our customers with access to Empire Ave. which is a two lane road. Granted this is a busy road, but the proposed changes whereby our access would be via the NE Mervin Samples and 3rd Street, or Nels Anderson and 3rd Street, would put our employees and elderly customers onto a very busy four lane thoroughfare. This change makes me fear for the safety of our Elderly and medically affected customers.

Another concern I have is regarding truck access. We have weekly delivery via a full Semi tractor/trailer that usually pulls a "Pup" trailer, and daily deliveries via various Common Carriers. Our own daily local delivery vehicles include a Full size Tractor/ trailer unit as well. I do not want our access to business impeded due to road closures.

I would also like to address the section of road named NE Norwood. This road is the east end of Mervin Samples Road and provides access from Third Street to Sherman Road. Norwood is currently inadequate for even single lane travel. If Empire is closed, this road would require substantial improvement to facilitate the heavy track traffic that would be directed to it.

If you do make the changes proposed and redirect access to NE Mervin Samples or Nels Anderson, then I respectfully request that the intersection of 3<sup>rd</sup> and NE Mervin Samples be controlled with a traffic light, not by means of stop signs, or traffic restrictions such as Right in, Right out controls (Pork Chops).

Sincerely, Wayne Barker Norco Inc. Branch Manager

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Wayne Barker submitted an additional comment letter, which is included as P131 in the record of comments.

## 001

This comment is similar to P78 001. Please see the response to that comment. Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

The Preferred Alternative will not result in additional traffic using Norwood Road; thus, no improvements will occur to Norwood Road as a result of the Preferred Alternative.

001

## P83: Sara Brown

September 9, 2011

Ms. Amy Pfeiffer Environmental Manager US97 Bend North Corridor Project Oregon Department of Transportation 63030 O.B. Riley Road Bend, OR 97701

Dear Ms. Pfeiffer:

My name is Sara Brown. Two years ago, I purchased a house located at 20655 Bowery Lane in Bend in what is called the Rock O' the Range area. Imagine my shock when less than three weeks after signing the papers, I learned that ODOT was thinking of building a full diamond interchange and connecting it to an extension of Business 3<sup>rd</sup> Street across the land directly to the west of me. What I thought I was buying was a house and land in a well-established agricultural community with irrigated acreage, in a portion of Deschutes Country. What I have since discovered is that the open space I thought would surround my new home may soon be replaced with a four-lane arterial leading to and from one of Bend's busiest shopping malls.

Since then, I have become an active member of the Hunnell United Neighbors (HUNS), and am engaged in fighting ODOT's East DS1 alternative, which is one of two build alternatives proposed by ODOT.

What I find perplexing is that Hwy. 97 does not appear to be congested in the Cooley Road / Hwy. 97 area or in the Robal Road / Hwy. 97 area - although that is apparently where ODOT has focused its attention. Rather, Hwy. 97 is congested regionally, starting far north of this area. Although Redmond constructed an eastern bypass to move traffic from its downtown core area, the Redmond Bypass ends, and traffic pours back on to Hwy. 97, where it is slowed by a number of traffic signals, entrances and exits to businesses, etc. What good is it going to do to spend millions of taxpayer dollars to fix a bottleneck in the north part of Bend when the south part of Redmond is slammed with traffic? Further, ODOTs own traffic recorders, which are dispersed along US97, show that the real congestion problems lie between Empire and Colorado.

In the Draft EIS, ODOT cites concerns about the safety of the Cooley and Robal Road intersections, the HUNS have since placed into the Public Record an in-depth analysis of ODOTs conclusions with regard to the safety of those intersections that shows there are not problems there. In fact, on page A-8 of ODOTs own Final Traffic Analysis Technical Report, which addresses safety, it states the following: "The number of crashes per year has been relatively low over the last three years, but has declined over the last three years. The crash rate for this roadway (where the roadway being referred to is Cooley) was 0.36 crashes per million vehicle miles which is about half the 2009 statewide crash rate for urban other principal arterials at 0.68 per million vehicle miles." Thus, I question the validity of the Purpose and Need that ODOT cites with this project in its Executive Summary on page ES-3.

Throughout the Draft EIS, but particularly in the Final Traffic Analysis Technical Report, there are repeated references to Juniper Ridge. Juniper Ridge has been the focus on this project, and as such, its impacts on the Rock O' the Range neighborhood should be studied in Chapter 4, Cumulative Impacts, of the Draft EIS. In fact, there is barely any reference to the cumulative impacts and direct and indirect effects of that city-owned project which I might also add is largely a conceptual Master Plan at the time of this writing.

We acknowledge your opposition to the East DS1 Alternative. The Preferred Alternative will not require acquisition of this property. This comment pertains to the impacts in the Rock O' the Range area that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the 3rd Street extension through the Hunnell Neighborhood. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 001

The purpose and need for this US 97 Bend North Corridor project are in the Draft and Final EIS in Sections 1.2 and 1.3, respectively. While this project focuses on the traffic issues in Bend on US 97, ODOT also is engaged in solving other transportation issues throughout Region 4, including Redmond. ODOT and FHWA evaluated traffic operations scenarios at both the existing conditions (2007 in the Draft EIS; 2011 in the Final EIS) and No Build Alternative future conditions (2035 in the Draft EIS; 2036 in the Final EIS). As noted in Section 3.1.2 and 3.1.3 of both the Draft EIS and Final EIS, US 97 experiences substantial traffic operational deficiencies along the entire corridor in the API, and particularly at the intersections with Robal Road and Cooley Road. Furthermore, safety issues are present as noted in Sections 1.3.3 and 3.1.2 in the Draft EIS and Final EIS. If no improvements are made to US 97, the congestion, traffic flow, and safety issues will worsen as disclosed in the No Build Alternative (2036) analysis presented in Section 3.1.3 of the Final EIS. Please also see Topic 24 – Traffic analysis and Topic 37 – Safety.

## 002

In October 2011, the Oregon Transportation Commission approved the Transportation Safety Action Plan (TSAP), an element of the Oregon Transportation Plan. This document also serves as the State of Oregon's Strategic Highway Safety Plan (SHSP), a document required by federal law. The TSAP envisions a future where Oregon's transportation-related death and injury rate continues to decline. ODOT envisions a day when days, then weeks and months, pass with not a single fatal or debilitating injury occurring. Someday, we see a level of zero annual fatalities and few injuries as the norm.

Safety issues on the section of US 97 that includes the intersections of Cooley Road and Robal Road are a problem that ODOT has identified for many years, and are one of the main reasons this project was undertaken. Crash rates and frequencies are typical measures of effectiveness, but are only one metric for safety performance.

00

003

P83: Sara Brown

Another method, the Safety Priority Index System (SPIS), is ODOT's primary safety management tool. SPIS values are determined by evaluating crash rate, frequency and severity history on all state highways in Oregon. Section 1.3.3 of the Final EIS shows that the highway segments of US 97 including Robal Road and Cooley Road have consistently ranked in the top 5 and 10<sup>th</sup> percentile of segments statewide. Please also see Topic 37 – Safety.

## 003

The purpose and need for this US 97 Bend North Corridor project are in the Draft and Final EIS in Sections 1.2 and 1.3, respectively. The updated traffic analysis for this project assumes a portion of Juniper Ridge is developed; the cumulative impacts analysis assumes that Juniper Ridge is fully developed at some point in the future. Please also see Topic 18 – Juniper Ridge.

## P83: Sara Brown

Page 2 Sara Brown Letter to ODOT – September 9, 2011

NEPA law requires a "hard look" be taken at all significant environmental impacts to inform decisionmakers and the public of how major federal actions (such as this project) will impact the surrounding area. A hard look requires more than simply a listing of potential impacts, such as ODOT buried in the back of its Final Land Use/Planning/Parks and Recreational Facilities Technical Report and the back few pages of the Final Socioeconomic and Environmental Justice Technical Report.

The decisions of past courts with respect to NEPA have found that Environmental Impact Statements and Environmental Assessments that fail to adequately assess environmental impacts, including those related to socioeconomic and agricultural factors are error. Cases such as Highway J Citizens Group v. United States Department of Transportation, Case 2010 WL 117052 (Wisconsin) has shown that a Department of Transportation cannot simply assume that their actions will have no effect on the process of urbanization. Such agencies may only discharge their obligations under NEPA by explaining why a particular project will not result in the urbanization of a currently agricultural / rural area, particularly when a road project dramatically increases the access to that area. This is exactly the case with the US97 Bend North Corridor project, particularly as it has been revealed that what ODOT represents as a two-lane (one travel lane in each direction) facility will likely NOT be adequate to serve projected traffic volumes.

Further, the US97 Bend North Corridor Project is clearly designed to serve a specific development: Juniper Ridge. To promote the development of Juniper Ridge, ODOTs project will necessarily produce a measurable change in the traffic demand and traffic patterns. This change will have a major impact on my neighborhood. Given that the project is aimed at furthering development of Juniper Ridge, ODOT must perform a detailed analysis of the induced growth that it will encourage in the Rock O' the Range neighborhood. Encroachment alteration of the land uses in this area are a likely result of the Juniper Ridge development and when combined with the US97 Bend North Corridor project, constitute twin reasonably foreseeable actions that must be analyzed in a great detail.

Said in plain English, the East DS1 alternative proposed by ODOT will urbanize my neighborhood, pollute our air, introduce light, noise and visual pollution, and destroy the cohesion and character of this rural community. Please ensure that ODOT studies the Cumulative Impacts and Indirect (and direct) Effects of this project and adequately presents their findings to the public.

Please, do NOT promote East DS1 as this project's preferred alternative. Instead, keep roads and interchanges associated with the US 97 Bend North Corridor Solution project south of the Deschutes Memorial Gardens cemetery.

Very truly yours,

Sara Brown 20655 Bowery Lane Bend, OR 97701

## 004

Potential direct and indirect impacts from the alternatives were disclosed in the Environmental Consequences subsections of Chapter 3 in the Draft EIS and Final EIS for each environmental disciplined studied. In addition, 22 supporting technical reports, survey summaries, and other supporting documentation noted in Appendix K of the Draft EIS were made available to the public through the project website and on request. Chapter 4 of the Draft EIS identified cumulative impacts. The list of current and reasonably foreseeable actions presented in Section 4.1.3 of the Final EIS has also been updated since the Draft EIS. Please also see Topic 26 — Cumulative impacts.

## 005

This comment pertains to the impacts in the Rock O' the Range Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified the East DS2 Modified in the Final EIS as the Preferred Alternative. With the Preferred Alternative, 3rd Street will remain within the City of Bend's urban growth boundary and will terminate at a new signalized intersection with US 97 south of the Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7). Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 006

The purpose and need for this US 97 Bend North Corridor project are in the Draft and Final EIS in Sections 1.2 and 1.3, respectively. As noted in comment P83 003, development at Juniper Ridge was evaluated in the project's updated traffic analysis and cumulative impacts analysis. Please also see Topic 18 – Juniper Ridge and Topic 26 – Cumulative impacts.

## 007

This comment pertains to the impacts in the Rock O' the Range Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the Preferred Alternative, 3rd Street will remain within the City of Bend's urban growth boundary and will terminate at a new signalized intersection with US 97 south of the Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7). The direct and indirect impacts were described in the Environmental Consequences subsections of Chapter 3 of the Draft EIS. Cumulative impacts were described in Chapter 4 of the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## P84: Carol Higginbotham

From: carol higginbotham [mailto:chigginbothamster@gmail.com]

Sent: Friday, September 09, 2011 3:48 PM

To: comments@us97solutions.org Subject: please remember all users

I hope you will remember the needs of cyclists and pedestrians as you work out solutions to the problems occurring on N97. Bend faces a great opportunity here to make clear that the safety of ALL its citizens is our concern.

Suitable routes for these users are not simply "add-ons" but are critical components of streets and roads, especially in areas where such users are to be expected. A substantial portion of our population does not have easy access to personal cars, and others may choose to bike or walk if the built environment does not discourage such activities.

Thank you.

Carol Higginbotham 1311 NE Watson Bend

## 001

The Preferred Alternative includes many bicycle and pedestrian facilities. Section 2.1.2 in the Final EIS describes the bicycle and pedestrians facilities that will be constructed as part of the Preferred Alternative. Please also see Topic 12 – Bicycle and pedestrian facilities.

ProBuild 63153 Nels Anderson Bend Oregon, 97701

September 9th, 2011

US 97 Bend North Corridor Project Oregon Department of Transportation 63030 North Hwy 97 Bend Oregon, 97701

To ODOT.

My name is Jon Linde, and I am the general manager of ProBuild on Nels Anderson. I am writing this note to comment on the Draft EIS alternative one and two, both of which take a substantial portion of my lumberyard. I will be as brief as I can with my comments. If you feel that you need more information, don't hesitate to give me a call.

First, as an important note, ProBuild is not the landowner. We lease our property from John Robbins. His phone number is 541-382-8083. My comments are directed towards the impact of the reroute through the property that we lease from Mr. Robbins.

The street that is planned through the property that we are leasing would have a significant impact on how we do business. The line sheds that we utilize on the South side of our lot are used for storing sheetrock and other items out of the weather and in both of the reroute versions, the sheds would be removed. The storage sheds hold product that comprises about a third of my sales. ProBuild does not have an alternative area to store that product. Building the road through our yard could effectively shut down our operations in Bend.

I have drafted six alternate ideas that could be used to reroute traffic. All six ideas minimize the negative effects of a reroute on any one business owner in the Nels Anderson and Cady Way area. The alternatives that I have included with this letter are meant to address both options of the reroute. Again, if there are any questions or if you need additional information, please don't hesitate to give me a call.

Regards, Jon Linde GM, ProBuild 541-382-2441

#### 001

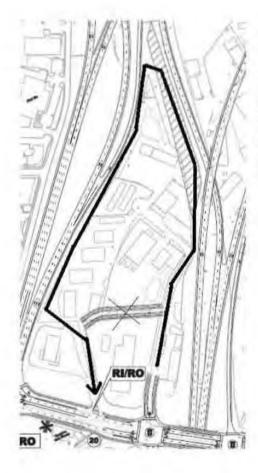
Thank you for the information about your business use of the storage sheds. We acknowledge your concern about right of way acquisitions associated with the project. A local connector road is required for internal circulation between Nels Anderson Road and Cady Way and to facilitate movement of emergency service vehicles as shown in Exhibit 2-3 FEIS (Map 2). Please also see Topic 7 – Empire Avenue north industrial area.

Impacts to any business are addressed in the final design phase during the right of way process. The process for providing relocation assistance to businesses is presented in Section 3.3.4 of the Final EIS. Relocation benefits are presented in Appendix B of the Final EIS. Please also see Topic 30 – Right of way acquisition.

## 002

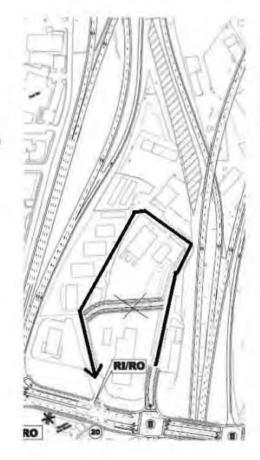
Thank you for taking the time to propose Reroute alternatives 1 through 5. The proposed alternative routes do not accurately depict the road width required by City standards which is 60-foot right of way with 36 feet of pavement. The streets you propose are not fully located within public right of way, but would be located on land currently owned by private businesses. The proposed alternative routes would require acquisition of several more buildings and properties than will be required by the local connector road that is included in the Preferred Alternative and shown in Exhibit 2-3 FEIS (Map 2).

Alternative 6 is not a reasonable option because Myrmo & Sons requires an access connection to the signal at Nels Anderson Road/Empire Avenue to make left turn movements to and from Empire Avenue.



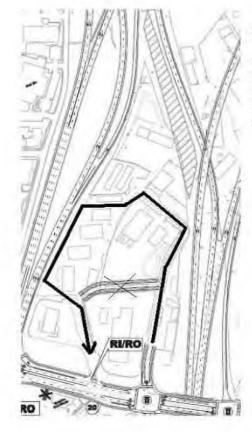
# Reroute alternative 1

Don't put in the street that is crossed out. Instead reroute traffic all the way around the buildings. This gives each business in this area a "frontage road". This does not take anyone's property.



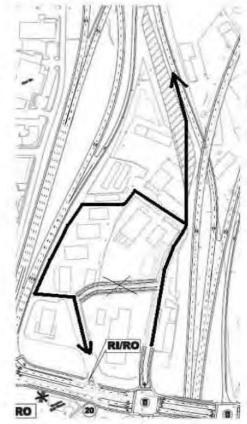
# Reroute alternative 2

Don't build through our property and use the existing trafic lane already in use. This is what trucks do currently.



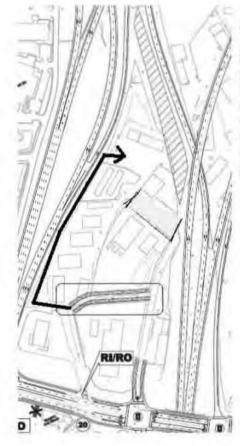
# Reroute alternative 3

Don't build through our property, and instead reroute traffic around the front of the East side businesses. This gives those buildings additional exposure.



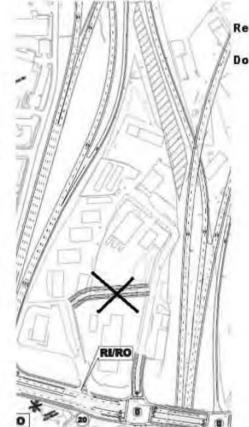
## Reroute alternative 4

Don't build the road through our property and instead combine a frontage road with an onramp. This also helps with traffic around the businesses.



# Reroute alternative 5

Keep the road going through our property, but then give us the highlighted portion of Cady way. We will fence it off and utilize it for storage. Place a frontage road in front of the businesses on the East side. This also gives better access to Pape.



Reroute alternative 6

Do nothing. Leave traffic as it is now.

# P86: Wayne Purcell



September 9, 2011

Amy Pfeiffer Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O. B. Riley Road Bend, Oregon 97701

Re: US 97 Bend North Corridor Project Draft EIS

Dear Ms. Pfeiffer.

Thank you for providing the Draft EIS CD for our review and comment. As owners of The Riverhouse Hotel (Bend's largest hotel), The River's Edge Golf Course and The Riverhouse Convention Center (Oregon's fourth largest). We are keenly interested in any proposed changes to Central Oregon's highways that could impact our transient guests and business clientele.

We are generally supportive of ODOT's selection of the East DS1 and East DS2 alternatives provided a few important modifications can be made. Having reviewed the draft EIS, we would like to offer a few comments/suggestions:

001 Co

First, we are very concerned about the potential for southbound 97 traffic to pass by or miss the first business exit. To us, this seems likely since the proposed exit ramp is so far north of Cooley Road and there is no visible commercial development. The next southbound directional interchange is nearly 3 miles south at Butler Market Road, effectively causing traffic to skip past both the Cascade Village and Bend River shopping malls, over 400 hotel rooms, a large number of restaurants and numerous businesses along northern 3<sup>rd</sup> Street. We suggest that a southbound off ramp be added at Robal Road. This addition would provide the following benefits:

002

- Allows southbound Highway 97 traffic to exit closer to the center of the business core in northern Bend which is essential for tourist and drive by shoppers.
- Reduces volume of northbound "backtracking" traffic along 3<sup>rd</sup> Street. The cumulative impact on local streets and business would be significant.

"Bend's Finest Lodging and Convention Facility" 5075 N: Business 97 \* Bend, Oregon 97701 \* Phone (541) 389-3111\* 1-800-547-3928 The comments in this letter are very similar to those submitted by Gary Cox, which is included in the record of comments as P133.

#### 001

We acknowledge your concerns regarding business access. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative will create a signalized intersection at 3rd Street and US 97 at the north end of the API. This signal will provide access to southbound US 97 traffic in a location where there is visible commercial development.

In addition, the Preferred Alternative will maintain the current configuration of ramps at both the Empire Avenue and Butler Market interchanges. While the Empire Avenue interchange does not have a southbound off-ramp, the interchange closest to the River's Edge (Butler Market Road) includes a southbound off-ramp.

Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 19 – Business directory signs.

## 002

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative does not include an interchange at Robal Road for several reasons:

- Additional access or connectivity would not improve safety or reduce congestion on US 97
- Additional access with US 97 in the Robal Road area would add more conflicts where travel demands are high for all types of travel in a concentrated area, creating a circumstance similar to the traffic safety and operational conditions existing on US 97 in the project area today
- Providing additional access at Robal Road would impact business employment
  lands in the Robal Road area (both access and displacements); create additional
  traffic safety, operations, and accessibility issues; cause impacts to operations
  (more conflicts and congestion) on 3rd Street (existing US 97); decrease traffic
  safety and operations on US 97 with an additional access point; and increase
  project costs (design, right of way, construction).

Please see response to comment P133 001 above. Please also see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

# P86: Wayne Purcell

US 97 Bend North Corndor Project Draft EIS September 9, 2011 Page 2 of 2

002 Cont

 Removes some of the traffic volume from the proposed Cooley Road/3<sup>rd</sup> Street intersection especially when Juniper Ridge and other surrounding commercial and residential land tracts are developed in close proximity to this intersection.

Second, we are supportive of the proposed changes to southbound Highway 20 at the Empire Avenue intersection. For our many guests that travel over from the Willamette Valley, it is important that no ramping changes are made to Highway 20. Both the proposed alternatives would continue to provide direct access to the hotels and restaurants along North Business 97 (3<sup>rd</sup> Street).

004

Third, when the proposed second Highway 20 southbound left turn lane is added at Empire Avenue, it is imperative ODOT provide additional business directory signage north of the intersection so that southbound Highway 20 travelers would be given notice to stay right on 3<sup>rd</sup> Street (Business 97) to access local businesses, hotels, restaurants, the Riverhouse Convention Center, etc. Signage would also be critical for Southbound Highway 97 traffic prior to Cooley Road and Robal Road.

005 A

And lastly, we are supportive of the proposed additional lane installations on the Bend Parkway between Empire and Butler Market Road. It makes sense to include these improvements in the scope of the North Corridor Project.

We appreciate the opportunity to comment on the draft EIS and look forward to providing future comments as the project scope and selected option becomes more defined. If you have any questions, please feel free to call me at (541-312-2641 or Gary Cox at (541) 312-2684.

Sincerely,

Wayne Purce

Member and Operating Manager

River's Edge Investments, L.L.C., The Riverhouse L.L.C.

WC

## 003

Thank you for your support of the Highway 20 and Empire Avenue improvements shown for the alternatives evaluated in the Draft EIS. The Preferred Alternative retains the current configuration of ramps associated with southbound Highway 20.

## 004

The Preferred Alternative could accommodate generic motorist service signing; sign placement will be determined during final design. Businesses that qualify can work with Oregon Travel Experience to have signs installed.

Please see Topic 19 – Business directory signs.

## 005

We acknowledge your support for the additional, auxiliary lane on US 97 between Empire Avenue and Butler Market Road. A northbound auxiliary lane between Butler Market Road and Empire Avenue is included in the Preferred Alternative as shown in Exhibit 2-3 (Maps 1 and 2).

## P87: John Robbins

[From John Robbins, 9/9/11]

Comments on East DS1 & 2

Subject: Proposed road through private property off of Nels Anderson.

001

We are completely against the proposed road through Robbins' property because there is an existing access and fire lane on Gisler's property to Cady Way and then to Nels Anderson. Also, this proposed road through Robbins' property will cancel Robbins long term lease with Pro-Build and make Pro-Build move to a new location.

A better solution would be to improve Gisler's access and fire lane and require the Gisler tenant s to use that access and fire lane to Cady Way and then to Nels Anderson. Improvements to that access and fire lane north and south would cause more people to recognize that there is a road to Cady Way.

ດດວ

A little history: At the time that Gisler built his buildings, the County required Gisler to provide access and a fire lane to Cady Way along his east property line, Robbins west property line. Gisler tenants are suppose to use that access and fire lane for egress. Over the years Gisler has allowed the tenants to use that access and fire lane for parking.

Normally, if an entity has a problem like egress issues, then that entity is required to give up some of his property to resolve those issues. The solution to the egress for Gisler is enhancing what is suppose to be an existing access and fire lane to Cady Way that Gisler tenants now use for parking, not destroying another persons livelihood and a business that has no direct cause to Gisler's problem. If you take this property you will be enriching Gisler at the expense of Robbins and Pro-build.

I could find no written information in the Draft EIS on this proposed access.

003

Information to the EIS: Add, that an existing fire lane exists for businesses east of 3rd. Street to connect to Cady Way but does need to be brought up to City standards.

John Robbins submitted these same comments multiple times. Please see P119, P120 and P121.

## 001

We acknowledge your opposition to the local connector road in this location. This comment is similar to P85 001 and P85 002. Please see the responses to those comments.

Please also see Topic 7 – Empire Avenue north industrial area.

#### 002

We appreciate you taking the time to propose ideas for this area, and we acknowledge your concerns about business impacts. Please see the response to P85 002, which addresses the reroute alternatives that Mr. Linde proposed for this area. Relocation benefits for businesses will be addressed during the right of way process during the final design phase. Appendix B of the Final EIS provides information on business relocation benefits available for businesses that are displaced because of a public project.

## 003

The proposed connector between Nels Anderson Road and Cady Way is generally described in Section 2.1.2 of the Final EIS and is depicted in the photo simulation in Exhibit 2-9 FEIS. Section 2.1.1 of the Final EIS has been revised to note the existing fire lane in this location, which does not meet current city standards. Emergency service providers will be able to access Cady Way via Empire and Nels Anderson Road as they do today. The Preferred Alternative does not include any improvements to Cady Way, but does include a new connector road to improve traffic circulation in this area. Please also see Topic 7 – Empire Avenue north industrial area.

## P87: John Robbins

[From John Robbins, 9/9/11]

Comments on East DS2

Subject: Bowery Lane DS2 Northern Interchange

I do not like this alternative's solution to getting driveways off of Highway 97 North of Bowery Lane, It creates more traffic in rural residential areas and less safety.

The impact that DS2 Northern Interchange creates West of Bowery Lane is to cause people that want to travel North on 97 towards Redmond would have to wind their way through a rural residential area towards Bend and seek a major road, ie: proposed 3rd. Street to Highway 97, that goes towards Redmond. It creates more traffic and travel time loading up secondary roads with vehicles and does not enhance safety. It moves more traffic towards Cooley Road and new 3rd. Street through the rural residential neighbor hoods that will cause problems such as collisions between pedestrians, equestrians, bicyclists, and vehicles. Speeding will also be an issue through the residential areas and will create more work to enforce..

I personally get all my hay from North of Redmond by truck and trailer. It is hard for me to visualize those trucks seeking a route through a rural residential area to get to my place without some safety issues.

006

The solution: There needs to be an interchange at Bowery Lane that allows people to get onto and off of Highway 97, North and South, much like the interchange proposed in DS1 Northern Interchange.

Also, the proposed road north from Bowery Lane that goes along the railroad tracks needs to be designed to allow truck and trailers to be able to use it.

#### 004

We acknowledge your opposition to the northern interchange with the East DS2 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative does not include construction of the northern interchange referenced in your comment. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

#### 005

The Preferred Alternative will not construct a new northern interchange in the area of Bowery Lane. The Preferred Alternative will construct a new signalized intersection between 3rd Street and US 97, just north of Grandview Drive. This signalized intersection will facilitate traffic getting onto and off of US 97 without traveling on roads through a rural residential area. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

### 006

The Preferred Alternative will not construct a new northern interchange in the area of Bowery Lane, a new signalized intersection between 3rd Street and US 97 will be constructed just north of Grandview Drive.

The Preferred Alternative will not eliminate the current driveway accesses along US 97 north of Bowery Lane. Therefore, the Preferred Alternative will not construct a road north from Bowery Lane along the railroad tracks. Please also see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

## P88: Scott and Karen Siewert

From: nojuniperonourridge@bendbroadband.com
[mailto:nojuniperonourridge@bendbroadband.com]
Sent: Friday, September 09, 2011 3:26 PM
To: nojuniperonourridge@bendbroadband.com
Cc: HEACOCK Jon W; rex.a.holloway@odot.or.state.us; PFEIFFER Amy L
Subject: Re: Fwd: Re: Ridge to Nowhere 357

#### Rex:

I have one more set of comments that I would like added to the record before it closes on September 12th, and these are just intuitive thoughts.

First, it's likely that you will be unable to handle the HUNN's oposition to East DS1 as we hav been a formidable force for over 7 years in protecting our neighborhoods. We have been advised that a wealthy donor will finance a legal battle with ODOT if the Bowery interchange is selected in combination with East DS1.

Secondly, in the unfortunate circumstance that ODOT makes a tragic error and selects East DS1, Why not move existing 97 East into Juniper Ridge and construct the entire interchange on city owned property? They can't sell it, and they have plenty to spare. Then, bring the feeder route South through JR and back across 97 to feed Cascade Mall. Imagine the savings that could be generated by using city owned property instead of condemning private properties.

ODOT has this all wrong; It would be prudent to make corrections before a humiliating defeat by the HUNN's and we don't care how long it takes or how much it costs.

#### Scott & karen Siewert

```
---- Original Message ----
From: <nojuniperonourridge@bendbroadband.com>
Date: Thursday, September 8, 2011 4:22 pm
Subject: Fwd: Re: Ridge to Nowhere 357
> FYI;
> 
> Srs
```

Scott Siewert submitted additional comment letters. Those comment letters are included in the record of comments as P64, P77, P79, and P134 through P138.

#### 001

ODOT and FHWA did consider an alternative that would move US 97 east into Juniper Ridge, with an interchange in Juniper Ridge. This was the East 1 Alternative identified in Exhibit 2-17 of the Draft EIS. Although the East 1 Alternative had similar operational performance to the East DS1 and East DS2 Alternatives, the alternative was not advanced to the Revised Preliminary Range of Alternatives because it had a larger footprint that would have had more environmental impacts, such as additional right of way acquisitions, environmental justice displacements at the Juniper Mobile Park, and would have required exceptions to Oregon's statewide planning goals. The cost estimate in 2010 for the East 1 Alternative was \$330 to \$380 million and likely would have increased as the alternative was refined if it had advanced. With these additional environmental impacts and a cost estimate that could be twice as much as the Preferred Alternative the alternative was dismissed from further consideration.

Several alternatives included a new northern interchange just west of Juniper Ridge, including the RRA-2B, East 2, East 3, and East DS1 Alternatives. As noted in Exhibit 2-17, the East DS1 Alternative had similar design features of the RRA-2B, East 2 and East 3 Alternatives but less cost. Thus, the East DS1 Alternative was advanced for further consideration and was evaluated in the Draft EIS.

Under the Preferred Alternative, the new extension of 3rd Street will be located within the urban growth boundary, terminating at a new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS. There will be no new interchange as was proposed under the East DS1 and East DS2 Alternatives studied in the Draft EIS. Traffic traveling south on US 97 will exit at this new signalized intersection south of Deschutes Memorial Gardens and Chapel to access the shopping malls.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

## P89: Bill A. Smith

20410 Rogers Road Bend, OR 97701 September 9, 2011

ODOT Attention: US 97 Bend North Corridor Project 63030 N. Highway 97 Bend, OR 97701

In a recent article submitted to the Bulletin regarding the Northern Reroute in Bend, David Ditz and Jerry Mitchell suggested that the Oregon Department of Transportation give careful study and consideration to Juniper Ridge when selecting one of three alternatives. These are: 1. Do nothing; 2. DS - 1; or 3. DS - 2.

Their logic seems to be similar to the thinking used in Alaska when building a "bridge to nowhere". In this situation they are asking that we consider spending millions on providing access to and from nowhere. Juniper Ridge has proven to be no more than a pipe dream in the minds of a few. Unfortunately, these few have had the ability to spend and waste millions of our city tax dollars with very little accountability and results. Few people, if any in our lifetime, will see the development of Juniper Ridge.

Juniper Ridge may become the driving force that steers Bend into financial bankruptcy if our citizens continue to allow: 1. inexperienced leadership in the city manager's position and 2. enabling city staff and city counselors to make poor decisions without accountability to the patrons they supposedly represent.

I am confident that our Oregon Department of Transportation will select the Northern Reroute option that is based on a future reality rather than the future Juniper Ridge fantasy.

Respectfully,

Bill A. Smith 541-382-8473

#### 001

Thank you for your comments on the City of Bend's Juniper Ridge development. The purpose and need for the US 97 Bend North Corridor project is found in sections 1.2 and 1.3 of the Draft EIS and Final EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative.

Under the Preferred Alternative, the new extension of 3rd Street will be located within the urban growth boundary, terminating at a new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS. There will be no new interchange as was proposed under the East DS1 and East DS2 Alternatives studied in the Draft EIS. The Preferred Alternative does not include a connection to Juniper Ridge. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

# P90: Gene N. Thompson

# **East Fork Corporation**

6860 S.W. Winding Way, Corvallis, OR 97333

(541) 929-6849

September 9, 2011

Oregon Department of Transportation

Re: US 97 North Corridor Project Public Hearing, August 24, 2011

Comments of Owner of Sherman Park Building located at 63089 Sherman Road, Bend OR

To Whom It May Concern:

I am writing in opposition to the plan to close Sherman Road at Empire. This action would severely handicap all three of our tenants located at 63089 Sherman Road as well as making the access for their customers unsafe.

001

We believe that our three tenants, TransFix, Tarp Fab / McCauly, and Auto Haus of Bend (formerly Jaeger Performance) need ingress and egress via Empire for their businesses to continue to operate safely, efficiently and without interruption. These three businesses traffic approximately 75 - 100 cars and trucks per day.

We wish to go on record as opposing the current plan and ask that ODOT reconsider this action.

Please add us to your mailing / email list for further communications on this project.

Mail: Eric C: Thompson, President East Fork Corporation 6860 SW Winding Way Corvallis OR 97333

Email: ecthompson@peak.org

Sincerely,

Gene N. Thompson East Fork Corporation

## 001

We acknowledge your opposition to and concerns about the closure of Sherman Road where it intersects Empire Avenue. Under the Preferred Alternative, Sherman Road will be closed at Empire Avenue, but a signal will be added at the intersection of Mervin Sampels Road and 3rd Street as shown in Exhibit 2-3 FEIS (Map 2). The Preferred Alternative will provide access to the properties noted in this comment. Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure. Eric Thompson was added to the project mailing list as requested by the commenter.

# P91: Michael K. Lovely

From: Mike Lovely [mailto:enchantedforest@coinet.com]

Sent: Saturday, September 10, 2011 5:17 PM

To: PFEIFFER Amy L

Subject: U S 97 Bend North Corridor Project, DEIS, Testimony.

Importance: High

Hello Amy, My how time flies !!! I have to sit down and get this testimony in to you. Sorry I could not make it to any of your open houses. Too many meeting conflicts. SO, here I am. Take care. Mike Lovely

US 97 Bend North Corridor Project, DEIS, Testimony.

Having been on the Citizens Advisory Committee for a LONG time, there is little left to talk about. We have been through a large number of possibilities for this project. At this point in time I am in favor of Option East DS-1. Looking farther down the road, this option provides a greater deal of access for this project plus Juniper Ridge AND future developments on both sides of Highway 97, to the north. Someday we will not be able to see the separation between Bend and Redmond. I am hoping that future planners will keep in mind that we will still need frontage road systems. I do not want to be considered to be talking out of both sides of my mouth, concerning saving homes on the Murphy Crossing project and not so stridently on this project. Apples and oranges !! Murphy Crossing is a local roads/neighborhood situation and the North Corridor Project is a major highway project that will expand well into the future. I like the Third Street swing being "tight" to the cemetery. Is the wide swing out into the neighborhood, (north of the cemetery), area the least amount of intrusion on removal of homes or can we save more homes by pulling the loop a little farther east? Still keeping the road location "tight" to the cemetery. Another thing I wanted to make sure of, is that Cooley Road goes under the railroad and the highway. I am hoping an adequate sump/pump system will be installed and the water will be spread in the vacant area north of Cooley Road. I would like to see an adequate sized propane powered generator installed near the sump on the north side of Cooley Road, complete with a solar array to keep the batteries charged and a timer that will periodically "test run" the generator. Also install a tall chain link fence complete with four strands of barbed wire to protect the generator, the solar array and the fuel tank. AND a security system to alert police of any on site tampering.

Another concern that I have and I believe this is being done successfully in other areas is; give BNSF the money to build the underpass with ODOT still supervising the work. I think the job would go smoother with them doing the work and if anything goes wrong, the monkey is on their back. Less chance of a communication/safety SNAFU. IF this has not been done in the past, is not a reason to not try it now.

This is all I have for now and this keeps me as a party of record. I am sure more concerns will come up in the future.

#### 001

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, the new extension of 3rd Street will be located within the urban growth boundary, terminating at a new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS. There will be no new interchange as was proposed under the East DS1 and East DS2 Alternatives studied in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

#### 002

Cooley Road will be grade-separated under US 97 and the railroad with the Preferred Alternative. Thank you for your suggestions to handle stormwater. Stormwater management for this new underpass would be refined during final design. Ideally, the majority of the stormwater runoff from Cooley Road would be diverted prior to reaching the underpass.

## 003

ODOT and the BNSF Railway have had discussions about resources to build the gradeseparated railroad structure. Further conversations with the BNSF Railway will occur during the final design phase of this bridge.

001

## P92: Joe Owens

From: joe@instantlandscaping.com [mailto:joe@instantlandscaping.com]
Sent: Saturday, September 10, 2011 8:38 AM
To: comments@us97solutions.org
Subject: us 97 north corrdor project

Save Jobs Save history

001

The nels anderson property employees real people that will be impacted but of course those in the city & state that have good jobs havent taken into consideration that this will put people out of work. Does anyone care about the history of bend or are we going to have to look at pictures in a book to see any history of bend and its roots.

Joe Owens

#### 001

We recognize the historic nature of the Nels and Lillian Andersen house. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen house will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. This adverse effect has been resolved though the Memorandum of Agreement that is included in Appendix D of the Final EIS.

ODOT met and coordinated with Mr. Larocco, the property owner, throughout the project, including Mr. Larocco's participation as a member of the Citizen Advisory Committee (CAC). CAC meetings are documented in Chapter 7 of the Final EIS. ODOT provided Mr. Larocco with draft copies of the Section 106 Memorandum of Agreement to resolve the adverse effect to the Nels and Lillian Andersen House. ODOT and FHWA reviewed and considered Mr. Larocco's comments when developing the final Memorandum of Agreement. Please also see Topic 31 – Historic resources and Topic 30 – Right of way acquisition.

Section 3.5.3 of the Final EIS analyzes the impacts of the Preferred Alternative on businesses, including business and job displacements.

# P93: Joe Owens

From: joeowens@bendbroadband.com [mailto:joeowens@bendbroadband.com]

Sent: Saturday, September 10, 2011 8:20 AM

To: comments@us97solutions.org

Subject: us97 bend north corridor project

In my opinion this whole parkway was not thought through very well before it was started or odot knew from the begining that the north end would fail. Now federal highway dept. is telling odot to fix it ha ha and shame on everyone in charge. the small busisnesses that will be displaced employ real people. The nels anderson property and house are part of Bends history, when it is gone that will be one more lost to how do we say progress. Is anyone going to step in and pay those people that are put out a jobs. Good luck finding another job in this economy.

Joe Owens

#### 001

Unfortunately, at the time the Bend Parkway was built, there was not enough funding to extend the project north to the UGB.

#### 002

This comment is similar to P92 001. Please see the response to that comment.

# P94: Nils Eddy

From: bigeddy@bendcable.com [mailto:bigeddy@bendcable.com]

Sent: Sunday, September 11, 2011 10:46 PM

To: comments@us97solutions.org

Subject: US 97 Bend North Corridor Project EIS

I have lived in Bend for over 20 years and was deeply involved in the Bend Parkway process of the early 90s. I am sorry to say that we have not come very far with meaningful transportation planning if this document is an example. In many ways it is less relevant than what was done for the Parkway. The narrow focus on outdated concepts of "mobility" and motor vehicle delay is from 30 years ago when that kind of thinking helped get us in the transportation mess we are in today.

Both build alternatives are basically a bypass of the "Golden Triangle" of highway commercial development and expressways that should never have been built in the first place. Poor access, safety problems and congestion are endemic to this type of design, and yet the "solution" is more and bigger roads? Does ODOT really think either of these alternatives will create a better place for people to live and travel to?

The EIS pays lip service to goals such as community context, reducing vehicle miles traveled and energy consumption, complete streets, travel choices and solutions other than road expansion. ES.4, Summany of Adverse and Beneficial Impacts of the Alternatives, while briefly mentioning a few aspects other than motor vehicle needs, does not develop these other factors. Statements such as there is, "No disproportionately high and adverse effects on minority or low-income populations," are painfully shallow.

Even if we only focus on solutions to motor vehicle safety and mobility, the EIS disregards approaches other than road expansion. A narrow analysis with bad assumptions inevitably predicts more traffic, and it puts forth limited engineering solutions to predictable safety problems. Conveniently, the well-proven effect of induced traffic is ignored.

The result of either build alternative will be an unbalanced, quickly congested system that is unsafe, unattractive, inefficient and inadequately maintained. Repeat every 20 years. Why not be courageous and try something that might actually be of benefit to Bend and Oregon? We've had this conversation before and at one time it seemed as if ODOT was capable of leading the nation towards a modern, sustainable transportation system. Now ODOT cannot even think a step outside the old car box. What happened?

Nils Eddy | bigeddy@bendcable.com 1199 NW Quincy Avenue, Bend, OR 97701

## 001

The concepts of mobility and delay are the most common traffic performance measures used today nationwide. The methodologies used to obtain these measures have been constantly improved and incorporate the latest transportation research. Improvements over the original Bend Parkway design include the use of travel demand modeling which is based on population, employment, and land use. Travel demand modeling for the project analyzed future travel patterns and the resulting demand on the system. In addition, micro-simulation modeling was used to track individual vehicle movements for traffic queuing and congestion, travel time, speed, and delay measures. This micro-simulation modeling offers a completely different methodology; this model looks at the entire system rather than the usual individual point analysis for obtaining mobility and delay. Please also see Topic 24 – Traffic analysis.

#### 002

We acknowledge your opinion. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Under the Preferred Alternative, the new extension of 3rd Street will be located within the urban growth boundary, terminating at a new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS. Please see Section 2.6 of the Final EIS which describes the selection of the Preferred Alternative as compared other alternatives considered. The Preferred Alternative described in Section 3.1.3 of the Final EIS resolves many of the congestion, safety and traffic flow problems identified in the purpose and need statement.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative, and Section 1.3.3 of the Final EIS which includes updated safety data.

## 003

The Executive Summary of the Final EIS provides an overview of the impacts and benefits associated with the Preferred Alternative. Sections 3.4.3 and 3.5.3 of the Final EIS have been updated to include analysis of the Preferred Alternative.

## 004

Non-road expansion solutions were described and analyzed by ODOT on pages 2-52 and 2-53 of the Draft EIS. The Transportation System Management/Transportation Demand Management Alternative included managing either the transportation system through efficiency actions or managing transportation demand through reducing vehicle trips and/or miles traveled. This alternative, when modeled, would not provide enough management to meet the purpose and need for the project. Thus, the Transportation System Management/Transportation Demand Management Alternative was dismissed as a standalone alternative. However, transportation system manage-

P94: Nils Eddy

ment/transportation demand management elements have been incorporated into the Preferred Alternative as described in Section 2.1.2. Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative, Topic 21 – Transportation demand management and transportation system management measures and Topic 12 – Bicycle and pedestrian facilities.

The updated traffic analysis for the project used the Bend Metropolitan Planning Organization's Travel Demand Model. This Travel Demand Model considers traffic (latent demand or "induced traffic") that may result from the improvements. The model demonstrated that with improved capacity upon US 97 there will be more trips on US 97, but there will be fewer trips on other roadways. Please also see Topic 33 – Induced growth.

## P95: Michael Hall

From: Michael Hall [mailto:HallMichaelA@msn.com] Sent: Sunday, September 11, 2011 3:07 PM

To: comments@us97solutions.org
Cc: Tim Larocco-NelsAHouse

Subject: LetterToODOT.NelsAnderson.MAH.091111

September 11, 2011

Michael A. Hall 134 SW H Street Madras, Oregon 97741

US97 North Bend Corridor Project Oregon Department of Transportation 63030 N Hwy 97 Bend, Oregon 97701

RE: Nels and Lillian Anderson House (aka Nels Anderson Homestead)

To Whom It May Concern:

I oppose of the demolition and/or removal of the Nels and Lillian Anderson House. I request that ODOT find an Alternative that would not have an adverse effect on the National Register-eligible house, which is also listed on the City of Bend's historic inventory.

I have been in the historic preservation field since 1990. I was the Historic and Cultural Resources Planner for Deschutes County and its three incorporated cities in the 1990s. I am familiar with historic resources in Bend and the county as a whole, placing a number of local buildings on the National Register, including those on the south end of Wall Street and the Goodwillie-Allen-Radamacher House, and being the staff that assisted in the update of the County and City Comprehensive Plans, reviewing 112 sites for the County and another 55 for the City.

I served as staff to the Deschutes County Historical Landmarks Commission and as staff to the Task Force for the Preservation of Historic Resources, formed to develop long-term plans for the resources affected by the Bend Parkway and Bend Urban Renewal District, including the Oregon Trink Railway Passenger Station (Bend Depot), its companion American Railway Express Company building, the Goodwillie-Allen-Rademacher House and the Bend Amateur Athletic Club. The Task Force represented the City of Bend, Deschutes County, Deschutes County (DDOT).

When it became obvious the Parkway was going through the middle of the Depot, I was a part of the County team that wrote the Intermodal Surface Transportation Efficiency Act (ISTEA) grant for funding to preserve the Passenger Station on County property a very short distance from where it stood. The requested amount was based on the statement, over and over, in public forums and in public documents, that ODOT would cover the moving costs, regardless of the amount. I was a member of the County team that put together a proposal to preserve the structure, based on the statement by ODOT that it would cover the moving costs, regardless of the amount. I was there when ODOT rejected this statement, agreeing to a lesser bottom line amount. If ODOT had stated its bottom ine at the beginning of the process, the County, likely, could have as easily received the additional amount needed to complete the project, as it did the \$261,400 ISTEA funds it was awarded. However, as the grant had been awarded and the grant process ended, requesting additional funding was not possible. Importantly, if ODOT had simply upheld and stood behind its initial and repeated word, the County would have had enough funding to complete the preservation project. At that time, given the recession the country was in, the County was not able to appropriate the additional funds needed, despite community concerns.

#### 001

We acknowledge your opposition to the relocation or removal of the Nels and Lillian Andersen house and we recognize the historic nature of the house. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen house will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. To resolve the adverse effect to the Andersen House, ODOT met with the Bend Historic Landmarks Commission, High Desert Museum, Deschutes Historic Landmarks Commission, and the Andersen House owner to discuss impacts and mitigation options. As a result of the Preferred Alternative having an adverse effect on the Andersen house, FHWA and ODOT developed a Memorandum of Agreement to disclose the specific impacts and stipulate mitigation measures that will occur. This Memorandum of Agreement was signed by FHWA, ODOT, and the Oregon State Historic Preservation Officer and includes mitigation measures for the Andersen House to prepare the house for relocation or removal.

Please also see Topic 31 - Historic resources.

## P95: Michael Hall

In another instance relative to the Parkway project, ODOT did not keep its word in its written statement that it would provide funds for interpretive signage and other interpretive measures to mitigate the effects the Parkway had on the historically- and culturally-significant canal system. To date, to my knowledge, this has not happened. In addition, though they may have only been historically significant locally, not on a National Register level, there were a number of other historic properties impacted by the Parkway with only documentation made.

002

In my work for several decades, I have become familiar with the Section 106 process, including Section 4(f) and Memorandum of Agreement. The process provides a means for a state or federal entity to explore alternatives and save historic and cultural resources. I do not believe that all the alternatives have been explored. ODOT has gone through the process, but not really explored a true alternative to save Nels Anderson. ODOT's word that it has explored all the alternatives carries very little weight with me, after its past statements. Moreover, I believe that it is an engineering problem. If ODOT wants to save the property, it can engineer a way to do so.

This is an important resource for our community and state. As someone familiar with a variety of resources in Oregon, I can state that this is a rare and unique resource; one that is not duplicated, at least east of the Cascades in Oregon. I refer you to *The English House Through Seven Centuries*, by Olive Cook, and those books by other specialists in this style of architecture. I am impressed greatly by the preservation work Mr. Larocco and others have performed on the structure, as are many other people and organizations, and the time and money he has invested to do so.

00

Therefore, I ask that ODOT, the state entity which has had the greatest adverse impact on the historic and cultural resources in and around Bend over the last two decades—more than any other entity—take this opportunity to stand up and find an alternative to demolishing and/or removing the Nels and Lillian Anderson House. Please take this opportunity to show the community that you have other goals and priorities other than simply paving over our history and culture. Thank you.

Sincerely.

Michael A. Hall Phone: 541-475-6020 Email: HallMichael A@msn.com

#### 002

Compliance with Section 106 has been completed for this project as described above in the response to P95 001. Please see the Final Section 4(f) Evaluation included with the Final EIS for more detail on the analysis conducted to evaluate alternatives that avoid the Nels and Lillian Andersen House. None of the alternatives that avoided impacts to this property were found to be feasible and prudent. Please also see Topic 31 – Historic Resources.

#### 003

ODOT met and coordinated with Mr. Larocco throughout the project, including Mr. Larocco's participation as a member of the Citizen Advisory Committee (CAC). CAC meetings are documented in Chapter 7 of the Final EIS. ODOT provided Mr. Larocco with draft copies of the Section 106 Memorandum of Agreement to resolve the adverse effect to the Nels and Lillian Andersen House. ODOT and FHWA reviewed and considered Mr. Larocco's comments when developing the final Memorandum of Agreement. Please also see the response to comment P95 002.

## P96: Bruce C. Levin

From: Bruce Levin [mailto:bruce@jdg.com] Sent: Sunday, September 11, 2011 12:12 AM

To: Toby Bayard

Cc: PFEIFFER Amy L; HOLLOWAY Rex A; Paul Dewey; Michel Bayard; SEL @ Verizon.net

Subject: Re: You Tube Videos and City / ODOT IGA

Toby, your discoveries just keep coming and coming. What a thorough investigator you are ... almost forensic.

By the way, don't you want your email below with your statements and questions to also be included in the public record in addition to your attachments? I am not certain your opening statement says this.

00

Based on my read of the IGA, it appears as though ODOT committed to support Juniper Ridge and, in turn, has a built-in predisposition to put the interests of Juniper Ridge above the interests of the community as a whole. Also, the IGA was signed by Robert Bryant, ODOT Region 4 Manager, on 11/24/10, during ODOT's study to evaluate various roadway options. How could ODOT argue that their process was unbiased/impartial when then signed the IGA during their review?

Sure seems like back-room dealing to me.

Thanks, Bruce

Bruce C. Levin Chief Executive Officer Justice Design Group, LLC

Email: <u>bruce@JDG.com</u>
Cell: 310 : 600 . 8485
Fax: 213 . 437 . 0860

Visit us at www.JDG.com

On Sep 10, 2011, at 4:33 AM, Toby Bayard wrote:

Hello Amy and Rex,

Please enter the attached You Tube Video "screen captures" and the attached a copy of the city of Bend / Oregon Department of Transportation Intergovernmental Agreement into the public record associated w/ the US 97 Bend North Corridor Project.

The comments provided in this letter are similar to other comments received from Paul Dewey and Bruce and Sandra Levin. Those comments are included in the record of comments as P33 and P107. The email from Toby Bayard, shown below the comment from Bruce Levin, is included in the record of comments as P155. For those comments, please see the responses to comments P155 001, 002 and 003.

#### 001

The Intergovernmental Agreement was developed with specific guidance that the recommended mitigation for the traffic impacts of the Juniper Ridge development would not preclude ODOT's Bend North Corridor project alternatives. Chapter 2 of the Draft EIS discussed the various corridors (west, existing, and east) and alternatives within these corridors that were considered.

Please also see Topic 18 – Juniper Ridge and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

## P96: Bruce C. Levin

ODOT, on page ES-2 and ES-3 of the US97 Bend North Corridor Draft Environmental Impact Statement, ODOT says the following:

"The purpose of the proposed action is to improve safety and mobility for trucks and automobiles on US97 by implementing a practical design solution that is affordable within the potential 20-year funding opportunities and that meets the following performance objectives for the medium-term (5-10 years) and long term (over ten years) planning periods as defined by the Bend Metropolitan Planning Organization's 2007-2030 Transportation Plan. Performance objectives for the proposed action include:" (under bullet point 3): "Supports economic development consistent with local agency plans ...".

The attached IGA reveals that there is a formal agreement between the city of Bend (with respect to its Juniper Ridge project) and ODOT (with respect to its US97 Bend North Corridor Project). Likewise, throughout the Final Traffic Analysis Technical Report, Appendix 3: Alternatives Considered But Dismissed, there are numerous references to how well any particular alternative of the 21 considered would (or would not) support Juniper Ridge traffic volumes.

I would like ODOT to explain the exact role that the Juniper Ridge project has played, and continues to play, in the US97 Bend North Corridor Project. How might the project have been different if Juniper Ridge had not been a factor? Please discuss Peter Schuytema's comments, made in an interoffice memo to Jon Heacock on July 2, 2007 (contained in Final Traffic Analysis Technical Report, Appendix J: Alternatives Considered But Dismissedd) as they are presented on pages J-113, J-115, J-119-J120 and how they impact the conclusions Mr. Schuytema reaches on page J-122 through J-124 (where he discusses the performance of alternatives and which should be advanced beyond the frist-level screening analysis). Also of note are the images shown on pages J-126 (Juniper Ridge with US97 Interchange), and J-133 (Alternative RWA-3B2). How do the comments made by Mr. Schuytema in these pages demonstrate (or not demonstrate) the major role that Juniper Ridge played in the design of this project between its inception and 2007, when the memo was written.

I would also like to have ODOT discuss Peter Schuytema's comments, made in an interoffice memo to Jon Heacock on May 16, 2008 (contained in Final Traffic Analysis Technical Report, Appendix J: Alternatives Considered But Dismissedd) as they are presented on pages J-135 and J-136. Why was the alternative shown on page J-126 (Juniper Ridge with US97 Interchange) removed? Is this related to Mr. Schuytema's conclusion, presented on page J-123, that for the Scenario "Juniper Ridge with US 97 Interchange, a "Full Interchange Not Needed for Project". Please explain how an alternative that was not needed for the Juniper Ridge project (as it appeared to be in 2007), and which was removed in the first screen, and which did not appear in the second screen, show up as one of the two Build Alternatives in the Draft EIS?

I would like ODOT to clearly state what the differences were that prompted it to reintroduced the "J-126 Juniper Ridge with US97 Interchange" alternative? What assumptions changed? Did traffic volume projections change? What other conditions changed between 2007 and 2011 that could justify why an alternative screened out in 2007 re-emerged in 2011? How does this relate to the IGA signed by the city of Bend and ODOT?

I would like you to enter my questions and your responses to them into the public record associated with this project.

Thank you in advance!

Kind regards,

Toby Bayard

<YouTube - Feb 2008 - US 97 Bend North Corridor Project.doc> <YouTube - May 2008 - US 97 Bend North Corridor Project.doc> <YouTube - January 2011 - US 97 Bend North Corridor Project.doc> <Bend and Juniper Ridge \_\_urgned\_agreement-Lpdf>

# P97: H.B. Kennedy

From: hbkennedy@bendbroadband.com [mailto:hbkennedy@bendbroadband.com]
Sent: Sunday, September 11, 2011 10:30 PM
To: comments@us97solutions.org
Cc: instantlandscaping.com
Subject: Nels and Lillian Anderson House impacts

Hello Mr. Holloway, We are writing to you regading the Nels Anderson Homestead. It
would be ideal if the Nels and Lillian Anderson Homestead main home could be
retained as
part of the US97 Bend North Corridor Project. The ideal situation would be to
have it
relocated to a more visible or public location. Thanks for your serious
consideration of this
building in your planning process. The Kennedy's

#### 001

We acknowledge the historic nature of the Nels and Lillian Andersen House. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen House will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. This adverse effect has been resolved through the Memorandum of Agreement that is included in Appendix D of the Final EIS.

Please also see Topic 31- Historic resources.

## P98: Norman Scott

From: Toby Scott [mailto:tscott@bendbroadband.com] Sent: Sunday, September 11, 2011 10:41 PM To: comments@us97solutions.org Subject: Bend North Corridor Draft EIS

The two proposed alignments for US 97 to bypass the north end of Bend appear to be reasonable choices given the existing conditions. I think that DS-2 is preferable since it allows for future east expansion into Juniper Ridge, etc. I would like to make a few suggestions that may improve the current plans or additional clarifications to strengthen the alternatives

Both alignments DS-1 and DS-2:

- Consider a round-about(RAB) at Empire/OB Riley due to uneven traffic volumes at intersection and cost. There is no indication in the document that RABs are being considered.
- 2) The planned S-Bound traffic will be limited to exiting near Bowery Lane at approximately MP 133 or at exit 136 (Butler Mkt.). It seems that 3 or more miles between exits is too much and will result in significant excess mileage being driven, now that exit 135A will no longer be available. Exiting the highway 2 + miles north of Empire will increase the travel times for S-Bound travelers wishing to use Empire. Using Exit 136 to access Empire will result in considerable excess travel distances. A S-Bound exit at Empire should be included to reduce excess driving distances and/or times.
- 3) If a S-Bound exit at Empire is not included, there will a significant increase in traffic at S-Bound Exit 136, but there is no provision shown to include a signal and/or widen the S-Bound exit.
- 4) The two aerials showing the alternatives are not consistent with whether the Cooley/OB Riley intersection will be signalized. Again if more than stop signs are needed a roundabout should be considered to manage traffic flow and save funds.
- 5) There is no discussion of why a US 20 E-Bound to US 97 S-Bound connection is not included. The added traffic that is created at the Empire intersection by having US20 traffic use this intersection to access the parkway should be evaluated and discussed.
- 6) Alt DS-1 includes a full interchange at the north end of the project area. The S-Bound exit will likely have the largest volumes and the exit should be designed to allow free flow onto the North Third St extension.

Thank you. Norman Scott 4054 NW Northcliff Bend, OR 97701

#### 001

Thank you for taking the time to share your suggestions and preference for the East DS2 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

- 1) Three locations where roundabouts would work from a traffic operations perspective were considered with the Preferred Alternative. Roundabouts will be included with the Preferred Alternative at O.B. Riley Road and Cooley Road as shown in Exhibit 2-3 FEIS (Map 5) and 3rd Street and Loco Road as shown in Exhibit 2-3 FEIS (Map 7). A traffic signal will be installed at Empire Avenue and O.B. Riley Road because a roundabout would have had additional business and residential impacts. A roundabout at Empire Avenue and O.B. Riley Road is not precluded in the future.
- 2) Under the Preferred Alternative southbound traffic on US 97 will access Empire Avenue through the new the signalized intersection on US 97 at 3rd Street just north of Grandview Drive (near the Deschutes Memorial Gardens and Chapel); traveling about an additional block in distance compared to the route today. At this intersection southbound traffic on US 97 will be able to turn right directly onto 3rd Street, as shown in Exhibit 2-3 FEIS (Map 7), which will provide access to Empire Avenue. With the Preferred Alternative, travel times to Empire Avenue from southbound US 97 and 3rd Street are not expected to substantially increase from the existing conditions.
- 3) Empire Avenue is extremely congested. Adding a southbound off-ramp would exacerbate the congestion and require significant improvements to make Empire Avenue operate. The Preferred Alternative does not include a southbound off ramp to Empire Avenue. At the Butler Market Road southbound off-ramp, traffic operations will improve under the Preferred Alternative compared to the No Build Alternative as discussed in Section 3.1.3 of the Final EIS. This improvement is the result of the Preferred Alternative adding a southbound auxiliary lane on US 97 between Empire Avenue and Butler Market Road which improves the weaving between the two interchanges.
- The Preferred Alternative includes a roundabout at Cooley Road and O.B. Riley Road.
- 5) The purpose of the project, as identified in Section 1.2 of the Draft and Final EIS, is to improve safety and mobility on US 97. The needs for the project are discussed in Section 1.3 of the Draft and Final EIS. The Preferred Alternative will not change the existing connection between eastbound US 20 and southbound US 97, which is Robal Road. The Preferred Alternative does not preclude revising this connection when needed, as a separate project.
- 6) Under the Preferred Alternative, there will be no new interchange as was included with the East DS1 Alternative, and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 Final EIS in the Final EIS.

## US97 Bend North Corridor Solutions EIS Comment September 12, 2011

To Whom It May Concern:

The following comments are submitted by Dina Barker. I am a Bowery Lane resident, committed member of the HUNS and concerned citizen of Deschutes County. Thave been deeply involved with the US97/20 Reroute, Juniper Ridge Master Plan, Wal-mart Super Store building application. Cooley Road Interchange and Clausen Property/Hunnell Rd property Industrial Light proposed UGB expansion - all of which has been unfolding for the past 7 years.

My understanding of why we are here today stem from 3 issues:

- Proposed Wal-mart Super Store at the corner of Cooley Road (currently undecided)
- 2. Development of Juniper Ridge
- 3. Failing intersection at Cooley Road

The outcome of these projects do have a direct affect upon my person, my home, and my neighborhood due to the traffic impacts; noise, light, air and water pollution; potential loss of property value; quality of life, and the ability to utilize my MUA10 agricultural property for my personal benefit with the raising of my cattle, chickens and extensive garden area.

Being part of the solution.

I truly do understand the need to improve the flow of traffic along the US97 corridor, 3rd Street access and mitigate where possible "at grade" railroad crossings. The vast short comings of the Bend Parkway should be a huge lesson in what NOT to do here, so with that said I would like to 002 propose long-term solutions that actually correct and provide for traffic connectivity, allow for the development of a second access to Juniper Ridge and improve access for the Cascade Village 003 Mall. Please direct your attention to the attached maps. Exhibit A, B and C.

Exhibit A which is the current ODOT alternatives (East DS1 and East DS2) neither of these proposed plans actually detail nor resolve the desire to connect US20 and US97 creating a west east traffic corridor. However, both will destroy a well established neighborhood which is zoned MUA10 and severely affect property values and the quality of life for all of us who live here. Next, the HUNS have uncovered numerous flaws in the ODOT Draft Environmental Impact 005 Statement and Evaluation report issued - one of which shows that traffic data projections are based upon outdated 2007 statistics and traffic volumes have decreased as detailed in a more recent 2009 study. The accident and fatality stats being used in the report to encourage the closure of all direct access to US97 are not accurately portrayed. Most of the fatal accidents are within .75 miles of Cooley Road, not at or north of Bowery Lane. If this is taken into account, the need to close off all direct access starting at Bowery Lane going north does not exist. Lastly, the DRI Statement BCR appendix T Safety and Traffic Data concludes that simply building the Cooley Road interchange and all proposed upgrades south will affectively resolve the traffic issues. There is truly no benefit to building north of Cooley Road. This is only being proposed to gain access to Juniper Ridge, not for improved traffic flow on US97.

Exhibit B details the entire Juniper Ridge property including the current 513 acres that were added to the Bend UGB. As detailed in this map Juniper Ridge crosses US97 about 2.5 miles north of Cooley Road. With the City, County and State all owning the surrounding lands, why is it necessary to take lands for an access at Bowery Lane? A massive interchange and access

## 001

The purpose of the project was stated in Section 1.2 of the Draft EIS and Final EIS. The need for the project was stated in Section 1.3 of the Draft and Final EISs and included: congestion, traffic flow within the corridor and safety. Construction of the proposed Walmart store is not a part of the need for the project. The congestion and safety issues at the US 97 and Cooley Road intersection are part of the project need. The Preferred Alternative does not provide a direct connection to Juniper Ridge.

#### 002

The purpose of the project was stated in Section 1.2 of the Draft EIS and Final EIS The need for the project was stated in Section 1.3 of the Draft and Final EISs and included: congestion, traffic flow within the corridor, and safety. Providing access to the Juniper Ridge development is not part of the need for the project. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and driveby business impacts and Topic 18 – Juniper Ridge.

## 003

Please see responses to comments P99 001 and P99 002.

## 004

ODOT and FHWA considered alternatives that created a direct connection between US 97 and US 20 such as the WS West Modified, WS West E (Modified), and West 1 Alternatives, which were included in the range of reasonable alternatives and screened against the purpose and need. These alternatives failed to meet the purpose and need as disclosed in Section 2.2.2 of the Draft EIS.

With the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including impacts to Bowery Lane. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# 005

The traffic analysis presented in the Draft EIS is not flawed. Please see Topic 24 – Traffic analysis for a description of the methods used. The traffic analysis has been updated for the No Build Alternative and Preferred Alternative in the Final EIS.

#### 006

The safety information presented in the Draft and Final EIS documents is accurate. The Preferred Alternative will not close access to US 97 at Bowery Lane. Please also see Topic 37 – Safety.

## 007

The purpose and need for the US 97 Bend North Corridor project is found in sections 1.2 and 1.3 of the Draft EIS and Final EIS. The purpose of the project is not to provide access to Juniper Ridge. The conclusions in Appendix T (HERS-ST US 97 System Performance Analysis Report) of the Traffic Analysis Report show that both a Cooley Road interchange "build" on the existing corridor and a "by-pass" East DS1 and East DS2 Alternatives would have similar significant performance improvements. However, this study was performed at a planning level analysis, not for the purposes of defining alternatives that would meet the purpose and need for the US 97 North Bend Corridor project. Section 2.4.2 of the Final EIS, outlines additional information regarding utilizing the current US 97 corridor with an interchange at Cooley Road (Existing DS1 Alternative) and concluded that this alternative did not meet the purpose and need for the project. The HERS-ST US 97 System Performance Analysis Report has been revised for the Preferred Alternative; please see Topic 25 — Cost and benefit-cost analysis and Appendix R of the Updated Traffic Analysis Report.

## 800

The Preferred Alternative does not include a new northern interchange as was included with the East DS1 and East DS2 Alternatives. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

ODOT and FHWA did consider an alternative that would move US 97 east into Juniper Ridge, with an interchange in Juniper Ridge. This was the East 1 Alternative identified in Exhibit 2-17 of the Draft EIS. Although the East 1 Alternative had similar operational performance to the East DS1 and East DS2 Alternatives, the East 1 Alternative was not advanced to the Revised Preliminary Range of Alternatives because of its additional impacts and significantly higher cost (30 percent higher than East DS1 or East DS2 Alternatives). Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

point can be built with no objection by any party at a greatly reduced cost to tax payers. As a logical and reasonable person I have to strongly question the amount of pressure being asserted by the City of Bend and ODOT to place an interchange at Bowery Lane into Juniper Ridge when it's clearly not needed and will only destroy private property in its wake merely to obtain the same results. Done correctly, Juniper Ridge will have access at the Cooley Road roundabout, 2.5 miles north directly off US97 on City owned property and from Deschutes Market Road via Tumalo Road. These three access points will provide the proper egress/ingress into Juniper Ridge that any development of its size must have. I would also like to point out that Juniper Ridge touches US97 in a total of 3 areas north of Bowery Lane. Also noteworthy is the fact that City records show the widening of Cooley Road has been in the General Plan for many, many years.

008 Cont

Exhibit C details property owned by the City, County and State that touch or cross US97 from Robal Road to Deschutes Market. Again this exhibit supports the concept that a large scale interchange can easily be placed approximately 2.5 miles north of Cooley Road on property already owned by the City of Bend for access into Juniper Ridge as part of their Master Plan. In fact, there is over a mile of US97 in this same area that is owned by the County, State or City. Access should be given or deeded to the City to cross into Juniper Ridge and then an access road to the existing 513 acres can be developed appropriately. I want to make clear, no roads exist in Juniper Ridge at this time, so the placement of the access off US97 can be done anywhere on the property. This should be the first place government goes instead of taking and destroying private property. Taking private property for a Juniper Ridge access is not necessary and just outright wrong.

Other points:

The Full Scale Cooley Road interchange as designed and detailed in early discussions from 2005/2006 must be built in conjunction with the US97 Rail Alignment. Widening Cooley Road has always been part of the General Plan and must be done now with four lanes and center turn lane from US97 to US20. This will provide the best west east access from US20 to US97 in the shortest distance along an existing roadway with plenty of room for widening with minimal impact on the surrounding area. This eliminates the need for a secondary west east corridor utilizing Rogers Road which would again destroy private property. Truck access along Cooley Road to Juniper Ridge may be allowed but does not have to follow this route. Truck traffic could be diverted north up US97 2.5 miles to the new access to Juniper Ridge built on City owned property. Speaking from personal knowledge (my sister was a long haul trucker for over 15 years), anyone who drives a truck for a living will tell you that truck traffic is diverted in numerous ways to avoid residential and environmentally sensitive areas all across the country—they are used to it.

.

Hunnell Road north from Cooley Road must be improved all the way to Deschutes Market Road. This access would be a collector for local residents only that live within the "V" of US97 and US20. A paved 2 lane road is needed here. Frontage roads eventually built along US97 will take some pressure off this collector as time goes on. Hunnell Road was designed as a north south access and must be improved to accommodate local trips and benefit residents (who may eventually be landlocked) while pulling local trips off both US20 and US97.

#### 009

As described in Section 2.4 of the Draft EIS, two alternatives were studied to locate an interchange at US 97 and Cooley Road: WS West Alternative and Existing DS1 Alternative. The reasons these two alternatives were eliminated from further consideration are included in Section 2.4 of the Draft EIS and Final EIS.

Please also see Topic 18 – Juniper Ridge and Topic 28 – Cooley Road design and operation.

#### 010

With the Preferred Alternative improvements to Hunnell Road will only occur at the intersection with Cooley Road where a traffic signal will be installed. The Preferred Alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Hunnell Road is part of the Deschutes County road network and is maintained by Deschutes County. Deschutes County has identified Hunnell Road improvements as part of their Transportation System Plan for future road improvements.

In closing, I would like to again reiterate that all the proposed improvements for traffic flow on US97 beginning at Cooley Road heading south are the only actual and factual needs as stated in 011 I the Draft EIS Evaluation. There is NO obvious or realized benefit to traffic flow, improved access for residents or environmental improvements in either East DS1 or East DS2. ODOT and the City of Bend seem hell bent on manufacturing and altering facts to support their efforts to include an interchange at Bowery Lane into Juniper Ridge as part of the US97 road improvement package.

I will again state for the record that neither of the proposed alternatives is acceptable to me. However, I have provided reasonable and thoughtful solutions that can be employed to resolve the US97 traffic problems, provide logical and less expensive access into Juniper Ridge, and improve traffic flow for the Cascade Village Mall area and local residents.

Respectfully.

Dina Barker 20520 Bowery Lane Bend, OR 97701 541-408-7991

#### 011

The portion of this comment pertaining to the need for the project is similar to P99 001. Please see the response to that comment. The Preferred Alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

The Preferred Alternative's traffic benefits are described in Section 3.1.3 of the Final EIS. Please also see Topic 24 – Traffic analysis.

## 012

Access to Juniper Ridge is not part of the need for the project and the Preferred Alternative will not provide direct access to Juniper Ridge. With the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including impacts to Bowery Lane. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

1-18-2008 08:09 FROM:

# **EXHIBIT A**

TO:18888397103

F. 3 1

1 US:12 FROM

# EXHIBIT B

18886397163

PASE.

# **Project Update**

In spring 2010, after gathering input from the public, interested stakeholders, businesses, neighborhoods, and local, state and federal agencies and receiving approval from the Federal Highway Administration, the Oregon Department of Transportation (ODOT) advanced three alternatives for detailed environmental study. These alternatives include the East DS1 Alternative, East DS2 Alternative, and No Build

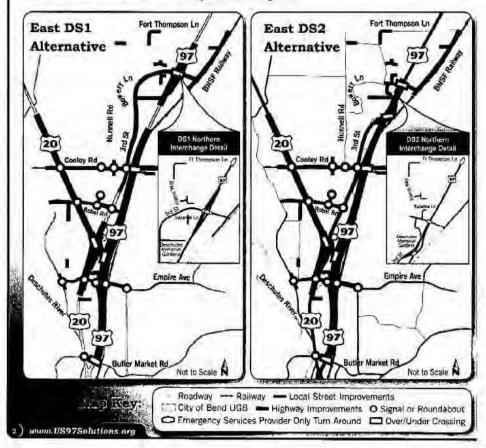
Alternative. All other alternatives were withdrawn from further consideration.

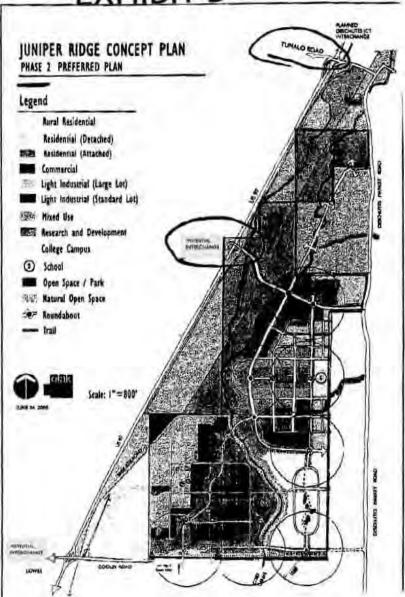
Advancing the East DSI Alternative and East DS2 Alternative represents ODOT's communent to provide practically-designed solutions to improve safety and mobility for trucks and automobiles on US 97 between the Deschutes Market Road/Turnalo Junction interchange and Empire Avenue interchange.

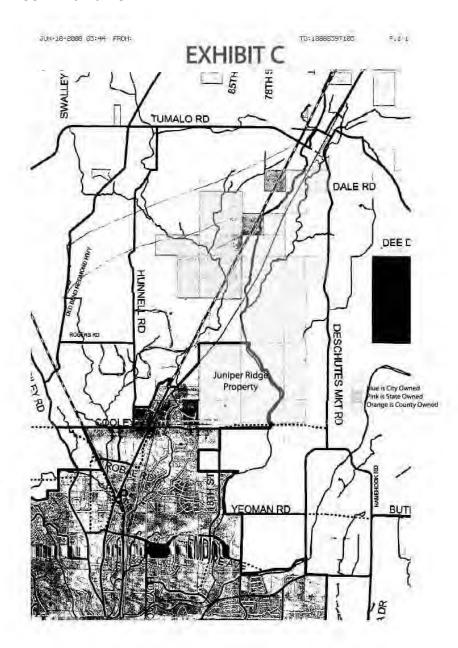
The maps below show the general

alignments of the two build alternatives. East DS1 Alternative and East DS2 Alternative would be the same south of Cooley Road. They differ in the location and type of northern interchange as well as local road connections.

Over the last year, ODOT conducted detailed environmental atudies and prepared the DEIS, which is now rendy for public review.







## P100: Duane Barker

## US97 Bend North Corridor Solutions EIS Comment September 12, 2011

My name is Duane Barker and I live on Bowery Lane. I bought my house out here in 1998 specifically because it was out of town, on acreage and I wanted the lifestyle it provided. My wife and I have spent the last 10 years making significant improvements to our surroundings for our enjoyment. It's really been a labor of love. This is not a run down neighborhood on Bowery Lane. There are several properties valued at more than \$500,000 and we have worked hard as a neighborhood to improve and maintain the natural beauty and lifestyle we all enjoy.

I can't support either plan proposed for the Hwy 97 improvements. Both are completely insane and far off the track of what is needed. Why is an interchange at Bowery Lane into Juniper Ridge needed? Why can't the City build that interchange on the property they already own where it crosses Hwy 97? This is crazy, it's no wonder why people are fed up with government and the bureaucracy that is self perpetuating around it. STOP! Back up and explain how a Juniper Ridge access became part of the traffic solution to a failing intersection at Cooley Road. It's not. This is just a ploy to get the federal government to pay for the access. Either way, they are still using MY tax dollars and I want a say in how they are spent.

The problem now is that most people have no confidence in ODOT or the City of Bend to act responsibly or in the interest of tax payers. Again, whether you spend federal or local tax dollars – you are still spending MY tax dollars!! The Parkway and its huge design failure have been nothing but a black mark on ODOT and the City from day one. Why can't you sit down with those of us who actually have ideas and talk this over? It was my meeting with Mayor Bill Friedman years back that got the rail alignment back on the table when ODOT was not even going to consider it due to cost. Not everything is about cost, but let's do this with common sense and cost both in mind.

Consider the recent article in the Bend Bulletin dated September 1, 2011 talking about the wildlife being lost due to collisions with cars. Do you realize that both plans will add more lanes in the hot zone? You can't tell me you didn't know about this, it's your own study and well documented that this area is a wildlife sanctuary. How is it reasonable that you will add 2 or 4 more lanes in the hot zone which will increase the number of deer hit by cars and 1 didn't see anything in your proposal to mitigate this issue. Why?

Hunnell Road improvements are not even shown on your plans. This can't be. You have at minimum a hundred homes in the middle of Hwy 20 and Hwy 97 that you don't want on either highway yet you are not proposing to pave Hunnell. So we can get to the grocery store without getting on the highway or your complicated 3<sup>rd</sup> Street reroute. This makes no sense. Again, I have to ask who is in charge of designing this and what are the bottom lines issues. You don't seem to care too much about cutting off access to Hwy 97 making it darn near impossible to get out of the area. Does this fit with the counties disaster evacuation plan? I seriously have to question whether you are even considering my or any of the residents safety at all.

I am expressing my opposition to both plans presented and hope that ODOT will take all the public comment and finally propose real solutions to resolve the traffic issues on Hwy 97 that do not include the unnecessary complication to traffic flow/patterns and additional building that does not improve traffic flow.

Duane Barker 20520 Bowery Lane Bend, OR 97701 541-382-5406

#### 001

We acknowledge your opposition to the East DS1 and East DS2 Alternatives. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including impacts to Bowery Lane. With the Preferred Alternative, 3rd Street will remain within the City of Bend urban growth boundary and terminate at a new signalized intersection with US 97. The Preferred Alternative does not provide a direct connection to Juniper Ridge. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Please see the response to P99 008 which describes why the alternatives with an interchange on Juniper Ridge were eliminated from further consideration.

## 002

As presented in Section 3.10.2 of the Final EIS, there are no mapped wildlife collision hotspots within the area of potential impact. The July 2009 Wildlife Vehicle Collisions Hot Spots Report does identify the portion of US 97 within the area of potential impact as medium-high hot spot for wildlife collisions. The Final EIS has been revised to reflect this data. As stated in Section 3.10.3 of the Final EIS, within the project's area of potential impact wildlife habitat linkage features that have the potential to facilitate movement include the open portions of the Swalley Main Canal and the Swalley Riley Lateral. As stated in Section 3.10.4 of the Final EIS, mitigation (which may prevent wildlife collisions) for wildlife linkage impacts is not recommended because of the relatively low value rating placed on these linkage features by the Oregon Department of Fish and Wildlife. In addition, since the release of the Draft EIS, the Swalley Irrigation District has piped all of the Swalley Main Canal within the area of potential impact; therefore, this habitat linkage feature no longer exists within the area of potential impact. In addition, as the project design was refined for the Final EIS, impacts to open portions of the Swalley Riley Lateral were identified. The proposed extension of Britta Street will pipe a 70 linear foot segment of the Swalley Riley Lateral that is currently open, which will result in the loss of 70 linear feet of a habitat linkage feature provided by the Swalley Riley Lateral. The Oregon Department of Fish and Wildlife has also placed a low value rating on the habitat linkage provided by the Swalley Riley Lateral. Therefore, the project is expected to have little to no effect on wildlife habitat linkage and movement and mitigation for wildlife linkage impacts is still not recommended...

## P100: Duane Barker

#### 003

With the Preferred Alternative improvements to Hunnell Road will only occur at the intersection with Cooley Road where a traffic signal will be installed. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. The Preferred Alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Hunnell Road is part of the Deschutes County road network and the County has identified Hunnell Road improvements as part of their Transportation System Plan for future road improvements. The Deschutes County Emergency Preparedness Plan can be found on the County's website at <a href="https://www.deschutes.org">www.deschutes.org</a> under the public safety tab. There are no specific emergency preparedness plans related to Hunnell Road.

September 12, 2011

James Beauchemin 63610 Boyd Acres Rd., Bend, Oregon 97701

Ph.#541-892-3459

RE: Comments on US 97 Bend North Corridor Project - Draft Environmental Impact

As a property owner in the vicinity of the US 97 North Corridor Project, I have reviewed the associated Draft Environmental Impact Statement and have the following comments on the two proposed build alternatives:

Alternative East DS-1 appears to be the most functional option. It addresses all project needs very well. It will resolve current traffic flow, connectivity and safety issues, while best addressing long-term viability in its placement of a full-design north interchange and local street connections. It connects traffic well at multiple roadways in appropriate support of existing businesses, neighborhoods and planned development. It also offers diversity in routes, able to disperse traffic well.

The East DS-1 north interchange can also moderate future impacts by offering a routing alternative for access east of this interchange. It is an appropriately designed interchange to facilitate safe traffic flow, increased connectivity and provide long-term viability.

The East DS1 Alternative provides an advantage to highway maintenance, as its north interchange will allow for better access and easy turn-around capabilities during winter maintenance activities on this section of US 97. (2-54)

The East DS-1 Alternative more equitably distributes traffic and will provide good community connectivity, while positioned to meet long-term planned demand. It appears East DS-1 is the most appropriate and viable of the two build alternatives.

Alternative East DS-2 does not provide as efficient community access, nor does it have the future potential of East DS-1.

Alternative East DS2 would more restrict access to US 97 for all residents in the area, especially the north-end mobile home park residents. Local routes to access southbound 001 US 97 would require more travel on local streets and would make travel routes longer as Empire Avenue would be the nearest local point to access southbound US 97 in the API. (3-83)

Under Alternative East DS2, traffic emanating from east of US 97 would loose significant opportunity to have direct highway access via a properly designed and safe US 97 takes place. Area ingress and egress issues would continue to be a community few connecting roads would continue, limiting future connectivity. Under East DS-2

north interchange. This would be especially critical if planed future development east of concern and remain a planning constraint, with few options. Overuse and congestion on future blocked queues, reduced average speeds and more delays are expected to develop sooner. (Exhibit 3-15) (3-28)

These comments are similar to comments submitted by Mr. Beauchemin in P48 and P142. Please also see the responses to those comments.

#### 001

We acknowledge your preference for the East DS-1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood and out of direction travel that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 002

The Preferred Alternative does not include a northern interchange and does not eliminate the current access points to US 97 north of Deschutes Memorial Gardens and Chapel. These driveway accesses to US 97 may need to be closed in the future when traffic volumes become greater. Please see Topic 8 – Access to US 97 north of Deschutes Memorial Gardens and Chapel.

## 003

Exhibit 3-15B FEIS in the Final EIS provides updated analysis results for the No Build Alternative and the Preferred Alternative. In nearly all performance measures, the Preferred Alternative performs the best compared to the No Build, East DS1, and East DS2 Alternatives.

Business impacts and relocations would be more complex and extensive with East DS-2. More businesses (a total of 51 vs. 43) would be dislocated with the East DS-2 Alternative (Exhibit 3-35) (3-66) (Exhibit 3-59) (3-108) than with East DS-1 Alternative. (Exhibit 3-35) (3-66) (Exhibit 3-55) (3-103)

A notable difference in business acquisitions would occur in the Clausen Drive & Grandview business area where 8 additional businesses would be acquired under Alternative East DS-2, compared to none in this area with Alternative East DS1. (3-108)

It is also expected that Alternative East DS-2 will displace 80 additional jobs than Alternative East DS-1.

ROW Displacements:

DS1 DS2

Residences 19 Residences 13 Businesses 43 Businesses 51

Jobs 612 Jobs 692 (Exhibit 3-35) (3-66)

Property tax paid by full-acquisition parcels would also decrease under Alternative East DS-2 by an estimated \$20,000 annually. (2009 tax year source)

DS1 \$267,000 DS2 \$287,000 (Exhibit3-56) (3-105) (Exhibit 3-60) (3-109)

Reduction of available commercial businesses and properties near Robal Rd, Nels Anderson Rd. (and near Clausen & Grandview with DS-2) should be mitigated with additional adjacent rezoning.

The East DS-2 north interchange plan with its associated over-crossing, fill and ramps are placed in a constrained area, they may require modification of typical road standards. It should be noted in the EIS that elevated road structures such as curved over-crossings and ramps including compound radius, like those included in this alternative, are often accident-prone.

00

Also this over-crossing and related structures may not be the most efficient use of funding, when the same funds could provide for a safer full-design north interchange, offering both improved access to the larger community and the ability to accommodate future long range planning horizons. (reference: Interchange Area Management Plan ES-19)

It appears East DS-2 has several concessions and limitations.

#### 004

This comment is the same as P48 007. Please see the response to that comment.

Other notable concerns or additions to the EIS include the following:

Residential displacements and other landowner encroachments should be minimized whenever possible. The residential nature of any affected property or neighborhood should be preserved to the highest extent possible by applying standards to best maintain desirable characteristics while also facilitating traffic flows. Appropriate road standards and landscape treatments should always be used to preserve quality of life for residents. For example; there appears little need to extend 4-lane road sections into long-established neighborhoods Likewise, local road extensions outside the UGB should utilize standards to best preserve rural landscape characteristics, while also facilitating traffic flows.

Cooley Road has the highest concentration of residential displacements, but there does not appear to be a need for 4 lanes (for queuing purposes) eastward from the railroad ROW) (reference 3-66). Cooley redevelopment should include turn islands with landscaping also bike lanes, sidewalks and shoulder landscaping to calm traffic and control noise in this large residential area. Residential standards should apply. (Exhibit 2-11)

US 97, improvements and new local roads within the API should use treatments consistent with existing ODOT facilities, such as those used on the Bend Parkway and other local roads in Bend. (reference the Oregon Highway Plan, see:1-15)

There should be a vegetative medium strip and adjacent landscaping whenever possible along this project. (reference Exhibit 2-12) (2-15) (reference Exhibit 2-14) (2-16)

Moreover, these treatments should visually blend local roads and US 97 with surrounding vegetation and geologic features. Noise and air quality mitigation, due to placing US 97 closer to residential areas, should be given higher consideration and more treatments with these build alternatives (East DS1 and East DS-2). Plantings of large trees to absorb sound and convert carbon dioxide should be a high priority within an ample right-of-way. This would also have a side-benefit of dampening railroad noise levels and contributing to the area viewscape.

Local road improvements should also be consistent with the roadway standards for the City of Bend or Deschutes County, including any associated requirements such as street lighting, pedestrian improvements, bicycle lanes and aesthetic landscaping. (2-20) The importance of connection neighborhoods to local retail shopping opportunities, schools and community centers is and important component of creating community character.

#### 005

ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. With the Preferred Alternative, 3rd Street will remain within the City of Bend urban growth boundary. By containing the roadway improvements within the adopted urban growth boundary, the Preferred Alternative also reduces the roadway noise and changes in scenery compared to the East DS1 and East DS2 Alternatives, thereby minimizing impacts to the rural character of this area. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

The design of the Preferred Alternative east of the BNSF Railway considered the updated traffic analysis as shown in Section 3.1.3 of the Final EIS. Please also see Topic 28 – Cooley Road design and operation.

## 006

Vegetated medians are not planned for use on US 97 with the Preferred Alternative, but aesthetic treatments will be consistent with the Bend Parkway theme to provide continuity with the Bend Parkway features. Any other landscaping that would occur as part of the project would mainly consist of seeding with grasses and vegetation that are native to central Oregon.

## 007

Large trees typically are not an effective measure to abate noise impacts. Section 3.16.3 and Section 3.16.4 of the Final EIS provide more detail on noise impacts and abatement measures evaluated for areas experiencing traffic noise impacts. Please also see Topic 29 – Noise impacts. As stated in Section 3.15.4 of the Final EIS, the project is not expected to have adverse long-term air quality impacts. Therefore, mitigation for air quality is not needed. Vegetated medians and planter strips have created maintenance and fire concerns along the Bend Parkway. The exact architectural and vegetated treatments will be identified during final design. ODOT will continue to involve the public during the project's final design phase.

#### 800

Local road improvements included in the Preferred Alternative have been designed to be in compliance with respective local agency standards, in this case, the City of Bend and Deschutes County standards.

## 009

The discussion of community character and cohesion has been updated in the Final EIS to reflect comments received on the Draft EIS and to include the Preferred Alternative. The Preferred Alternative eliminates the 3rd Street extension through the Hunnell Neighborhood, and provides bicycle and pedestrian facilities as shown in Exhibit 2-3 FEIS in the Final EIS. For a description of the bicycle and pedestrian facilities included with the Preferred Alternative, please also see Topic 12 – Bicycle and pedestrian facilities.

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More integration of bicycle trails and pedestrian access between adjacent residential areas and retail locations needs to be built into these alternatives (East DS1 and East DS-2).

Consideration should also be given to provide a southbound US 97 traffic exit connecting to Robal with these build alternatives (East DS1 and East DS-2). There is an ample vacant land base to place a long (large capacity) off-ramp at this location. It would provide tremendous benefits by improving access to Cascade Village Shopping Center and creating a direct south-to-west route between US 97 and US 20. This could clearly be defined as supporting the overall project, as it would create a highway to highway (US 97 to US 20) interconnect. This routing would go a long way in satisfying the business community located in this area. It will also mitigate for the lack of a southbound exit at the Empire Avenue interchange, improving traffic flows at several locations.

Thank you for this opportunity to comment on this important manner.

Sincerely, James Beauchemin Barbara Beauchemin

## 010

The bicycle and pedestrian facilities included in the Preferred Alternative are shown in Exhibit 2-3 FEIS in the Final EIS. Please also see Topic 12 – Bicycle and pedestrian facilities.

## 011

A direction connection of US 97 to US 20 is not part of the need for the project as described in Section 1.3 of the Draft EIS and Final EIS. With the Preferred Alternative 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel; this intersection will provide travelers on southbound US 97 access to the Cascade Village Shopping Center. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

## P102: Stewart C. Bennett



Cascade Transport, Inc. 62946 Layton Ave Bend, Oregon P.O Box 1128 Bend, Oregon 97709

ATTN: US 97 Bend North Corridor Project Oregon Department of Transportation 63030 N. Hwy 97 Bend, Oregon 97701

As a Bend native and lifelong resident starting with Cascade Transport in 1962 and have owned it since 1977, I have seen many changes in the routing of Highway 97 through and around this city. Each change has been incomplete and resulted in an unintended bottleneck. The Bend Parkway is a prime example of the get it done now and let someone else deal with the known problems that will come up latter. As a result the US 97 North Corridor Project is needed to alleviate one of the leftover problems.

There are two lasting problems which the US 97 North Corridor Project leaves unsolved. The US Highway 20 and US Highway 97 Junction/Intersection and US 97 and Empire Avenue connection. Traffic trying to go south on US97 from US 20 must use Third Street to Empire Ave then east on Empire Avenue to southbound ramp to US97. Northbound traffic uses the same route to the traffic light then left on the northbound ramp off of Empire Avenue. These are issues I have stressed as a member of the C.A.C for the past four years as a representive of the trucking industry.

The area bordered by Third Street to the west, Ross Road on the south, 18<sup>th</sup> Street on the east, and Empire Avenue on the north, carries the most heavy truck traffic in the Central Oregon region. Empire/US20/US 97 intersection was failing at the time the Parkway was built and has become increasingly worse each year. This area serves Jeld-Wen Window and Millwork, Fugua Industries, three major beverage distributors, Nagelhout Construction, Fedex Ground, UPS, as well as my business plus numerous cabinet shops, etc. all of who receive multiple daily shipments.

On the positive side the project eliminates two traffic lights going north but adds an additional light coming in to Empire from the north. As is well known, traffic lights are the enemy of the trucking industry. Most accidents happen at intersections, we burn more fuel while stopping and starting causes the greatest wear on the equipment.

Both DS1 and DS2 will greatly impact me, my family, and my business. I live on Vogt Road which will lose our access to Cooley Road and moving the highway closer we will lose the buffer zone created by the business between the present highway and our home. My business, located in the Brinson Industrial Park must use Empire/US97 interchange 15 to 20 times a day.

Phone (541)382-4285 Serving the West From Central Oregon

Fax (541)382-4612

## 001

The purpose and need for this US 97 Bend North Corridor project are in the Draft and Final EIS in Sections 1.2 and 1.3, respectively. The Preferred Alternative meets the purpose and need for the project. With the Preferred Alternative, additional roadway improvements are included on 3rd Street between US 20 and Empire Avenue, and on Empire Avenue itself, to accommodate the southbound US 20 to southbound and northbound US 97 movements. A direct eastbound US 20 to southbound US 97 connection is not needed for this project. Please refer to Exhibit 2-3 FEIS of the Final EIS for a map of the Preferred Alternative.

## 002

We recognize that Empire Avenue serves a number of businesses. The Preferred Alternative will improve the 3rd Street/Empire Avenue intersection by widening the southbound 3rd Street approach, widening Empire Avenue between 3rd Street and US 97, and providing additional turn lanes on 3rd Street and Empire Avenue.

## 003

The Preferred Alternative includes a new signal at 3rd Street and Mervin Sampels Road to provide safe access to the Empire Avenue north industrial area, and a new signal at 3rd Street and US 97 which will provide access to the commercial triangle bound by US 20, US 97 and Cooley Road. These signals are needed for the safe operation of the road network.

With the Preferred Alternative, Vogt Road will remain open at Cooley Road, and US 97 will shift east, closer to the BNSR Railway and the Boyd Acres Neighborhood.

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# P102: Stewart C. Bennett

After four years the scope of the project appears to accomplish eliminating two traffic lights and a semi interchange at Cooley Road while providing difficult access to Cascade Village and the home improvement stores that I serve. If Juniper Ridge is successful a full interchange will be needed at Cooley Road and give additional access to Cascade Village. It still does nothing to address the problems that have been my primary concerns. Cooley Road/Juniper Ridge is a maybe. Empire/Highway 20 is now and failed.

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Stewart C Bennett

President

Sincerely

#### 004

With the Preferred Alternative, access from US 97 to the commercial triangle bound by US 20, US 97, and Cooley Road will occur at a new signalized intersection of 3rd Street and US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7). ODOT and FHWA analyzed alternatives that included an interchange at US 97 and Cooley Road. However, these alternatives were eliminated from further consideration as explained in Section 2.4 of the Draft EIS. Please also see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

# P103: C. William Boyd

From: boyd [mailto:boydclan@bendbroadband.com] Sent: Monday, September 12, 2011 7:24 PM To: COMMENTS@US97SOLUTIONS.ORG Subject: Anderson Dairy House

#### ODOT-

Having just learned that the Anderson Dairy House is in danger of being torn down, I would like 001 to request that ODOT delay any decision for a period of three weeks. This would give more of us a chance to study possible solutions. This issue received very little attention in the press. Respectfully-

C. William Boyd 20160 Tumalo Rd. Bend, OR 97701

# 001

We recognize the historic nature of the Nels and Lillian Andersen house. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen house will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. This adverse effect has been resolved though the Memorandum of Agreement that is included in Appendix D of the Final EIS.

Please also see Topic 31 – Historic resources.



Neil R. Bryant Robert S. Lovlien John A. Berge Sharon R. Smith John D. Sorille Mark G. Reinecke Melissa P. Lande Kitri C. Ford Paul J. Taylor Kyle D. Wurepper Jeremy M. Green Peler A. Christoff Melinda Thoman September 12, 2011

Via Hand Delivery, First Class Mail, and Email Amy.L.Pfeiffer@odot.state.or.us

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

Re: Comments on Draft Environmental Impact Statement ("DEIS")
Bend North Corridor Project (the "Project")
CVSC, LLC

591 S.W. Mill View Way Mill: P.O. Box 880 Bend, Oregon 97709 Phone: (541) 382-4331 Fax: (541) 389-3386

WWW.BL.JLAWYERS COM

Dear Ms. Pfeiffer:

As you are aware, this office represents CVSC, LLC ("CVSC"), owners of the Cascade Village Shopping Center located between Highway 20 and Highway 97 in Bend, Oregon ("Cascade Village"). Cascade Village, which was the 2007 recipient of Building A Better Central Oregon Award, encompasses approximately 370,000 square feet and provides much needed goods and services to customers throughout Central and Eastern Oregon. Cascade Village currently has 33 merchants, restaurateurs, and entrepreneurs which employ 690+ hardworking full-time and part-time Oregonians.

CVSC has been involved in all public discussions concerning the Project. At the outset of the Project, CVSC engaged Wilbur Smith Associates of San Francisco, California ("Wilbur Smith") to evaluate the alternatives and offer improvements and other reasonable alternatives. With Wilbur Smith's assistance, CVSC has concluded that the two alternatives fail the reasonableness requirements imposed by the National Environmental Policy Act ("NEPA").

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NEPA was passed in 1970 to encourage meaningful public input and involvement in evaluating federal actions. NEPA was designed to encourage collaboration. Sadly, the Oregon Department of Transportation ("ODOT") has failed to find an alternative that CVSC and the community can support. The basic problem has been ODOT's determination to create an expressway through the Project that moves traffic more quickly, particularly freight traffic. Highway 97 divides the City of Bend (the "City"). Seventy-five percent of the highway's users are local. Their destination is Bend. The expressway mobility standards have dominated the modeling and frustrated true collaboration. The community needs a better result.

## 001

We acknowledge your clients' opposition to the East DS1 and East DS2 Alternatives presented in the Draft EIS. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Many preliminary alternatives were evaluated to reach the reasonable range of alternatives presented in the Final EIS. During the development of the reasonable range of alternatives, ODOT conducted extensive public involvement as described in Chapter 7 of the Final EIS. The Preferred Alternative is generally supported by your clients as evidenced by their testimony at the February 5, 2014 testimony at the Bend City Council Hearing.

Please see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

## 002

US 97 has been designated as an expressway since 1999 and will continue to operate under this designation following project construction. US 97 is the most significant state highway facility in Central Oregon. Ensuring that it operates safely and efficiently is critical for the community. The comment is correct that 75 percent of traffic in this area is local traffic, which is why it is important to create a separation between the local and through traffic to preserve the function of US 97 as an expressway that facilitates statewide and regional trips.

Please see Topic 15 – Separated through and local routes and Topic 27 – Expressway designation.

# 003

As noted in response to Comment P104 002, US 97 is the most significant state facility in Central Oregon, and ensuring that it operates safely and efficiently is critical for the community.

Within the API (Deschutes Junction to Revere Avenue), approximately 25 percent of vehicles are making through trips while the remaining 75 percent of vehicles are making shorter local trips. Using the Bend Metropolitan Planning Organization's traffic model, ODOT determined a clear need for a separate parallel local facility to handle these types of "short-hop" trips while maintaining the critical function of US 97 for statewide and regional trips.

Please see Topic 15 – Separated through and local routes, Topic 24 – Traffic analysis, and Topic 27 – Expressway designation.

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 September 12, 2011 Page 2

#### A. General Comments

 Indirect and Cumulative Impacts. NEPA requires the consideration of direct, indirect, and cumulative impacts. The DEIS fails to accurately identify and describe the impacts, in part because the DEIS was prepared by use of out of date data and information. This effectively limits consideration of other reasonable cost effective alternatives.

There are many intended and unintended consequences that will result from the construction of either alternative. If Deschutes County (the "County") and the City do not have the ability to construct the arterial roads required by the construction of alternative DS-1 or DS-2, there will be a significant adverse impact to the community. The DEIS fails to acknowledge this impact or discuss any potential solutions.

From the business perspective, if a shopper misses an exit to the north Bend regional shopping corridor (a/k/a the "Golden Triangle"), which encompasses many businesses and well over 1,000,000 square feet of commercial space, he or she will have a lengthy and confusing trip to get back to the Golden Triangle. ODOT incorrectly believes that locals will quickly learn how to get on and off the new Highway 97 to reach commercial centers. The truth of the matter is that if access is difficult, even locals will be less inclined to make the trip to the Golden Triangle.

Bend is a tourist destination. Tourists need convenient and visible access to businesses. Many types of businesses (i.e., restaurants, coffee shops, etc.) rely on drive-by, spontaneous drivers, particularly the retail merchants of Cascade Village. If an individual stops for a Starbuck's coffee, he or she is more likely to walk around the shopping center and buy something. The impact to business is consistently downplayed throughout the DEIS. 25% to 35% of Cascade Village's business is generated by tourists. Although a business survey was completed, the survey does not attempt to analyze the impact construction of either DS-1 or DS-2 will have on business. Central Oregon cannot afford to lose any jobs.

2. <u>Expressway Designation</u>. The Project should not have an expressway designation. In 2000, the Oregon Transportation Commission ("OTC") amended the 1999 Oregon Highway Plan to reclassify the Project as an expressway. In 2011, the legislature passed Senate Bill 264 specifically to address ODOT's access management program. After listening to its constituents, the legislature wanted ODOT's access management system to balance the economic objectives of properties abutting state highways with safety and access management objectives in a manner consistent with local transportation plans.

The designation of the Project as an expressway will be reviewed in 2012. Because mobility standards will likely change, ODOT should not finalize the DEIS until after the expressway designation has been properly reviewed.

Mobility Standards. Many of the alternatives considered by ODOT were quickly
eliminated because of the expressway designation and underlying restrictive mobility standards.
The 2011 legislature passed Senate Bill 795. The purpose of this legislation is to define an

# 004

The Draft EIS included a thorough analysis of direct and indirect impacts of the East DS1 and East DS2 Alternatives in Chapter 3 and an analysis of cumulative impacts in Chapter 4. The Draft EIS used the most current information available at the time it was published in July 2011. Since then new data have become available, such as updated Census data and the list of current and reasonably foreseeable actions, which have been incorporated into the affected environment descriptions as well as the analysis of direct, indirect, and cumulative impacts in the Final EIS. In addition, the traffic analysis was updated in the Final EIS for the No Build Alternative and the Preferred Alternative to address recent declines in population and associated traffic volumes. The Final EIS also presents an analysis of direct, indirect, and cumulative impacts for the Preferred Alternative, which was not previously included in the Draft EIS. The data used in the Draft EIS did not preclude development of preliminary alternatives to be considered, nor did it eliminate any of the preliminary alternatives from being advanced for further study as part of the reasonable range of alternatives.

For more information on how the traffic analysis has been updated in the Final EIS, please also see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

## 005

All local roadway segments included in the Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, will be constructed by ODOT as part of the project. Although funding sources are not determined at this time, some of the project funding could come from funds allocated to Deschutes County or the City of Bend. Ownership and maintenance of local roadways will be determined during final design. ODOT worked with the City of Bend, Deschutes County, and the Bend Metropolitan Planning Organization to confirm that the Preferred Alternative will implement a shared long-term vision and investment strategy for US 97 and will support the economic and livability goals of the community and the state.

Please also see Topic 16 – Funding and Topic 23 – Jurisdiction of roadways.

### 006

Section 3.5.3 of the Final EIS, describes access to and from the shopping center under the Preferred Alternative, which is shown in Exhibit 2-3 FEIS in the Final EIS.

Please see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity, Topic 4 – Access to the commercial triangle bound by US 20,

US 97 and Cooley Road and drive-by business impacts, and Topic 19 – Business directory signs.

# 007

We acknowledge your concern regarding the potential loss of revenue from tourists. Section 3.5.3 of the Final EIS provides an analysis of impacts to businesses and their employees under the Preferred Alternative. Please also see Section 3.5.5 of the Final EIS for a summary of mitigation commitments, Topic 4 – Drive-by business impacts, Topic 13 – Additional connectivity to businesses in the Robal Road vicinity, and Topic 19 – Business directory signs.

# 800

We appreciate your opinion regarding the designation of US 97 as an expressway. Please also see Topic 27 – Expressway designation.

## 009

Please see Topic 14 – Alternate mobility standards.

Please see the response to Comment P104 005 regarding local road improvements. The improvements to Empire Avenue included in the Preferred Alternative will improve the operation of Empire Avenue as compared with the No Build Alternative. Because the segment of Empire Avenue between US 97 and 3rd Street is quite short, the roadway will continue to experience some congestion even with the improvements in the Preferred Alternative. The O.B. Riley Road and Empire Avenue intersection will have a volume to capacity ratio of 1.01, which slightly exceeds the City of Bend's standard of 1.00, as shown in Exhibit 3-14 FEIS in the Final EIS. Section 3.1.3 of the Final EIS examines the direct and indirect impacts of the Preferred Alternative on the transportation system. Cumulative impacts to transportation facilities are discussed in Section 4.1.6 of the Final EIS. This analysis includes consideration of any new traffic patterns that will be created with the Preferred Alternative.

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 September 12, 2011 Page 3

"appropriate balance between economic development and planning." A Rule Making Advisory Committee ("RAC") for Transportation Planning Rule ("TRP") has been formed. Draft rules have been circulated which significantly alter mobility standards. ODOT must report to the legislature not later than February 1, 2012. Different mobility standards will require different traffic modeling and more alternatives.

A precedent has been set for relaxing mobility standards. In 2010, ODOT and the City signed an Intergovernmental Agreement wherein ODOT relaxed mobility standards in exchange for the City improving certain City streets.

009 Cont

4. <u>Impact on Local Roads</u>. DS-1 and DS-2 assume that the County and the City will have the funds necessary to construct arterials capable of handling the local traffic displaced by the construction of the selected alternative. Neither the City nor the County currently has funds available for this purpose. The proposed local street system will not work without significant improvements in the infrastructure. Among other City streets, construction of either alternative will result in further failure of Empire.

ODOT has not completed any analysis of the direct, indirect, and/or cumulative impacts the resulting new traffic pattern will have on the local street system. The County has had a moratorium on accepting new roads since 2006. Additionally, both the City and the County will need to amend their transportation plans. The preferred alternative should not be selected until these issues are analyzed and addressed.

5. Purpose and Need. One of the elements of the Purpose and Need statement is to improve safety. Prior to 2008, the City and the County experienced rapid growth. This has changed with the recession. In fact, ODOT acknowledges that the trips on the Project have decreased approximately 9-15%. Traffic accidents have been reduced. Crash rates for Cooley Road and Robal Road are less than one-half the crash rates on similar roadways. The information that ODOT uses in its safety analysis is outdated and wrong. Safety is always important, but the DEIS has overstated the danger.

The Project's third performance objective is not solved by either alternative. This objective requires that the DEIS (and the underlying alternatives) address the following:

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"Support economic development consistent with local agency plans; minimize impacts to existing and planned local economic base; and provide for existing and planned local connectivity within the long-term planning period." (DEIS-ES-3)

The alternatives do not support economic development. Construction of the alternatives will have significant adverse impacts to the existing and planned economic base. Finally, neither alternative provides for existing or planned local connectivity.

6. <u>Cost Benefit Analysis</u>. The DEIS states that the cost benefit ratio ("CBR") fails when the Project's cost exceeds \$160 to \$180 Million (see Appendix T, Page T-373). The construction of

## 010

As described in Section 3.2.3 of the Final EIS, the Preferred Alternative is consistent with all state and local plans. As discussed in this section, On August 15, 2013, the Bend Metropolitan Planning Organization amended the 2007-2030 Metropolitan Transportation Plan to include the Preferred Alternative in the illustrative list. The Deschutes County determined that the components of the Preferred Alternative located in unincorporated Deschutes County are already included in the Deschutes County Transportation System Plan and no further amendment to the plan is required. The City of Bend amended the Bend Urban Area Transportation System Plan and the Bend Area General Plan on March 5, 2014 to include the Preferred Alternative.

# 011

ODOT has updated the safety analysis for the Final EIS. Please see Topic 10 – Updated data and analysis, Topic 24 – Traffic analysis, Topic 37 – Safety, Section 1.3.3 of the Final EIS, and the Updated Traffic Analysis Report for further discussion on this topic.

# 012

Section 1.4.2 of the Final EIS provides a description and analysis of current and future economic lands in the area in accordance with local agency plans. Section 2.2.2 of the Final EIS provides a summary of the purpose and need screening criteria, including Criterion 3e which evaluated whether alternatives support economic development consistent with local agency plans and minimize impacts to existing and planned local economic base.

The Preferred Alternative's consistency with land use plans, including planned connectivity, is discussed in Section 3.2.3 of the Final EIS.

#### 013

Please see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 September 12, 2011 Page 4

013 Cont.

either DS-1 or DS-2 will approach \$320 Million when right-of-way, soft costs, and local road improvements are added. If the costs approach \$320 Million, the BCR drops to .5. Currently, the Bend MPO has only designated \$40 to \$42 Million of available funds over the next 20 years for all projects. There simply is not sufficient funding or benefit to justify alternative DS-1 or DS-2.

- 7. Land Use and Impact on Neighborhoods. Both DS-1 and DS-2 require two Goal Exceptions. Goal Exceptions are not easy to obtain. Also, both alternatives, especially DS-1, devastate the quality of life in Hunnell Hills. The DEIS makes assumptions about the expanded Urban Growth Boundary ("UGB"). The expansion of the UGB has not been approved by LCDC. It will take years to complete the process. The DEIS should only reference the existing UGB.
- Railroad Consent to New Alignment. DS-I and DS-2 require the consent and cooperation of Burlington Northern Santa Fe Railroad in order to construct the new Highway 97. This consent and cooperation has not been obtained and there is no guarantee that it will. This is not analyzed in the DEIS.
- 9. Phasing. Because of the lack of funding, all stakeholders have acknowledged that the construction will need to be phased. There is no breakdown or analysis in the DEIS of the impact of this phasing nor a breakdown of the costs for each phase.
- 10. <u>Dismissal of Transportation System Management ("TSM")</u>. The DEIS dismisses improvements that could be made through TDM/TSM as being inappropriate for communities of less than 200,000 in population. No rationale or authority is given for this decision. TDM/TSM measures are clearly appropriate. Investment in the TDM/TSM projects have a substantially lower cost and lower impact than building alternative DS-1 or DS-2.
- 11. Loss of Tax Revenues. The Golden Triangle has a real market value of approximately \$1 Billion Dollars and provides over 1,000 jobs. These businesses pay \$1,161,544 in property taxes. Without safe, convenient, and visible access to the new Highway 97, that tax base is at significant risk. Many businesses will not survive the construction of DS-1 or DS-2. This impact has not been considered by ODOT.
  - 12. <u>Freight Patterns.</u> Much of the freight traffic's destination is Bend and, in particular, the Golden Triangle. According to the DEIS, only 3.5% of the freight traffic is purely through traffic (and, therefore, 96.5% have a Bend destination). There is no analysis of the impact construction of DS-1 or DS-2 will have on these large trucks. What will be their traffic patterns? Where do they drive now and where will they deliver in the future? Will the alterations impact the time of their deliveries?
- 13. Interchange Area Management Plan ("IAMP"). Cascade Village is identified as being in the Empire IAMP. It should be in the Robal or Cooley IAMP as are the other businesses within the Golden Triangle.

## 014

The Preferred Alternative avoids directly impacting the Hunnell Neighborhood and does not require statewide Goal Exceptions. The current UGB was used in determining impacts and performing analysis for alternatives in the Draft EIS and Final EIS.

Please also see Topic 5 – Statewide goal exceptions and Topic 24 – Urban growth boundary expansion.

# 015

ODOT has consulted and coordinated with Burlington Northern Santa Fe (BNSF) Railway about potential impacts to the railroad on an on-going basis. On three different occasions (January 14, 2008, June 3, 2008 and November 4, 2010), ODOT and BNSF Railway met to discuss this project. In addition, project information has been processed through the ODOT Rail Crossing section for their coordination with BNSF Railway. ODOT will continue to coordinate with BNSF Railway during final design of the Preferred Alternative regarding right of way and the Cooley Road undercrossing.

## 016

Please see Topic 17 – Phasing.

## 017

Please see Topic 21 – Transportation demand management and transportation system management measures.

# 018

We acknowledge your concern regarding the potential loss of tax revenues. ODOT considered these impacts in Sections 3.5.3 (direct and indirect impacts) and 4.1.4 (cumulative impacts) of the Final EIS. The number of businesses and jobs displaced by each of the alternatives and other socioeconomic impacts, including impacts to businesses during construction, are analyzed in Section 3.5.3 of the Final EIS. During construction of the new US 97 facility, the existing US 97/3rd Street roadway will remain open and continue to provide access to businesses.

In addition, the following topics outline work that has been done to address access and connectivity to businesses in the "Golden Triangle" which is improved by the Preferred Alternative: Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, Topic 13 – Additional connectivity to businesses in the Robal Road vicinity, and Topic 19 – Business directory signs.

# 019

Trucks are included within the overall traffic patterns, and the truck traffic volumes are assumed to grow at the same rate as the rest of the traffic stream. Specific truck travel patterns were detailed in the construction of the traffic noise data for the afternoon peak hour, the morning peak truck hour, and overall daily volumes. Section 3.1.3 of the Final EIS provides information on changes to freight mobility under each of the alternatives analyzed. As shown in Exhibit 3-15 FEIS in Section 3.1.3 of the Final EIS the travel time for the segment of US 97 corridor between Deschutes Market Road and Butler Market Road would be substantially improved under the Preferred Alternative (4 minutes, 35 seconds) as compared with the No Build Alternative (15 minutes, 30 seconds). Under the Preferred Alternative, travel patterns for trucks making through trips will remain much the same as they are today, except that trucks traveling through the project area will travel on the new US 97 corridor and will not have to stop at the signalized intersections with Cooley Road and Robal Road. Trucks traveling within Bend or to Bend as a destination will use the new 3rd Street extension, as outlined in Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts. Because the surrounding roadway system will be less congested, overall delivery times will improve compared to the No Build Alternative. Truck access to all existing businesses will be retained; any necessary alterations to existing truck driveways will be determined during final design of the project. Please also see Topic 9- Access and impacts to the Town Square Mall shopping center and Topic 13 - Additional Connectivity to businesses in the Robal Road vicinity.

#### 020

Please see Topic 3 – Interchange area management plans (IAMPs).

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 September 12, 2011 Page 5

#### B. Specific Concerns

Attached to this letter as Exhibit A are various comments by Peter Martin of Wilbur Smith concerning the DEIS.

## C. References

- 1. US 97/Cooley Road Intersection Mid-Term Improvements
- SB 264 (2011)
- 3. SB 795 (2011)
- 4. Draft Amendments to TPR 0060
- 2010 Census Report
- 6. August 18, 2011 Staff Report to TPR RAC from Michael Roch
- 7. IGA Between ODOT and the City
- 8. U.S. Highway 97 Corridor Strategy (Madras California Border) ODOT Nov. 1995

## D. Concluding Comments and Recommendation

CVSC makes the following concluding comments and recommendations:

- The DEIS is flawed, biased, and incomplete. ODOT should pursue a more context sensitive design and not finalize the DEIS until the new mobility standards are adopted. The adoption of new mobility standards may change the modeling and alternatives that were disregarded may now be viable.
- 022 2. Reconsider the "expressway" designation. If the Project is no longer considered an "expressway," mobility standards will be modified to allow more design flexibility.
  - Recognize the CBR and other economic realities. The preferred alternative should be something that can be accomplished based on available funding. This most likely will be improvements to intersections (especially Cooley Road) and the addition of another lane.

Please feel free to contact me or my partner, Jeremy M. Green, if you have any questions or concerns regarding this letter. Thank you in advance for your time and careful consideration of our comments.

Sincolely

bryant@bljlawyers.com

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# 021

Thank you for your comment. After careful consideration, ODOT and FHWA have determined that the Draft EIS is not flawed, biased, or incomplete. In response to comments received on the Draft EIS, ODOT modified the East DS2 Alternative to develop a more context sensitive design that minimizes impacts to the rural residential area north of Cooley Road and neighborhoods east of US 97. ODOT and FHWA have identified the East DS2 Alternative as the Preferred Alternative in the Final EIS.

Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 14 – Alternate mobility standards.

# 022

Please see Topic 27 – Expressway designation.

## 023

Please see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

#### Exhibit A

Technical Comments from Peter Martin, Wilbur Smith Associates

## A. Executive Summary

Page ES-1; Table ES-1

The project length totals about six miles but only about two miles between Empire and Grandview might possibly be considered "congested."

Page ES-3; Last Paragraph/Last Line

Supporting economic development is mentioned. However, the continued support of the economic viability of the north corridor businesses seems to have been ignored (this has been a major concern raised by stakeholders).

Page ES-4; Second Paragraph

There is a great deal of ambiguity regarding development of land between US 20 and US 97 and it is our understanding this urban expansion has not been environmentally cleared. It would also seem that this issue has a major impact on highway needs and it should not have been treated as a given in the DEIS.

Page ES-4; Section ES.2 - Build Alternatives

ODOT has effectively only identified one alternative for consideration. The second alternative is essentially a minor variation of the first alternative. In addition to numerous other alternatives, ODOT failed to consider a two-mile extension from Empire to Grandview using the design practices of the current Bend Parkway. This and other reasonable alternatives/options were dismissed as not consistent with ODOT's build vision for the project and not meeting ideal ODOT design standards.

Page ES-11; Section ES.3 - Juniper Ridge
Juniper Ridge is moving forward with only 500 acres.

Page ES-12-18; Exhibit ES-7

030

031

CVSC has major concerns about the ODOT focused criteria, the data used for the evaluation (e.g., much of the data is out of date), and the biased nature of the evaluation. For example, CVSC sees no mention in the long-term impact section of adverse impacts on businesses, residents, and others. The evaluations for the build alternatives only seem to reflect what ODOT believes supports its freeway project. The evaluation of the no build uses pre-recession dated material in its assessment. Current volumes have declined 10% and future volumes have likely dropped even more. Accidents have also declined sharply. The assessments of long-term transportation impacts for the no build alternative uses pejorative adjectives like severe and extreme, but the assessments of the ODOT build alternative uses positive phrasing like alleviation. In many ways, the seven page matrix seems to conceal important

032 I differences with minuet differences of little interest to most in the corridor.

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The Executive Summary was provided within the Draft EIS as a means of summarizing detailed descriptions of proposed alternatives, potential impacts, and potential mitigation. Comments numbered 024 through 034, submitted by Peter Martin, regarding the Executive Summary appear to have expected the level of detail that is provided within the more detailed chapters of the Draft EIS. The Executive Summary provided in the Final EIS has been updated to provide the same level of detail for the Preferred Alternative.

Please also see Topic 10 – Updated data and analysis.

#### 024

Exhibit ES-1 (page ES-1) of the Draft EIS identified the project limits where project impacts could occur. However, it did not claim to state the extent of congestion.

# 025

We acknowledge your concerns regarding the continued economic viability of businesses in the north end of the project corridor. Economic development and viability are assessed in the Draft and Final EIS. Section 1.2 identifies support of economic development as one of the performance objectives for the project. Current and future economic lands between US 97 and US 20 and their development potential are described in Section 1.4.2. The project goals and objectives, listed in Section 1.5, include consideration of planned economic development opportunities (Goal 3). The screening of preliminary alternatives, presented in Section 2.2.2, documents the screening of all preliminary alternatives, including an assessment of whether they would support economic development (Criterion 3e). Impacts to existing businesses in the north end of the project corridor are assessed in Section 3.5.3. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

#### 026

We acknowledge your concerns regarding the uncertainty of development and environmental clearances for lands between US 20 and US 97. The paragraph referenced in the comment is a high-level summary of consideration of lands currently in the urban growth boundary (UGB) or in the UGB expansion area. This EIS evaluates the environmental impacts associated with the alternatives as required under the National Environmental Policy Act (NEPA). As noted throughout the Draft and Final EIS, all analysis of alternatives in the EIS uses the currently adopted and recognized

UGB. The UGB expansion efforts are independent of this project and therefore not evaluated in the EIS. Any UGB expansion must comply with state policy and procedures. Please also see Topic 24 – Urban growth boundary expansion.

## 027

The Draft and Final EIS include a discussion of the alternatives development and screening process in Section 2.2, and identify alternatives that were developed but eliminated from further consideration in Section 2.4. Several of the preliminary alternatives examined in these sections utilized the existing US 97 corridor between Empire Avenue and Grandview Boulevard and could have been designed to utilize design practices and an aesthetic treatment similar to the existing Bend Parkway. As described in Section 2.3, one of the practical design elements included in the alternatives is matching the existing roadway context of the Bend Parkway.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# 028

Please see Topic 21 – Juniper Ridge.

#### 029

The purpose and need screening criteria are described in Section 2.2.2 of the Draft and Final EIS; Exhibit 2-28 FEIS in the Final EIS provides a detailed description of the screening criteria used to evaluate alternatives. The evaluation criteria outlined in Section 2.2.2 were developed and vetted by the following groups: the Steering Team, which included representatives from the City, County, ODOT, and the Citizen Advisory Committee Chair; the Citizen Advisory Committee, which included representatives from local businesses, home owner associations, and attorneys; and the Agency Coordination Committee, which included members from the City, County, Oregon Department of Land Conservation and Development, Bend Metropolitan Planning Organization, and ODOT. Chapter 7 of the Final EIS documents all agency and public coordination throughout the National Environmental Policy Act process for the project.

Please also see Topic 40 – Range of Alternatives and Alternatives Screening.

#### 030

The executive summary table in the Draft and Final EIS provides a high level summary of some of the long-term and temporary construction impacts from the build alternatives. Long-term impacts to businesses and residents are analyzed in Section 3.5.3 of the Draft and Final EIS. Cumulative impacts

to environmental justice and socioeconomic conditions are assessed in Section 3.1.4 of the Draft and Final EIS.

# 031

ODOT updated the traffic analysis for the No Build Alternative and the Preferred Alternative to account for recent population declines and the associated reduced traffic volumes. In addition, ODOT updated the safety analysis for the Final EIS. Please also see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis and Topic 37 – Safety.

The adjectives used in the Executive Summary of the Draft and Final EIS are intended to reflect the relative results of the traffic analysis in terms that are not complicated or jargon-related so all readers can have a summary-level comparison of the alternatives. Objective comparisons based on technical analysis are made to disclose relative performance of the alternatives. In the case of transportation impacts, the No Build Alternative performs poorly whereas the build alternatives, including the Preferred Alternative, provide more operational benefits. Details supporting the summary-level comparisons in Exhibit ES-7 are provided in the Environmental Consequences subsections under each resource analyzed in Chapter 3 of the Final EIS; for transportation impacts, these details can be found in Section 3.1.3. All alternatives were screened on consistent criteria.

#### 032

Exhibit ES-7 FEIS of Final EIS provides a high-level overview of the adverse and beneficial impacts that each alternative has on all nineteen different environmental and community resources. The table is formatted to help readers identify areas of commonalities and differences among the alternatives (i.e. where impacts to a particular resources would be the same under multiple alternatives, the cells are merged rather than having the data repeated). Chapter 3 of the Draft EIS describes the impacts to these nineteen environmental and community resources in greater detail.

Page ES-19; Section ES.5

The Interchange Area Management Plans need to be more fully described. In addition, the impacts of the plans must be included, particularly if the plans are integral elements of the build plan.

### Page ES-20; First Paragraph

CVSC understands that the highway designation is currently under review and it has been used by ODOT to narrowly limit corridor alternatives. What this DEIS demonstrates is that the only affordable improvements in the corridor are upgrades as an arterial street and that the expressway designation south of Grandview is not feasible (also not desired by stakeholders). The reclassification of this segment likely did not have effective public review and input from locals within the corridor and the expressway classification should not be treated as a given.

#### Page ES-21; ES.6 - Identified Areas of Concern

The strong local concerns have not been reflected in the definition of reasonable alternatives or the evaluations.

### B. Purpose and Need for Proposed Action

035 Page 1-1; Section 1.1

Exhibit 1-1 defines the physical limit to ODOT's limited alternative. The functional impact area extends well beyond the identified areas to at least Butler Market Road to the south and 18th Street to the east. CVSC has questions concerning the ability of the road network to accommodate the four lanes of capacity ODOT is proposing to add at the north end of the network.

Page 1-2; Third Paragraph

The fall of 2004 reference clearly demonstrates the dated foundation for the traffic assessments – existing and future.

#### Page 1-3; First Paragraph

Factually the statement a reasonable range of alternatives is false. Only one alternative is actually analyzed along with a minor variant. Reasonable alternatives were eliminated by ODOT as discussed previously.

Page 1-4; Section 1.3.1; Second Paragraph

ODOT's review of its expressway designation and the mobility standards used to assess congestion will moot much of the foundation for this DEIS.

# Page 1-4; Third Paragraph

The growth forecasts appear to be based on out dated land use plans and forecasts of regional intercity traffic. Consequently, the future increases are questionable and certainly should be open to land use assumption changes consistent with twenty-first century practices of coordinating land use and transportation decisions. Oregon has a national reputation for this coordination, but it seems absent on

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#### 033

Interchange area management plans were noted in the Executive Summary as an unresolved issue at the time of the publication of the Draft EIS. Additional information on interchange area management plans was provided in Sections 3.1.3 and 3.2.3 of the Draft EIS. As described in Sections ES.5, 2.5.4, 3.1.3, and 3.2.3 of the Final EIS, the Preferred Alternative will not require an interchange area management plan. Please also see Topic 3 – Interchange area management plans (IAMPs).

## 034

US 97 is currently designated as an expressway. This designation was reviewed and confirmed by the Oregon Transportation Commission in April 2013. Please see Topic 16 – Funding, Topic 25 – Cost and benefit-cost analysis, Topic 27 – Expressway designation, and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# 035

For information regarding the development of the range of reasonable alternatives, please see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

As described in the Draft EIS and shown on Exhibit 1-1, the Area of Potential Impact (API) is the area in which direct impacts of the project would occur. A larger area, the cumulative impact study area, was used to assess indirect and cumulative impacts of the project (Exhibit 4-1) and also took into account natural boundaries. For the traffic analysis, a Transportation API was defined to account for transportation impacts across a larger area; please see Exhibit 3-1 FEIS in the Final EIS.

Under the Preferred Alternative, 3rd Street will be located entirely within the urban growth boundary and will be extended north to the new signalized intersection with US 97 as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS. As identified through the traffic analysis, the volume of traffic over the 20-year design horizon requires 3rd Street to have two lanes in each direction.

# 036

The 2004 reference is the start of the *US 97 & US 20 Refinement Plan* process, not the start of the US 97 Bend North Corridor EIS effort. When the US 97 Bend North Corridor project started in 2007, new traffic counts were completed in the summer of 2007, and up-to-date crash and other physical inventory data were used. The most current land use and population/

employment projections were used along with other Regional Transportation Plan assumptions. The traffic analysis was updated for the Preferred Alternative.

Please also see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

# 037

A reasonable range of alternatives was considered in the Draft EIS. Please see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# 038

The existing section of US 97 is designated as an expressway. This designation was reviewed and confirmed by the Oregon Transportation Commission in April 2013.

Please also see Topic 14 – Alternate mobility standards and Topic 27 – Expressway designation.

# 039

Section 3.2.3 of the Final EIS demonstrates that the Preferred Alternative is consistent with applicable land use plans and policies. Chapter 7 of the Final EIS documents the public and agency coordination that has occurred throughout the National Environmental Policy Act process.

For more information on projected population growth used for the analysis in the Final EIS, please also see Topic 24 – Traffic analysis.

this project. Few communities are building new freeways through developed urbanized areas today – communities have learned from past mistakes the folly of building highways regardless of impacts.

### Page 1-6; Exhibit 1-3

Is the maximum capacity definition absolute or design capacity Impossible? It is not possible for existing traffic to operate more than the maximum capacity of an intersection. A select link analysis showing where the traffic growth is coming from for the Cooley intersection would have been informative.

#### Page 1-6; First Paragraph

This paragraph clearly describes that the forecasts are based on growth trends prior to the recession (which growth trends are no longer valid). For a project of this size, use of outdated forecasts is inappropriate.

# Page 1-7; First Bullet

043

This statement represents an opinion, not fact.

#### Page 1-7; Second to Last Paragraph

Current observations do not support this paragraph. Most users of the corridor will disagree with this statement.

#### Page 1-7; Last Paragraph

These conclusions are based on out dated forecasts. Conditions have significantly changed.

#### Page 1-8; Last Paragraph

ODOT should think more multi-modally and think of moving freight on BNSF tracks and not on highways and through urbanized areas. The primary focus of the new ODOT freeway is to move freight. The freight dimensions must be better explained.

#### Page 1-9; First Paragraph

CVSC disagrees with forecasts used for this conclusion, except for the last statement about considering possible growth policy changes. Most of the complaints about delays on Highway 97 are from ODOT and not local business and residents. The most serious concerns expressed by local businesses and residents are the inability to access their destination simply and conveniently. ODOT's freeway option will make accessing destinations much more time consuming and difficult.

# Page 1-10; Section 1.3.3

This discussion is out of date as recent accident data shows a substantial and significant drop in accidents. The Robal intersection failed to make the Bend top ten list and the Cooley intersection barely made it at #10 on recent reports. Why is ODOT proposing to spend \$250+ million on the intersections with higher accidents if the severity of accidents on the high speed segment northbound to Redmond is not a bigger safety problem? Speed leads to the most severe accidents. The statement that motorist are not expecting the congestion simply reflects the fact that ODOT has not implemented simple TSM

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#### 040

We acknowledge your concerns regarding intersection capacities and suspect that your reference to "maximum capacity" is meant to be "volumeto-capacity ratio," as was discussed in the Draft EIS. A volume-to-capacity (v/c) ratio of 1.0 means that the roadway is at maximum capacity. According to the 2000 Highway Capacity Manual, volume-to-capacity ratios are actually demand-to-capacity ratios since they focus on demand rather than throughput. Regardless, the literature and common use shows them as volume-to-capacity ratios. A demand-to-capacity ratio can exceed a value of 1.0, indicating that traffic demand exceeds facility capacity. When this occurs, the intersection will exhibit increased congestion, which results in delays and increased travel time. Under the No Build Alternative, the volume-to-capacity ratio for the intersection of Cooley Road and US 97 is 1.59 showing that demand greatly exceeds capacity; however, in the Preferred Alternative, Cooley Road will be grade-separated from US 97, going under US 97 and the railroad track, and will operate in a free-flow condition with a volume-to-capacity ratio of 0.68, as shown in Exhibit 3-14 FFIS in the Final FIS.

Appendix H in the Updated Traffic Technical Report provides data on where traffic growth is coming from the US 97/Cooley Road area. This data show 50 percent of the volume originating from southern/central Bend, 40 percent originating from Awbrey Butte/Empire Avenue, and 10 percent originating from northern Bend. Volumes from the north consist of 70 percent of trips coming from Redmond with 30 percent terminating in northern Bend. Additional information regarding the traffic volumes under the No Build Alternative can be found in Appendix H (page H90-95) of the Updated Traffic Analysis Report.

#### 041

Please see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

### 042

The statement, "the signals at Cooley Road and Robal Road are closely spaced on US 97 (although the signals are currently coordinated to effectively move groups of vehicles through both signals, the existing traffic volumes are so high that these intersections are still congested)" accurately reflects the future conditions at the intersections of US 97/Cooley Road and US 97/Robal Road.

# 043

The paragraph from the Draft EIS cited in this comment is based on the

traffic analysis conducted for the existing (2007) and future (2035) No Build Alternative conditions, which demonstrated the traffic volumes using the Cooley Road and Robal Road intersections with US 97 exceeded the respective capacities during the peak hour travel period. For the Final EIS, the traffic analysis for the No Build Alternative was updated – both for the existing conditions (2011) and future conditions (2036).

This updated analysis still demonstrates that current capacities of the Cooley Road and Robal Road intersections with US 97 are and will be exceeded. Please also see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

#### 044

Although we acknowledge your concern about freight mobility, the comment mischaracterizes the purpose of this project, which is to address congestion, traffic flow, and safety on US 97 in Deschutes County, Oregon between the Deschutes Market Road/Tumalo Junction interchange and the Empire Avenue interchange, as outlined in Section 1.2 of the Draft EIS and Final EIS. ODOT's Rail Division represents and advocates for customers of railroads, both passenger and freight, to ensure a safe, efficient and reliable rail transportation system. In October 2009, ODOT Region 4 completed a new Regional Rail Plan that outlines the future plans for rail services in Central Oregon. Within the limits of this project, railroads are owned by private companies, which control the movement of freight on their rail lines.

Surface roads will continue to provide an essential element of a successful multi-modal transportation system by linking rail with local delivery. US 97 will continue to be a viable route for freight.

# 045

Simple and convenient access to local businesses requires not only direct routes, but also a tolerable amount of congestion. If a roadway is highly congested it will make it more time consuming and difficult for travelers to reach their destinations, such as local businesses. Access and connectivity to local businesses was a consideration during the development of project alternatives. The Preferred Alternative separates local trips from through trips so 3rd Street can provide simple and convenient access to businesses in the north end of Bend. Please see Topic 15 – Separated through and local routes. Please also see: Topic 24 – Traffic analysis; Topic 4 – Access to the commercial triangle bounded by US 20, US 97 and Cooley Road and drive-by business impacts; Topic 13 – Additional connectivity to businesses in the Robal Road vicinity; and Topic 19 – Business directory signs.

#### 046

ODOT updated the safety analysis for the Final EIS. The updated analysis includes more recent crash data and a new predictive analysis that identifies crash frequencies expected for each project alternative. The updated safety analysis confirms that safety is still an issue for the project, particularly at the Cooley Road and Robal Road intersections with US 97 – two intersections that have been in the top 5 percent or 10 percent of ODOT's Safety Priority Index System (SPIS) ratings since at least 2006. Please also see Topic 10 – Updated data and analysis, Topic 24 – Traffic analysis, and Topic 37 – Safety for more information on crash rates, SPIS values, and the importance for this project to address the safety issues present on this section of US 97.

ODOT has considered the appropriate speed limit for this section of US 97. Speed limits are based on the prevailing operating speeds through the corridor, and lowering the speed limit does not necessarily result in a lower the operating speed. The current operating speed is 55 mph, and based on FHWA guidance the posted speed limit should be 45-50 mph. Currently, the posted speed is at the lower limit of 45 mph. For the Preferred Alternative, ODOT will follow a standard process that is applied to all new highways to determine the posted speed limit. This process involves posting a temporary speed limit based on a variety of factors, including design criteria, design elements, traffic needs, and safety concerns. This temporary speed limit is posted, and then a speed zone investigation occurs to monitor the actual speed of traffic. A permanent speed limit is determined by selecting the 85th percentile of the traffic speeds measured during the speed zone investigations. Permanent posted speed limits can be adjusted if conditions change.

ODOT has implemented low-cost safety measures, such as advance beacons at Cooley Road and Robal Road as well as Transportation System Management measures. Sydney Coordinated Adaptive Signal Timing (SCATS) have been in place at both intersections since 2009. These improvements helped raise driver awareness at the signals, and resulted in less time drivers spend waiting for the signal to change. However, even with these improvements, these signalized intersections remain in the top 10 percent of the SPIS rankings because both intersections have a high volume of traffic and many conflict points.

046 Cont.

safety measures (e.g., advance warning beacons) and has not considered lower speed limits for the study segment. Traffic signal right angle collisions are not even cited in Exhibit 1-8. Annual accidents have been relatively stable on the study segment even though traffic volumes have increased, undermining ODOT's statements that accidents will increase in the future due to traffic increases.

## Page 1-13; First Paragraph

047

An "expressway" is not the appropriate highway designation for the segment between Empire and Grandview. On Page 1-17, ODOT admits that this segment functions as the central city to the region. Most planners would interpret this to mean that it is not appropriate to run high speed traffic through the city center.

#### Page 1-15; First Paragraph

048

This paragraph fails to mention the need to "protect and enhance existing businesses." The protection and/or enhancement of existing businesses are more important to most stakeholders than supporting economic development.

#### Page 1-15; Third Paragraph

049

CVSC doubts the accurateness of the cost estimates. The cost estimates do not cover the entire non-US 97 street improvements that are shown on the alternative depictions.

# Page 1-15; Last Paragraph

05

ODOT's statement that the project must have a consistent approach to the design and to the urban corridor context created by the Bend Parkway makes sense. However, this understanding is not reflected in ODOT's development and screening of reasonable alternatives. If the current Bend Parkway has 4,000 foot spacing between the Empire and Reed Market interchanges, why is ODOT demanding two mile spacing for the extension?

#### Page 1-18; First Paragraph; Last Sentence

This statement is questionable. Is it based on discussions with current property owners?

#### 051

Page 1-18; Last Paragraph

ODOT seems to be saying that more housing is needed in Bend to help reduce commute demands from Redmond. Logical conclusion, which does not seem to have been considered in the DEIS solutions.

#### Page 1-20

05

These goals represent excellent criteria to design effective and reasonable alternatives. The goals seem to be ignored by ODOT, however, throughout the entire DEIS process. The goals are what the community wants, not a new high impact costly freeway. If a new planning effort is undertaken to correct the deficiencies of this DEIS effort, these goals should feature prominently in the definition of solutions.

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# 047

We appreciate your opinion regarding the expressway designation. Please see Topic 27 – Expressway designation.

Page 1-17 refers to Bend as the "central city" or regional center of Central Oregon. It does not refer to the city center (i.e. downtown area) of Bend. The US 97 corridor does not pass through the city center of Bend.

## 048

Please see the response to P104 025.

# 049

The cost estimates in the Draft EIS included costs for local ("non-US 97") street improvements as outlined in the corresponding maps shown on pages 2-4 and 2-5. A cost estimate for the Preferred Alternative is described in Section 2.6.2 of the Final EIS. Please also see Topic 25 – Cost and benefit-cost analysis.

# 050

Interchange spacing standards are outlined in Appendix C of the Oregon Highway Plan. The plan outlines the spacing standards for the access management classifications listed in Goal 3, Policy 3A, Classification and Spacing Criteria, Action 3A.1. The spacing requirement for expressways in an urban setting is 1.9 miles. The earlier design of the Bend Parkway utilized only state funds, which provided flexibility regarding design standards. However, during the development of alternatives for the US 97 Bend North Corridor project, rigid compliance to standards was not a primary goal. Instead, the standards were used to help set the boundaries from which to consider changes or "exceptions" to those standards based on factors such as operations, existing corridor context, and practical design. As described in Section 2.3, one of the practical design elements included in the alternatives is matching the existing roadway context of the Bend Parkway. The goal for building this project as a northern extension of the Bend Parkway is to provide the context of the Bend Parkway while reflecting current practical design practices.

As traffic volumes grow into the future, ODOT's strategy is to invest wisely in transportation improvements that have the capacity to accommodate the future growth and yet still provide reasonable connectivity to the local system. ODOT also desires to use future federal funding, which requires that additional operational standards be met. As noted in the ODOT EIS (which is not a FHWA NEPA document, but an ODOT-only document) prepared for the Bend Parkway (published in August 1992), the Bend Parkway improvements

were designed for the projected growth in 2015, and growth in the Bend area far exceeded the estimate. The tight spacing between on and off ramps on the Bend Parkway referenced in the comment are projected to cause operational problems into the future as traffic volumes continue to grow.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# 051

The statement in Section 1.4.2, Current and Future Economic Lands, regarding the limitations on the development of land between US 97 and US 20 is included in the City of Bend's 2008 Economic Opportunities Analysis. This section does not state or imply that more housing is needed in Bend to reduce the commute demands from Redmond. Because Bend has a higher cost of living than Redmond, providing additional housing in Bend would be unlikely to result in substantial reductions in commuting demands from Redmond. Please also see Topic 35 – Purpose and need; goals and objectives.

# 052

We acknowledge your concern regarding the application of the project's goals during alternative development. However, we disagree with your statement that the goals were ignored throughout the Draft EIS process. Although alternatives were not screened against criteria specifically correlated to the project goals and objectives, ODOT met extensively with local agencies, businesses, residents, and other stakeholders throughout the project to identify issues important to the community and design the alternative to address these issues as much as possible. Section 1.5 of the Final EIS describes how goals and objectives were factored into the identification of the Preferred Alternative. Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative; and Topic 35 – Purpose and need; goals and objectives.

#### . Alternatives

#### Page 2-1

3 ali

The introduction should start with an admission that the project began without financial constraints on alternatives and that most of the screening was done prior to OTC directing the project team to focus on downscaled alternatives that might be affordable. At that time, ODOT abandoned the previously defined alternatives. The sequence is very important for reviewers to understand and appreciate.

#### Page 2-1; Third Paragraph

054

Who will pay for the auxiliary lane? Why is the cost of the auxiliary lane not included in the project costs? CVSC agrees with the need for the auxiliary lane but questions isolating it from the \$250+ million ODOT believes might be available for the freeway.

## Page 2-6; Exhibit 2-5

05

The incomplete linkage between 3rd Street/Bend Parkway and US 97 is a problem which probably should have been highlighted in the purpose and need statement. The incomplete linkage creates/increases congestion at Empire and confusion, ultimately leading to accidents.

#### Page 2-8; First Paragraph

05

ODOT is passing Third Street operation and maintenance responsibility to the City. Has the City agreed to this transfer and does the City have the resources (financial and otherwise) to assume operation and maintenance responsibility?

#### Page 2-8; Last Paragraph

05

The phasing plan and its independent utility are critically important to understanding the impacts and affordability of the proposed ODOT freeway. It needs to be explained. Phasing seems to lack an intuitive solution and if one cannot be found and the impacts fully appreciated the ODOT concept is flawed.

#### Page 2-9; South Sector Paragraph

...

CVSC has consistently advised ODOT that the two mile spacing of interchanges is unworkable for retail businesses. CVSC has suggested minor mitigation measures like southbound ramps to Robal. If, as ODOT admits, the retail core functions as the center city for the region, what center city has its nearest freeway access located one mile away with Indirect circuitous access?

#### Page 2-11: Exhibits

How does one get from Third Street south to Target and Lowes?

#### Page 2-14

A street level view is easier to appreciate than the crow's view. The segment east of the BNSF railroad would seem to be very critical.

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## 053

Section 2.2.1 in the Final EIS includes a discussion of the full-scale alternatives development phase and the subsequent re-focus on more affordable alternatives.

### 054

In the Draft EIS, the cost of the auxiliary lanes was not included in the cost estimates for either the East DS1 or East DS2 Alternatives because those auxiliary lanes were identified as part of the initial Juniper Ridge Transportation Planning Report's mitigation measures. The plan and timeframe for development of Juniper Ridge has changed since the Draft EIS was published. Plans for development of Juniper Ridge are on hold, so the cost estimate for the Preferred Alternative in the Final EIS includes the costs associated with auxiliary lanes on US 97.

## 055

The concerns raised regarding the existing lack of connectivity between 3rd Street and US 97 as included in the No Build Alternative are discussed in Section 2.1.1 and diagramed in Exhibit 2-5 of the Draft and Final EIS. The Preferred Alternative identified in the Final EIS links US 97 northbound to 3rd Street with the left exit just north of Empire Avenue and at a new signalized intersection just south of Deschutes Memorial Gardens and Chapel. The Preferred Alternative also provides connections from US 97 southbound onto 3rd Street at the new signalized intersection and at Butler Market Road. The Preferred Alternative provides a "reconnected" 3rd Street corridor to better serve the local traffic in the northern end of Bend. Exhibit 2-8A FEIS in the Final EIS depicts the improved connectivity of 3rd Street and US 97. Section 1.2 of the Draft and Final EIS outlines the purpose for this project, and although this particular connectivity issue is not specifically mentioned, it is addressed under Goal 1 of the Goals and Objectives listed in Section 1.5. Please also see Topic 43 – Purpose and Need.

# 056

Please see Topic 23 – Jurisdiction of roadways.

# 057

Please see Topic 17 – Phasing and Topic 16 – Funding.

# 058

We understand that retail businesses prefer closely spaced interchanges, however, it is the responsibility of ODOT to ensure US 97 operates acceptably for all users. Please see the response to P104 050 for information on interchange spacing standards. Please see response to comment P104

047 for clarification regarding the "city center" of Bend. The Preferred Alternative provides a new full movement signalized intersection of US 97 and 3rd Street south of Deschutes Memorial Gardens and Chapel at the Bend North City limits and a left exit from US 97 just north of Empire

Avenue to provide access to the commercial areas. The distance from the south end of Bend to Robal Road will be the same as it is today but will be less congested because through highway traffic will be routed onto US 97. Traffic travelling southbound on US 97 will exit at the new signalized intersection and travel on 3rd Street for about one mile to reach Robal Road. Section 2.1.2 of the Final EIS, including Exhibit 2-8A FEIS, outlines the traffic movements and connectivity to US 97 under the Preferred Alternative. Southbound ramps to Robal Road are not included in the Preferred Alternative. Please see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

For information on how to access Target and Lowe's, please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

059

060

Page 2-19; First Paragraph

CVSC strongly disagrees that complete access control is needed. Bend Parkway's current 4,000 foot spacing seems to work and should be considered to allow southbound Robal on and off ramps and a northbound off ramp near Cooley Road.

Page 2-21; Last Paragraph

Please explain why the initial screening of the initial unaffordable alternatives was done based on ODOT's ideal set of design standards for expressways and not using geometric feasibility.

Page 2-24; Exhibit 2-18

As noted previously, CVSC contends that the wrong set of criteria was used for this screening.

Page 2-49; Second to Last Paragraph

The elimination assessment does not appear correct. The concept in the southbound direction would be to start the new expressway near Clausen and to provide an auxiliary lane off-ramp approach to Robal (so the ramp distance could be as much as 3,000 feet without impacting the mainline). A southbound on-ramp would pick-up at Robal and have a one-half mile of acceleration lane before merging with the US 20 on-ramp traffic. In the northbound direction, an off-ramp would be provided to Third Street followed in about one mile with the merge back into northbound US97 to Redmond. The suggestion to split some of the Empire traffic off to Third Street appeared to make sense.

Page 2-52; Reason for Elimination

Few planners would question that coordinating land use and growth plans (a form of TDM) would be the best means to address the corridor problems. The commute nature of the traffic is a major cause of current peak demand spikes and congestion.

Page 2-52; Second Paragraph

There is no support in the transportation community for the statement that TSM alternatives are only applicable for populations over 200,000. Please cite the source or delete the comment. TSM measures are very applicable to communities the size of Bend. TSM measures could help address safety issues and dismissing buses to Redmond seems capricious. Finally, the reduction of speed limits on the study

Page 2-54; East DS1

segment merits attention.

This concept further complicates an already congested and confusing bottleneck. The Sisters Interchange and Empire Interchange are a mess. The key interchanges are Third Street south, Third Street/US 97 north, US 20 and the Bend Parkway (total of four approaches). This should be simple to connect and adding in a new 97 freeway will add a fifth leg which complicates things. Connecting the Bend Parkway to US 20 and 3rd/US 97 north to 3rd south would provide a simpler interchange. Certainly directional flows would need to be accommodated in the design, but adding a fifth leg to this area seems a mistake. CVSC has grave concerns with this alternative's impact on retail businesses, its phasing and affordability, its effectiveness, and its lack of context to the community in the corridor.

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059

Please see the response to P104 050 for information on interchange spacing standards and the spacing on the Bend Parkway. Please see the response to P104 058 regarding access to Robal Road. The Preferred Alternative does not include exits at Robal Road and Cooley Road because construction of on-and off-ramps at these locations would fail to meet the interchange spacing standards set forth in the Oregon Highway Plan. Furthermore, on- and off-ramps at one or both of these locations would substantially reduce the operations (i.e., added congestion, reduced traffic flow), which does not support the purpose of the project.

Please see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

060

The preliminary range of alternatives was assessed in terms of engineering feasibility, including geometric feasibility, as stated in Section 2.2.1 of the Draft and Final EIS. The review and screening of the revised preliminary range of alternatives utilized geometric feasibility and did not use strict design standards. Please see Section 2.2.2, Alternatives Screening, Exhibit 2-18 FEIS: Criteria 1b, 1c, and 1d in the Final EIS.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

061

The screening information described on pages 2-49 and 2-50 of the Draft EIS has been updated. The original information on page 2-49 of the Draft EIS inadvertently contained an error but did not change the determination of elimination from further consideration. Updated information is included in Section 2.4.3 of the Final EIS. Please also see Topic 10 – Updated data and analysis.

Please see Topic 21 – Transportation demand management and transportation system management measures.

062

Please see Topic 21 – Transportation demand management and transportation system management measures. Currently, Cascade East Transit provides bus service to the project area and between Bend and Redmond. Changes to bus service to Redmond alone would not meet the purpose and need, and therefore dismissal of this concept is not capricious.

Regarding the consideration to lower the posted speed limit, please see the response to comment P104 046.

# 063

We appreciate your opinion on the East DS1 Alternative evaluated in the Draft EIS. The connections between US 97, US 20, and 3rd Street provided with Preferred

Alternative are less complex than they would have been with the East DS1 Alternative and provide additional access into the business area.

For further discussion regarding travel routes to area businesses, please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by businesses. Please also see Topic 16 – Funding and Topic 17 – Phasing.

Page 2-54 East DS2

This is essentially the same concept as DS1 and suffers from all of the same problems.

Page 2-55; Last Paragraph

Interchange Area Management Plans are a critically important part of ODOT's option and they need further explanation in the DEIS. The re-designation of US 97 as an expressway clearly shows how bureaucratic rules can have major consequences if hidden under technical terms.

Page 2-57; Identified Areas of Concern

Stakeholders have consistently expressed these concerns over the past 7 years. However, no evidence is shown that these concerns have been used to define reasonable or acceptable alternatives. Stakeholders do not like the ODOT alternatives because the alternatives do not reflect or address these concerns.

#### Affected Environment

Page 3-1; Third Bullet; Last Sub-Bullet

Temporary seems to imply brief, but construction impacts likely will last more than three years. Three years is not a brief period of time from the perspective of retailers.

Page 3-

Are the estimated through trips for the City or for the API?

069 Page 3-

Traffic queuing discussion is out of date and inconsistent with 2011 observations.

Page 3-9; Last Paragraph

Only the Cooley Road intersection is in the top ten accident intersections in Bend today.

Page 3-10

071

No mention is made of the BNSF at-grade railroad crossing at Cooley Road. The Federal Railroad Administration has extensive data on history of accidents at this crossing and it should be reported in the DEIS.

Page 3-10

The freight discussion provides no quantification of truck movements to understand ODOT's claim that this is a major need in the API. How many long distance trucks are traveling on US 97 and where are the trucks going? How sensitive are the truck trips to a few minutes of added delay and how likely will freight movements shift to non-peak travel times should delays increase? If the volumes are indeed significant, perhaps a bypass would be a better investment than encouraging them to clog the Bend Parkway?

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# 064

The East DS2 Alternative differs significantly from the East DS1 Alternative in the connection between US 97 and 3rd Street at the north end of the project, impacts to the local road system, operations of US 97, and impacts to rural lands.

# 065

The Preferred Alternative does not require development of an interchange area management plan. Please see Topic 3 – Interchange area management plans (IAMPs).

US 97 has been designated as an expressway since 1999. In April 2013 the Oregon Transportation Commission reviewed this designation and chose not to change it. US 97 will continue to operate under this designation following project construction. Please see Topic 27- Expressway Designation.

## 066

ODOT and FHWA seriously considered all input received during the National Environmental Policy Act (NEPA) process. As described in Chapter 7 of the Final EIS, ODOT engaged in robust public involvement throughout the NEPA process. As the project progresses through final design, ODOT will continue its public involvement program to share information about the project's progress and address questions and concerns. ODOT and FHWA's consideration of the comments received on the Draft EIS influenced the identification of the Preferred Alternative in the Final EIS See Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 067

Because construction impacts primarily occur during construction, they are defined as temporary impacts rather than permanent impacts. The Final EIS includes a sidebar in the introduction to Chapter 3 to remind the reader that construction is expected to take approximately three years. Most areas of the project will not be under construction for the complete duration.

#### 068

Section 3.1.2 of the Final EIS has been revised to clarify that the estimated through trips are for the API.

# 069

Sections 3.1.2 and 3.1.3 of the Final EIS contain an updated analysis of traffic queuing for the No Build Alternative (existing [2011] and future [2036]) and Preferred Alternative. Please see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

# 070

The Draft EIS was published in July 2011, and the last full year of crash data and Safety Priority Index System (SPIS) rankings (top 5 and 10 percent highest ranked locations in the state) that could be included in the safety analysis was 2010, which was disclosed in the Draft EIS. This data indicated that both the Cooley Road and Robal Road intersections on US 97 were in the top 5 percent SPIS rankings. Section 1.3.3 of the Final EIS has updated crash data and safety analysis. Please also see Topic 10 – Updated data and analysis and Topic 37 – Safety.

### 071

The BNSF Railway at-grade railroad crossing at Cooley Road is not addressed because the updated crash data show no crossing-related crashes since 2004 (or even to 2002 with the original crash data). This information comes from official crash records documented by ODOT's Crash Analysis and Reporting Unit. In addition, the Federal Railroad Administration's Office of Safety Analysis website shows there have been no accidents recorded at this crossing with data going back to 1984.

The Preferred Alternative will construct a grade-separated crossing of Cooley Road under the BNSF Railway and the new US 97 alignments, as well as other safety improvements, such as sidewalks and bicycle lanes. Please see Topic 36 – Cooley Road Design and Operation.

Please also see Topic 10 – Updated data and analysis.

#### 072

Section 3.1.2 of the Final EIS has been revised to add additional detail on the percent of truck traffic during the day and during the peak hour. Although a few minutes of extra delay will not affect a single trip much, repeated delays over days and months of even a few minutes will add up to significant delay costs across all of the trucks that use that route. Over time, trucks will shift to less-travelled hours to avoid congestion if possible. A Bend "bypass" has been studied many times over the years, but the traffic counts in the area indicate that most traffic travel to Bend rather than passes through it. Additionally, because only about 10 percent of the volume is trucks, a bypass is not a cost-effective solution to increase freight mobility.

# Page 3-15; First Paragraph

The 2035 forecast are not simply based on local area growth assumptions. Are freight trips "hardwired" into the network? Are external to external trips "hardwired" into the network? How are external to internal and internal to external trips estimated? These assumptions are important and simply implying that traffic volumes are a result of land use growth assumptions is misleading. Growth assumptions can be modified if planners are aware of the infrastructure infeasibility of the assumptions. Intercity and freight travel assumptions need to be explicitly stated.

How were the intercity forecasts developed and based on what assumptions? The MPO model forecast is out of date and needs to be updated to provide sound input to a \$250+ million public investment, particularly when the project will have major adverse impacts on the City.

#### Page 3-10; Exhibit 3-9

The projected increases at Cooley Road suggest the need to explain the cause of these increases. How many new trips from Juniper Ridge and how many from Walmart? What are the other major causes of increases at this intersection?

Page 3-18; Third Paragraph

CVSC questions this assessment. Freight traffic will likely shift to off-peak travel times.

# Page 3-18; Last Paragraph

Sometimes congestion actually leads to increased transit ridership, particularly if transit preferential measures are introduced in the corridor. Most transit agencies favor congestion.

#### Page 3-19; Second Bullet

CVSC agrees that the ODOT build alternatives will not solve the Empire Avenue interchange problems. Rather, the ODOT build alternatives will probably worsen them. This is a major problem and investing \$250+ million in a two mile corridor without solving the Sisters Interchange and Empire interchange problems is a poor investment of public funds. How does leaving or worsening a travel barrier at Empire make sense as it separates the north Bend city center from the main areas of Bend?

### Page 3-19; Last Paragraph

ODOT's focus in the DEIS seems to be on through traffic accident rates. Industry experience has also shown that less direct and confusing access to local businesses and street networks also increases accidents. The ODOT proposed action is not intuitively obvious to motorists and, therefore, accidents will result from confusion and increased turns.

Page 3-22 East DS2 Alternative
This is essentially the same alternative as DS1

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# 073

The Bend Metropolitan Planning Organization model does not have direct treatment of freight trips. Vehicle equivalency factors were used to convert freight and commercial vehicles at external stations to auto vehicles for modeling purposes. Internally, vehicular counts collected for the purpose of model validation were also subjected to a similar treatment as the external counts; therefore, the freight trips are not specifically analyzed as part of the network.

Through trips demand, referred to as external to external trips, utilized a Huff probability approach to calculate each of the model external stations, with the percentage split by trip type (external to external, internal to external, and external to internal). Because the model also generated the external stations exchange matrix, the trips were not specifically analyzed and react to the dynamic of the external stations.

Distribution of external to internal trips and internal to external trips follows a gravity model approach, where housing and employment govern the size and the allocation of these trips. The methodology is sensitive to scenario land use character.

The methodologies outlined above for the external demand were developed due to the fact that observed data (household survey and external station surveys) were not available at the time of model estimation and resulted in the development of a lesser robust approach.

The Bend Metropolitan Planning Organization model relies on local jurisdictions' input on housing, employment quantity by type (household demographics and employment type), and allocations to develop travel demand forecasts for the area's roadway facilities. The estimation process used in the development of the Bend Metropolitan Planning Organization model utilized the State of Oregon 1994–1996 household survey. Data for the four-state metropolitan planning organizations were combined, and an estimation of the different model components was developed. The Bend Metropolitan Planning Organization model was calibrated and validated to locally-available observed data. The model was also subjected to a peer review panel that assessed both structure and results and made recommendations for some improvements that were incorporated in the current model. The Bend Metropolitan Planning Organization reflects state-of-thepractice in the national modeling science. Intercity travel and the resulting forecasts are sensitive to the dynamic of the Bend Metropolitan Planning Organization model.

Please also see Topic 24 - Traffic analysis.

#### 074

The projected Cooley Road increases reflect the following: the build-out of the remaining commercial lands in the triangle area west of Hunnell Road, new employment uses north of Cooley Road, development of 500 acres of Juniper Ridge within the current urban growth boundary (UGB), and increased attraction from expanding residential areas along O. B. Riley Road. The City of Bend's financially-constrained list of projects in the Bend Urban Area Transportation System Plan includes a project to extend Cooley Road to Deschutes Market Road. Consequently, the volumes also reflect this shorter path, which will be one of the few direct routes from eastern Bend to US 97/3rd Street. Some of this growth is incorporated in an approximation of 3,500 daily trips from the 3rd Street/Cooley Road intersection northwest quadrant area (WalMart plus others) and about 12,000 daily trips from the Juniper Ridge area and other new growth to the east. Please also see Appendix G in the Updated Traffic Analysis Report, which contains information regarding travel patterns for the API.

# 075

As congestion increases, more freight traffic will shift to off-peak hours if possible, but there are other factors that are considered in freight service. Section 3.1.3 of the Final EIS has been revised to acknowledge this shift to off-peak hours.

#### 076

While we agree that conceptually increased congestion can cause an increase in transit usage, this would not be the case in Bend or for this project. Bend has limited transit service with respect to the number of bus routes and frequency of service. High levels of congestion on 3rd Street will further increase bus travel times and make the transportation system for transit and other vehicles less reliable. Unreliable bus service could adversely impact riders who have no other transportation options.

#### 077

We acknowledge your concerns regarding the Empire Avenue interchange. Empire Avenue improvements evaluated in the Draft EIS alternatives included additional through and turn lanes, widening ramp lanes, and signalizing the southbound on-ramp, as described in Section 2.1.2 of the Draft and Final EIS.

The Preferred Alternative includes the following improvements for the Empire Avenue area: widening Empire Avenue and adding turn lanes, adding a signal at the southbound on-ramp, widening existing ramp lanes, closing access to Sherman Road, adding a signal on 3rd Street to access Sherman Road area, and adding turn lanes on 3rd Street at the intersection with Empire Avenue, as described in Section 2.1.2 of the Final EIS. Access into the Empire Avenue business area is improved with a full movement signalized intersection at 3rd Street and Mervin Sampels Road.

Because the 3rd Street/Empire Avenue intersection is spaced too close (827 feet, substantially less than the standard of 5,280 feet) to the Empire Avenue/US 97 interchange, Empire Avenue congestion would greatly improve from closing ramp connections to US 97; however, doing so would result in substantial social and economic impacts to existing business areas. Fully solving the congestion issue on Empire Avenue would not have been practical or feasible as the traffic analysis showed that the more capacity that is added to Empire Avenue, the greater the demand. In essence, you cannot build your way out of congestion on Empire Avenue.

## 078

Thank you for your concerns regarding access, potential accidents, and driver confusion. The Draft EIS and Final focus on all accidents on US 97, including accidents for both through trips and local trips. ODOT is not aware of any research that shows increased crash rates resulting from reducing access density. In contrast, the Highway Safety Manual demonstrates that crashes decrease when access density is reduced, so fewer access points on a highway facility can improve safety. The design features and connectivity included in the Preferred Alternative provide clear access and connectivity for travelers. For further discussion on the design features and connectivity, please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 19 – Business directory signs.

#### 079

Please see the response to P104 064.

Page 3-25; Second Paragraph

Congestion might actually result in an improved jobs/housing balance and reduce Redmond to Bend commute volumes. This would have VMT and a host of sustainability benefits. So the congestion and environmental benefits might be better without encouragement of long distance commuting.

Page 3-27; Exhibit 3-14

080

This exhibit demonstrates that Empire is failing and will continue to fall even after spending \$250+ million and impacting the community and eco system in Bend. How can this be smart?

Page 3-28; Exhibit 3-15

No build performs better than the \$250+ million build alternatives in terms of overall network delay and overall network travel time. These are important indicators and suggest that ODOT's obsession with building a high speed freeway for through traffic comes at the expense of local traffic.

Page 3-45; Last Sentence

Most retail businesses in the corridor would disagree with this statement and prefer the slower traffic with direct, visible, and convenient access to ODOT's build proposed action. Diverting customers away from retail businesses is very bad practice.

Page 3-47; First Paragraph

Retail businesses would prefer the no build alternative with direct, visible, and convenient access to high speed bypass options. ODOT's appreciation for retail business does not seem very well informed and reflects a highway engineer's perspective on retail business access needs. Stakeholders have repeatedly tried to educate ODOT engineers about the critical importance of direct, visible, and convenient access. ODOT is not listening.

Page 3-49; Second to Last Paragraph

Transportation and land use planning experts almost universally agree that building high speed through traffic facilities into urbanized communities is a bad practice. ODOT's proposed action plan runs a freeway through the heart of Bend (compromising the livability standards Bend residences have enjoyed). Perhaps a broader involvement of unbiased sustainable community planners in the process would have found a more modern solution than is proposed.

Page 3-52; Exhibit 3-28

A map showing ODOT's proposed right-of-way acquisitions is needed to inform on this important issue.

The "devil is in the details." What is the proposal for BNSF's easement use and has BNSF agreed to this?

Page 3-60; Indirect Impacts

The assessment of congestion impacts on retail businesses is in error. Retail businesses will almost universally favor the no build option with its congestion to the proposed build action. The congestion might even benefit their businesses. Local retail businesses all oppose ODOT's freeway for this reason.

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## 080

Please see response to comment P104 077. The investments that will be made at Empire Avenue with the Preferred Alternative will significantly improve operations over the No Build Alternative, as demonstrated in Exhibit 3-14 FEIS in the Final EIS.

# 081

ODOT understands the conclusions noted in this comment. As a result the Final EIS includes the following clarification and updated data. The traffic and congestion results for the 2035 No Build Alternative were not directly comparable to the 2035 build alternatives. To get comparable data, each, traffic simulation must be run for the same duration. As noted in the Exhibit 3-15 of the Draft EIS, the No Build Alternative model could only be run for 30 minutes whereas the East DS1 and East DS2 Alternatives models could run for 60 minutes. For the No Build Alternative, the traffic simulation was unable to run more than 30 minutes because traffic congestion was so excessive. This resulted in lower values than would be expected as the footnote in Exhibit 3-15 explained.

For the Final EIS, ODOT has estimated comparable results (60 minutes) based on the updated traffic simulation conducted for the No Build Alternative which ran for 40 minutes until it was so congested it would no longer run. As noted in Exhibit 3-15 FEIS in the Final EIS, if the traffic model was able to run the full 60-minute simulation for the No Build Alternative, then the overall network delay would be expected to be in excess of 2,400 hours as compared with 1,550 hours for East DS1, 2,140 hours for East DS2, and 1,100 hours for the Preferred Alternative. Similarly, overall network travel time would be in excess of 3,600 hours, as compared with 2,630 hours for East DS1, 3,190 hours for East DS2, and 1,900 hours for the Preferred Alternative.

Please also see Topic 10 – Updated data and analysis.

# 082

As discussed in Section 1.3.2 of the Final EIS, without improvements, traffic would be expected to get much worse on the segment of US 97 between Bowery Lane and Butler Market Road. Travel times would increase from 5 minutes in 2011 to 15-16 minutes in 2036 during the evening peak period resulting in a substantial decrease in average speeds from 35 mph in 2011 to 12 mph in 2036. As a result of this future severe congestion, some motorists would likely choose to divert to other routes away from businesses on the existing facility. Section 3.5.3 of the Final EIS discusses drive-by businesses and business visibility (such as business directory signs and access provided

via the new northern signalized intersection) that are included in the Preferred Alternative.

Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and drive-by business impacts, and Topic 19 – Business directory signs.

# 083

The Preferred Alternative relocates approximately 1.5 miles of US 97 approximately 300 to 500 feet east of the existing corridor. The new US 97 alignment will be adjacent to the railroad corridor, which is an existing barrier to east-west connections through Bend. The new US 97 will be constructed in this already highly-developed corridor and will address the purpose and need of the project as outlined in Sections 1.2 and 1.3 of the Draft and Final EIS, as well as the goals and objectives listed in Section 1.5 of the Draft and Final EIS.

US 97 was established in 1926, and the City of Bend has grown around it. City growth has resulted in multiple changes to US 97 including both facility improvements and facility relocations needed for the highway to retain its function over the nearly 90 years since its establishment.

ODOT conducted a robust public involvement process throughout the National Environmental Policy Act (NEPA) process for the project as described in Chapter 7 of the Final EIS. As the project progresses through final design, ODOT will continue its public involvement program to share information about the project's progress and address questions and concerns.

#### 084

Exhibits 3-36 and 3-38 in Section 3.3.3 of the Draft and Final EIS show parcels where right of way would be acquired for the East DS1 and East DS2 Alternatives. Exhibit 3-38 FEIS in the Final EIS shows parcels where right of way will be acquired for the Preferred Alternative. Section 3.2.3 of the Final EIS presents data on the number and acreage of acquisitions by zoning designation as well as and the number of displacements by zoning designation under the Preferred Alternative. Please also see Exhibit 3-21 FEIS for a map of the Preferred Alternative and the zoning designations. As the design of the Preferred Alternative is finalized and acquisition needs are further solidified, ODOT will work with property owners to arrange for these transactions in compliance with the Uniform Relocation Act, as described in Appendix B of the Draft and Final EIS. Please see also Topic 30 – Right of way acquisition.

Consultation and coordination with BNSF Railway has occurred on an on-going basis regarding areas of potential impact to the railroad. On three different occasions (January 14, 2008, June 3, 2008, and November 4, 2010), ODOT and BNSF Railway met to discuss this project. In addition, project information has been processed through the ODOT Rail Crossing Section for their coordination with BNSF Railway. This information included a preliminary railroad encroachment map. Final agreements will not occur until the final design phase of the project.

# 085

We understand that retail businesses may prefer increased congestion; however, it is the responsibility of ODOT to ensure that US 97 operates acceptably for all users. Please also see P104 082 and Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

Page 3-68; Exhibit 36

is ODOT proposing to acquire part of the Target shopping frontage along Robal?

086

Page 3-70; Exhibit 3-38

is ODOT proposing to acquire Robal frontage from Target?

Page 3-89; Exhibit 3-44

The retail businesses on the west side of US 97 function as an important part of the neighborhoods (e.g., key shopping and socializing destinations for residents). The build alternatives will disrupt this pattern.

Page 3-92; Demographic and Economic Trends

What is the 2035 population forecast for Bend assuming as a basis for traffic forecasts and what is the basis for this growth – pre-recession trend line?

Page 3-97; First Paragraph

Contrary to the statements in this paragraph, it will be more difficult to attract and retain retail businesses with the build alternatives. The no build alternative is most favored by retail businesses because it will help attract and retain their businesses versus the negative impacts associated with the ODOT build alternatives.

Page 3-103; Second Paragraph

Southbound travelers that do not exit at the northern interchange will not be able to exit to US 97 until they are outside the API (i.e., Reed Market interchange). How can this be a viable alternative? Many of the customers of the retail business on Highway 97 are tourists who are unfamiliar with the road network. These will be lost customers with this plan. Any retail business expert will confirm this being the case. ODOT does not understand retail businesses and refuses to listen.

In the northbound direction, if a customer misses the Empire exit, the customer will need to travel north to the new north interchange. This is also naïve to expect. The Empire interchange is forecasted to be congested.

Reference is made to the PB report on retail shopping. We request a copy of this document to confirm that accuracy of ODOT's interpretation.

Page 3-103; Last Paragraph

CVSC contests the accuracy of this assessment. A survey of retail anchors will conflict with ODOT's characterization. This is supported by the retail opposition to ODOT's alternatives.

Page 104; First Paragraph

Local travelers with destinations between Grandview and the Sisters interchange will encounter more indirect access to their destinations.

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#### 086

There is no planned property acquisition from Target along Robal Road under the Preferred Alternative, as shown in Exhibit 3-38 FEIS in the Final EIS. The East DS1 and East DS2 Alternatives evaluated in the Draft EIS would have required acquisition of strips of property on both sides of Robal Road in this area as indicated by Exhibit 3-36 and Exhibit 3-38 in the Draft and Final FIS.

### 087

We acknowledge your concern for potential disruptions to the existing retail establishments in the commercial triangle bound by US 20, US 97, and Cooley Road and their role as a shopping and socializing destination for residents of nearby neighborhoods. Currently, the Boyd Acres Neighborhood east of US 97 is separated from the commercial area by the railroad tracks with crossing points at Cooley Road and Empire Avenue. Under the Preferred Alternative, access from the Boyd Acres neighborhood will remain the same, except that Cooley Road will cross underneath the railroad tracks. For the Hunnell Neighborhood to the north of Cooley Road, residents will still be able to access the area via the new signalized intersection of 3rd Street and US 97. The Preferred Alternative will improve connectivity and safety for vehicles, pedestrians, and bicyclists traveling to the commercial area. In particular, improvements to the local street network will benefit community activity, including travel to and from retail businesses on the west side of US 97.

Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, Topic 12 – Bicycle and pedestrian facilities, Topic 19 – Business directory signs, and Topic 28 – Cooley Road design and operation.

# 088

Demographic and economic trends have been updated in Section 3.5.2 of the Final EIS. The traffic forecasts for the project have also been updated for the No Build Alternative and the Preferred Alternative and are presented in Section 3.1.3 of the Final EIS.

Please also see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

#### 089

Section 3.5.3 has been revised to acknowledge that the No Build Alternative provides direct access from US 97 to businesses, which may benefit these businesses. The text referenced in the comment has been revised in Section

3.5.3 of the Final EIS, to state that future congestion on US 97 may create a disincentive for attracting businesses to the API.

# 090

Section 3.5.3 of the Draft and Final EIS discusses and discloses the potential out-of-direction travel for travelers who are unfamiliar with the road network and who may miss the most direct access to the retail businesses along proposed 3rd Street. As described in Section 3.5.3 of the Final EIS, with the Preferred Alternative business directory signs will help travelers identify travel routes to reach their destinations. Customers traveling north on US 97 who miss the Empire Avenue exit will have two additional opportunities to access the shopping center: via 3rd Street (near the Sisters loop ramp) or via the new 3rd Street and US 97 signalized intersection. Customers traveling south on US 97 who miss the new signalized intersection of 3rd Street and US 97 can exit at Butler Market Road and travel north on 3rd Street.

The business survey conducted by Parsons Brinckerhoff has been available on the project's website (<a href="www.US97Solutions.org">www.US97Solutions.org</a>) since August 4, 2011. Many survey respondents indicated that they cater to clients who seek out their establishments, as stated in the Draft and Final EIS. During you numerous visits to ODOT we provided all of the material you requested.

Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 19 – Business directory signs.

#### 091

Although the new US 97 alignment under the Preferred Alternative will not provide direct access to most destinations between Grandview Drive and the US 97/US 20 interchange, the new extension of 3rd Street will provide direct access to many destinations in this area. Exhibit 2-8 FEIS in the Final EIS shows travel routes associated with the Preferred Alternative. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

092

Page 3-105; Second to Last Paragraph

Much emphasis is given to regional freight and through traffic. In contrast, little emphasis is given to overall travel to regional destinations (e.g., Cascade Village). Insufficient information is provided concerning the amount of regional freight and the major through destinations trips.

Page 3-107; Response Times

093

Comparing response times to these narrowly screened build options and not including times for more community based lower cost reasonable alternatives diverts attention away from more meaningful comparisons.

Page 3- 109; Second to Last Paragraph

09

It is unclear if the ODOT freeway vision will be the best or highest benefit cost solution to the regional freight and intercity travel needs cited in this paragraph. Lower speeds in general yield the least number of fatal and severe injury accidents. Therefore, the general statement of the build alternatives being safer is a simplified opinion.

### Page 3-110; General

. . .

The description of impacts reads very much like an argument for the build alternatives and lacks any semblance of an unbiased assessment, which is how EIS reports should be prepared. This comment is true for the entire document and not for just this one page. This is a fundamental deficiency in the DEIS which is intended to provide unbiased assessments of the impacts on communities and ecosystems of proposed federally funded actions. The advocacy presentation in the DEIS clearly shows the authors bias and brings into question the balanced assessment of benefits and impacts. How can such a biased document be used by decision-makers?

Page 113; Second Paragraph

006

Reference is made to a slight decline in sales. What authoritative source has ODOT used to assess impacts on retail sales? The retail businesses along the corridor disagree with virtually all of the DEIS assessments of retail impacts.

Page 114; Construction Mitigation

Construction blockages should avoid the holiday shopping season.

097

Page 3-116; Exhibit 3-61

Why is the creek crossing Cooley Road near the BNSF tracks not shown?

Page 3-126; Nels Anderson House These impacts seem very significant.

098

Page 3-128; First Paragraph

Removal and/or demolition of the house is a huge impact.

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# 092

Section 1.1 Introduction of the Draft and Final EIS explains that US 97 is classified as a statewide facility and freight route and, as such, is a critical link in moving goods and people through Central Oregon. Local trips are similarly critical, as 75 percent of the trips on this segment of US 97 either start or stop in Bend, which as noted in the comment is a regional destination for Central Oregon. All trips (through, regional and local; truck and automobiles) are important considerations for the project as stated in the Section 1.2 Purpose of the Proposed Action of the Final EIS. The range of alternatives was screened using criteria that represented the project purpose and need statement and did not emphasize one type of trip mode (truck or automobile) over another. Furthermore, ODOT and FHWA considered the project goals and objectives in the identification of the Preferred Alternative. The goals and objectives represented various trip types and travel modes. The project purpose and need as well as goals and objectives were developed through extensive public input over the course of the project as outlined in Chapter 7 of the Final EIS. For more information on freight trips through the area, please see Section 3.1.2 in the Final EIS and Appendix Q in the Updated Traffic Analysis Report (2014). Please also see Topic 32 – Range of alternatives, alternatives screening, and identification of the Preferred Alternative.

#### 093

Section 3.5.3 of the Final EIS compares the potential environmental impacts, including emergency response times, of the build alternatives that passed the project's alternatives screening. Please see Section 2.2 Alternatives Development and Screening of the Final EIS for a description of the alternatives screening analysis, and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

#### 094

Improving safety on US 97 is one of the main purposes of the project, as stated in Section 1.2 Purpose of the Proposed Action of the Draft and Final EIS. Section 3.1.2 of the Final EIS provides updated information on crash rates in the Transportation API, and Section 3.1.3 of the Final EIS includes an analysis of traffic safety, including current and projected crash rates, for the Preferred Alternative. Please see P104 046 regarding speed limits for the project corridor. Please also see Topic 10 – Updated data and analysis, Topic 35 – Purpose and need; goals and objectives, and Topic 37 – Safety.

For clarification, US 97 is classified as an urban expressway not a freeway. Please also see Topic 27 – Expressway designation.

# 095

We acknowledge your concerns regarding the need for an unbiased process, however we strongly disagree with your assessment of the Draft EIS as a biased document. Sections 1.2 and 1.3 of the Draft and Final EIS present the purpose and need for the project, including a description of the problem that has been identified. Chapters 3 and 4 of the Draft and Final EIS provide an assessment of the adverse and beneficial impacts. Please note that the Draft EIS was prepared by an interdisciplinary group of subject matter experts as required by the National Environmental Policy Act (NEPA) who were not advocates of any specific outcome.

#### 096

Section 3.5.3 of the Final EIS has been revised and no longer includes the word "slight" and states that some businesses could experience a decline in sales during construction if customers choose to avoid businesses located near construction areas.

The construction mitigation measures incorporated into the Preferred Alternative are listed in Section 3.5.4 of the Final EIS. These include maintaining reasonable access to commercial properties throughout construction and limiting construction activities and lane restrictions during holiday seasons.

# 097

To avoid confusion than can result from overly busy maps, only major waterways, such as the Deschutes River, are shown on maps in the Draft and Final EIS. The purpose of Exhibit 3-61 FEIS is to depict existing and planned trail facilities on adopted public plans.

#### 098

Through the Section 106 process, SHPO has concurred that construction of the Preferred Alternative will result in an adverse effect to the Nels and Lillian Andersen House. The Final EIS has been revised to incorporate these impacts from the Preferred Alternative to the Nels and Lillian Andersen House. As documented in Section 3.7.3 of the Final EIS, relocation or removal of the Nels and Lillian Andersen House will be required for safety and liability reasons.

As part of the Section 106 process, ODOT met with the Bend Landmarks Commission, the Des-Chutes Historical Museum, the Deschutes Historic Landmarks Commission, and the Nels and Lillian Andersen House owner to

specifically address impacts on the Nels and Lillian Andersen House. Since the project will have an adverse effect, per Section 106, on the Nels Andersen House, a Memorandum of Agreement has been executed to resolve the adverse effect and is included in Appendix D of the Final EIS. This Memorandum of Agreement includes measures to prepare the Nels Andersen House for relocation or removal. If no interest in removing and relocating the house is demonstrated, ODOT will remove the house and provide research information to the Des-Chutes Historical Museum.

Please also see Topic 31 – Historic resources.

Page 3-139; Exhibit 3-67

The creek crossing at Cooley Road near the BNSF must be shown. It is a nice aesthetic feature in the area where ODOT is proposing an underpass.

099

Page 3-154; Swalley Canal

This seems to be a nice amenity near Cooley Road and the construction of the underpass seems to downplay its impact. From an engineering perspective, its impacts might be mitigatable but the amenity impacts are significant.

Page 3-175; First Paragraph

The VMT for the build alternatives are the same because they model multiplies the same number of vehicle trips loaded to the network times the same trip distribution profiles. Since these alternatives are essentially the same, however, it is not surprising they have similar VMT. Industry research has consistently shown that building new high speed freeway capacity induces new trips and, as such, ODOT's alternatives probably will yield greater VMT than is actually forecasted by ODOT. Facilitating long distance commutes is bad for air quality. This induced VMT is not properly described in the DEIS.

Page 3-199; Traffic Management Measures

CVSC disagrees that these measures are inappropriate and recommend that ODOT reconsider its road classification and associated design/operation policies for the US 97 corridor. As noted earlier, perhaps a bypass would avoid the need for the API to accommodate interstate freight needs.

Page 3-199; Noise Barriers

1.02 The noise barriers will block or obstruct views. Has the impact of the noise barriers been included in the discussion of view blockages?

Page 3-203; Third Bullet

What are the ODOT design goals being cited in this bullet?

Page 3-204; Last Paragraph

104 What are the reasonable and feasible thresholds that ODOT is employing to unllaterally reject noise barriers?

Page 3-212; Transportation Planning Rule

It does not appear that the planning guidelines list on this page for OAR 660-12-035 have been applied for the US 97 corridor in the API – particularly bullet four. The word "shall" is used in this rule, suggesting that it cannot be ignored.

Page 3-215; Exhibit 3-98

As induced travel is not likely considered in this forecast, the fuel consumption is understated. Considerable research exist on highway capacity induce travel and these should be reflected to accurately describe impacts.

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# 099

We appreciate your concerns regarding waterways near Cooley Road. The creek crossing under Cooley Road referenced in the comment is the Swalley Main Canal, as shown in Exhibit 3-70 FEIS in the Final EIS. The Swalley Main Canal will not be modified by the Preferred Alternative at this location as this segment of the Swalley Main Canal is already piped and is no longer an open canal. Impacts to other portions of the Swalley Main Canal are discussed in Sections 3.7.3 and 3.11.3 of the Final EIS.

# 100

The relationship between increases in highway capacity and traffic is very complex, involving various travel behavior responses, residential and business location decisions, and changes in regional population and economic growth. While some of these responses do represent new trips, much of the observed increase in traffic comes from trips that were being made before the increase in highway capacity. The trips may also reflect predictable traveler behavior that is accounted for in travel demand forecasts. The travel demand model accounts for future demand on the US 97 facility, which is then analyzed to determine the associated vehiclemiles traveled (VMT) for each alternative. Please also see Topic 33 – Induced growth for additional detail on how induced vehicle miles travelled, or latent demand, is accounted for within the traffic analysis.

Section 3.15.3 of the Final EIS provides an analysis of air quality for the Preferred Alternative. As stated in this section, the Preferred Alternative will not result in a degradation of air quality, as measured by National Ambient Air Quality Standards (NAAQS). Because the Preferred Alternative is not predicted to affect regional VMT, it is also predicted to have no measurable impact on regional air quality conditions.

For clarification, US 97 is classified as an urban expressway not a freeway. Please also see Topic 27 – Expressway designation, The project improvements are not intended to "facilitate long distance commutes" but rather to improve safety and mobility for local and through trips on US 97. Please also see Topic 35 – Purpose and need; goals and objectives.

# 101

The 2011 update to the ODOT Noise Manual no longer requires consideration of traffic management measures when evaluating noise abatement. Section 3.16.4 of the Final EIS has been updated to provide an overview of the methodology changes that resulted from the updated Noise Manual and how these changes altered the abatement measures considered in the noise analysis.

Please see the response to P104 072 regarding a "bypass" around Bend, Topic 10 – Updated data and analysis and Topic 27 – Expressway designation.

#### 102

Noise barriers are not recommended for the Preferred Alternative as discussed in Section 3.16.4 of the Final EIS, and therefore no additional visual impacts assessment for noise barriers is included in the Final EIS.

# 103

The definitions provided in the sidebar of Section 3.16.1 have been revised in the Final EIS to explain that ODOT's design goal for a noise barrier is to reduce noise by 7dBA or more for at least one of the noise impacted properties. The text referenced in the comment has also been revised in the Final EIS to clarify the intent of the design goal.

#### 104

The definitions provided in the sidebar of Section 3.16.1 of the Final EIS outline ODOT's reasonable and feasible criteria for recommending noise barriers. These criteria originate from ODOT's Noise Policy, which was reviewed and approved by FHWA on July 13, 2011.

## 105

See Topic 36 – Transportation Planning Rule.

### 106

Induced vehicle miles traveled is included in the travel demand model and traffic analysis used for calculating air quality and energy impacts, which are presented in Sections 3.15.3 and 3.17.3 of the Draft and Final EIS.

Electrical lighting and signalization energy needs will be determined during final design. Based on past experience, ODOT expects these needs comprise a very small percentage (<0.01 percent) of the energy consumed in the corridor by vehicle travel.

Please also see Topic 33 – Induced growth.

106 Cont.

Page 3-215; Exhibit 3-98

No mention is made of roadway lighting energy consumption for the build alternatives.

Page 3-220; Build Alternatives

No mention is made of the impacts of the Cooley Road underpass.

Page 3-227; Mitigation Measures

It would appear that mitigation costs might be significant, but these were not described.

Page 4-4; Last Paragraph

In various areas within the DEIS, 1,500 acres is mentioned for Juniper Ridge development. This development is currently limited to only 500 acres of development. What assumptions are included in the traffic model for Juniper Ridge?

Page 4-4; Last Paragraph

CVSC has obtained its entitlements for Phase 2 of Cascade Village.

Page 4-5; Exhibit 4-3

These population projections seem to be based on 2007 estimates. The projections are out of date and not a valid basis for investing \$250+ million for this project. How much of the County population growth is near the API?

Page 4-5; Last Paragraph

It is unknown how the UGB will expand? Construction of a freeway will almost certainly add to pressures to expand it providing free infrastructure for the sprawl. The unaffordability of this free infrastructure (build alternatives) suggests that the land use plan for Juniper Ridge and other unapproved developments in the API should be reconsidered. One suspects that a greater emphasis on housing rather than commercial would help the jobs housing balance and reduce the need for costly and high impact projects like ODOT is proposing.

Page 4-8; Fourth Paragraph

This paragraph has one very big "if" subject to amending the financially constrained plan. What if the financially constrained plan is not amended? There would seem to be a very high risk.

Page 4-11; Third Paragraph

Mention is made of cut through traffic for the no build, but the discussion is silent on the dumping of increased traffic on local streets by the build alternatives. The cut through traffic for the no build is overstated – it likely will be minimal.

Page 4-12; First Bullet

113

114

As noted previously, CVSC disagrees with this assessment.

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# 107

The Cooley Road underpass will likely be constructed within shallow basalt bedrock. Section 3.18.2 of the Final EIS has been revised to include this clarification. Estimated excavations of 0 to 25 feet deep are anticipated for construction of the underpass. Varying thickness of basalt (0 to 35 feet) and sandy materials have been encountered on past bridge construction projects in this area. More detailed information on the geotechnical conditions at this underpass will be developed during final design.

## 108

Costs for investigation of acquired properties were included in Exhibit 3-101 of the Draft EIS. During the property acquisition process, property will be acquired and paid for as a "clean property," which means that the responsibility for clean-up of any known or potential hazardous materials stays with current property owner. Any unknown sources on existing ODOT right of way will be ODOT's responsibility. We anticipate that there is a low risk of encountering costly mitigation based on a review of the existing properties and considering past experience for similar industrial properties.

# 109

Please see Topic 18 – Juniper Ridge.

#### 110

The list of current and reasonably foreseeable actions, which includes Phase II of the Cascade Village Shopping Center, was considered in the traffic analysis and cumulative impacts analysis presented in Section 3.1.3 and Chapter 4 of the Draft EIS. These analyses assumed that Phase II would be built out as shown in the Master Site Plan on the Cascade Village Shopping Center's website. The list of current and reasonably foreseeable actions has been updated in Chapter 4 of the Final EIS.

#### 111

The traffic analysis for the project is based on the Bend Metropolitan Planning Organization's travel demand model. This model uses data from Deschutes County's coordinated population projection. For consistency, the data presented in Exhibit 4-3 and discussed in the cumulative impacts analysis also use Deschutes County's coordinated population projection. During the preparation of the Final EIS, the Bend Metropolitan Planning Organization determined that their long-range forecasts for future population that are contained in the travel demand model are still valid.

Please also see Topic 24 – Traffic analysis.

#### 112

As the City of Bend has not completed its UGB expansion, it was not possible to report how the UGB will be expanded in the Draft EIS. Similarly, the City is still working on its UGB expansion at the time this Final EIS is published; hence, no further description is provided in the Final EIS. Please see Topic 20 – Urban growth boundary expansion and Topic 33 – Induced growth. The purpose of this project is to address the congestion, safety and traffic flow on US 97. Although the traffic analysis for the project did include assumptions about the future development of Juniper Ridge, this development was not a primarily reason for undertaking this project. Please also see Topic 18 – Juniper Ridge.

#### 113

On August 15, 2013, the Bend Metropolitan Planning Organization's Policy Board adopted an amendment to the Bend Metropolitan Transportation Plan to include the Preferred Alternative on the plan's Illustrative Project List. Many elements of the Preferred Alternative are included in the fiscally constrained portion of the plan. On March 5, 2014, the City of Bend amended the *Bend Urban Area Transportation System Plan* to include the Preferred Alternative. On June 13, 2013, Deschutes County determined that because the elements of the Preferred Alternative located in unincorporated Deschutes County are already included in the Deschutes County Transportation System Plan, no amendment is needed.

Please also see Topic 16 – Funding.

#### 114

Section 4.1.4 of the Final EIS has been revised to clarify that the East DS1 Alternative could result in additional traffic in neighborhoods.

Section 4.1.4 of the Final EIS, discusses direct and indirect impacts of the Preferred Alternative. The Preferred Alternative will not increase traffic on local streets. By creating a separate corridor for US 97, local traffic will use 3rd Street (the existing US 97 roadway) to access commercial and residential properties. Regional and through trips will use the new US 97 corridor.

#### 115

The updated traffic data shown in Exhibit 3-52A FEIS in the Final EIS support the statement in the first bullet point for the cumulative impact discussion of the No Build Alternative in Section 4.1.4 in the Draft and Final EIS that there would be higher traffic volumes and increased traffic demand on local roads, resulting in increasing cut-through traffic over time in neighborhoods and disruptions to community cohesion.

The third bullet in the cumulative impact discussion of the No Build Alternative in Section 4.1.4 in the Draft and Final EIS states that traffic congestion could prolong travel times for citizens traveling within the project area. ODOT respectfully disagrees with your opinion that speed is only important for long distance trips and that the time difference for distances of less than 3 miles is not important, as short trips made by emergency service providers can be critically important.

The fifth bullet in the cumulative impact discussion of the No Build Alternative in Section 4.1.4 of the Final EIS has been revised to clarify that it is unknown how increased travel times may or may not affect a customer's willingness to travel to a particular business based on increases in travel times.

With regard to the last bullet in the cumulative impact discussion of the No Build Alternative in Section 4.1.4 of the Draft and Final EIS, your opinion differs from our assessment. US 97 is a designated freight route and an important connection through Central Oregon, to Washington and California. Freight traveling along US 97 could be delayed by worsened congestion in the same manner as general traffic.

Please also see Topic 10 –Updated data and analysis.

Page 4-12; Third Bullet

Speed is only important for long distance trips. The time difference for short distance trips of less than three miles is not critical to mobility. Long distance trips are those where speed is important.

Page 4-12; Fifth Bullet

115 Cont.

CVSC disagrees with this assessment. On what basis is this assessment being made? What authoritative source is being used for purposes of this assessment? Owners of the shopping center on the west side of US 97 know their local market, tenants, and the retail business. All strongly disagree with this assessment.

Page 4-12; Last Bullet

CVSC doubts this assessment is accurate. Freight traffic might shift out of the peak hours, but it will not perceptibly impact operations. Bend does not want high speed long distance trucks moving through the API and the City.

#### Page 4-13; Last Bullet

This assessment is false and lacks any authoritative foundation. It should be corrected to say that the build alternatives will adversely impact retail businesses in the corridor.

116

Page 4-14; First Paragraph

If this statement were true, the community would broadly support ODOT's proposed alternatives. It is obviously false as is reflected in the broad opposition to ODOT's alternatives.

#### Page 4-18; Second Paragraph

117

The rationalization of removing the Nels Anderson house and the piping of the Swalley Canal is not minor as ODOT has characterized. This mischaracterization reflects the distorted and biased views of highway engineers and do not accurately reflect views of most residents.

#### Page 4-21; First Paragraph

Noise is very speed dependent with higher noise levels at higher speeds. This is not explicitly mentioned.

Page 4-21; Second Paragraph

Has ODOT properly considered the noise impacts of truck braking? Portions of US 97 are on a grade.

#### Page 4-21; Energy

119

118

It would be better to state the percentage increase and the total annual amount than to just say minor. CVSC questions if induced growth and travel is properly accounted for in the analysis.

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#### 116

The last bullet point in the cumulative impact discussion of the build alternatives in Section 4.1.4 of the Final EIS has been revised to indicate that a need to learn new travel routes could result in a potential reduction in sales from drive-by customers.

The first paragraph on Page 4-14 of the Draft EIS referenced in the comment discusses the potential cumulative beneficial and adverse impacts that could result from the build alternatives. Your opinion on community support of the alternatives differs from our assessment. In response to comments received on the Draft EIS, ODOT modified the East DS2 Alternative to develop the Preferred Alternative. Many community members and stakeholders have expressed their support for the Preferred Alternative at the focus group meetings held in 2012 and 2013 and at the open house held on June 13, 2013. Chapter 7 of the Final EIS provides additional information about these meetings.

#### 117

Section 4.1.6 provides an assessment of resources for which the project would have minimal contributions to cumulative impacts and explains why these resources, including historic resources, are not included in the cumulative impact analysis in Chapter 4. The cumulative impact analysis evaluates the overall long-term impacts to overall resource health. Your opinion that these impacts are mischaracterized differs from our assessment.

As stated in Section 4.1.6, the Nels and Lillian Andersen House is already a highly modified structure and there are no other contributing structures on the property, so its removal or relocation would have a minor impact in the more regional context of historic resources. As discussed in Section 3.7.3 of the Final EIS, removal or relocation of the Nels and Lillian Andersen House will result in an adverse effect under the National Historic Preservation Act Section 106 process. That adverse effect has been resolved as evidenced by the Memorandum of Agreement in Appendix D of the Final EIS.

Sections 3.7.3 and 4.1.6 of the Final EIS has been revised to clarify that under the Preferred Alternative the only canal piping associated with the Swalley Main Canal will be piping of an open portion of the Swalley Riley Lateral canal associated with the Swalley Main Canal Pipeline. The Swalley Main Canal Pipeline is already a highly-modified resource as it is piped throughout the API. As explained in Section 4.1.6, no changes to the historic alignment of the Swalley Main Canal will result from the Preferred Alternative.

For clarification, the Draft and Final EIS were prepared by a team of subject matter experts as required by NEPA.

# 118

The text in Section 4.1.6 of the Final EIS has been revised to describe how noise levels from traffic sources depend on volume, speed, and the type of vehicle. ODOT has properly considered all traffic noise impacts and has followed federal, state, and local guidance.

The noise analysis performed for the project specifically takes noise from truck traffic into account as this noise is much louder than automobile traffic; however, noise from truck braking is not included in the traffic noise analysis. Truck noise comes from three sources: the engine, the exhaust pipe which includes the use of compression brakes, and the interaction between tires and pavement. Braking noise is not included in the analysis because when truck speeds increase above 30 mph, noise from the tire/pavement interface begins to dominate noise from the other truck noise sources. The US Environmental Protection Agency regulates maximum noise emission levels for newly manufactured trucks and trucks in-use that weigh over 10,000 pounds. Please see the Final Noise Technical Report (Appendix K to the Final EIS).

The City of Bend prohibits the use of exhaust brakes at all times, except in an emergency of when used by an emergency vehicle with a muffled compression braking system, regardless of the noise level of the exhaust brakes (Bend Code Section 5.50.025).

#### 119

Induced growth is accounted for in the travel demand forecasts that were used in the energy analysis. The energy portion of Section 4.1.6 of the Draft and Final EIS also points the reader to Section 3.17 Energy, which includes tables that provide calculations for energy use by alternative and the percentage increase from existing conditions and as compared with the No Build Alternative.

Please also see Topic 33 – Induced growth.

Page 4-22; Climate Change

The proposed build alternatives have substantial likelihood of encouraging sprawl land use patterns which almost all climate change experts would agree is a primary cause of increased greenhouse gases and contributor to adverse climate change.

#### Page 5-1; Build Alternatives

ODOT's characterization that 2-3 year construction impacts are minimal for retail businesses is false.

#### Page 5-1; Section 5.1.2

This is an advocacy expression of highway engineers' opinion and it is not shared by others in the community.

Page 5-2; First Paragraph

This is the view of highway engineers and not the view of the local community.

#### Page 6-1

121

The expenditure of vast amounts of money for this project will almost certainly preclude funding a better long term solution to mobility needs.

#### E. Chapter 7

The 4f process should demonstrate "there is no prudent and feasible alternative to using that land." As described previously, ODOT's process for screening alternatives and ODOT's narrow definition of "reasonable" has resulted in the choice between the no build and ODOT's freeway alternatives. ODOT has not considered prudent and feasible alternatives, just ODOT highway engineers view.

## Appendix – Right of Way

#### Page 6; Last Paragraph

The DEIS does not explicitly indicate that the build options will require the closure of Hunters Circle connection to Cooley Road. The appendix indicates that right-of-way will be required, but does not indicate if the new streets will be built on ODOT's budget or would be the responsibility of the City.

#### Page 7; Third Paragraph

ODOT has been advised of the complexities impacting access and parking at shopping complexes. Access and parking are of such importance that they are often stipulated in tenant leases. The proposed widening of Robal Road will incur these costs as well as right-of-way and construction costs. It is unclear where these mitigation costs will be covered in the project costs.

#### Page 11; Right-of-Way Costs

With so many properties, the land, relocation, and litigation cost contingencies are low.

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#### 120

Induced growth is accounted for in the travel demand forecasts, which were used for greenhouse gas estimates. Section 4.2 Climate Change of the Final EIS has been revised to include a table that provides greenhouse gas emissions estimates for the project, as well as the context for those emissions.

As noted in Section 3.2.3 of the Final EIS, the Preferred Alternative is consistent with Oregon statewide planning goals, which regulate land use patterns to prevent sprawl.

Please also see Topic 33 – Induced growth.

## 121

The pages referenced in your comment do not indicate 2 to 3 years of construction impacts but instead refer to an analysis of the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity. The Draft EIS makes no claim that these construction impacts would be minimal, just that they are temporary.

While we value your opinion, it differs from our assessment provided in this chapter.

# 122

The Final Section 4(f) Evaluation presented in the Final EIS has been revised substantially from the Draft Section 4(f) Evaluation provided in the Draft EIS. The Final Section 4(f) Evaluation focuses on alternatives relative to Section 4(f) properties that will be impacted by the proposed action above a *de minimis* level. The Final Section 4(f) Evaluation has determined that there is no feasible and prudent alternative available to avoid the impact to the Nels and Lillian Andersen House.

For clarification, the Draft and Final EIS and Section 4(f) Evaluation were prepared by an interdisciplinary team of subject matter experts, as required by NEPA.

#### 123

These comments apply to the Right of Way Technical Report. All technical reports listed in Appendix K of the Draft EIS were made available during the public comment period, as stated in the Draft EIS. When requested, ODOT made these reports available to members of the public, including providing directions to where the reports could be accessed online. The alternatives studied in the Draft EIS would not require permanent closure of Hunter

Circle (see Exhibits 2-2 and 2-3 in the Draft EIS and Final EIS). Similarly, the Preferred Alternative will not require permanent closure of Hunters Circle, as shown in Exhibit 2-3 FEIS (Map 6) in the Final EIS. Construction of the Preferred Alternative will require temporary restrictions at Hunter Circle for construction of the Cooley Road undercrossing. Acquisition of additional right of way is anticipated for reconnecting Hunter Circle to Cooley Road, and these acquisition costs are included in the project costs. All local roadway improvements included in the Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, will be constructed by ODOT as part of the project.

#### 124

The Preferred Alternative minimizes the permanent right of way impacts along Robal Road. All compensation for right of way acquisition will be carried out in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). All right of way acquisition costs are included in the estimated cost for the Preferred Alternative.

Further refinement of project design during the final design phase will dictate exact locations where property will be acquired. Please also see Topic 30 – Right of way acquisition.

#### G. Traffic Technical Report

# Page 1; First Paragraph

The purpose of the proposed action stated in this paragraph does not agree with the DEIS Purpose and Need. It emphasizes freight movement. This underscores the confusion at ODOT as to what this project is intended to solve.

125

126

#### Page 1; Last Paragraph

The recent designation of US 97 south of Grandview as an expressway is currently under review and might change thereby negating the current defined intent. The most current accident data is also significantly lower than is reported in this paragraph.

#### Page 2; First Paragraph

Few states use the 30th highest hour to design facilities as it leads to over design. It is generally reserved for use on recreation highways. How would the analyses and benefits have changed if the average volumes were employed and not the 30th highest hour? What is the percentage difference between the average and the 30th highest hour?

Page 2; First Paragraph

127 It is a stretch to say that current volumes that are at least 10% lower than the existing conditions traffic volumes are equivalent. Compared to the forecast 40% traffic growth, 10% is a significant difference.

#### Page 2; Second Paragraph

CVSC understands that the current mobility standards are under review. Many states have reduced their standards to reflect budget and livability concerns.

Page 2; Last Paragraph

While ODOT has a 1.9 mile interchange spacing standard, the 4,000 foot spacing on the current Bend Parkway suggests a design variance should be considered in defining reasonable alternatives for US 97.

#### Page 3; Second Paragraph

The MPO model uses pre-recession growth assumptions, which are clearly not accurate today. Rather than a 40% increase in traffic, reality is that 20% is more likely. Taken into account with the 10% reduction is current traffic the net total traffic increase might be more like 10% above the 2007 volumes and not 40%. Major investment decisions merit good updated forecasts.

Page 3; Last Paragraph

The purpose and need that the 20 pre-downscaled alternatives were screened against included meeting ODOT's current design standards without consideration of exceptions. The use of goals and objectives once some reasonable alternatives had been eliminated was virtually useless. The screened alternatives were limited to ODOT alternatives, which later were downscaled without re-entering the screening process. Reasonable alternatives were, therefore, not fully considered by ODOT.

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# 125

The Traffic Analysis Report has been revised so that the purpose and need statement is now consistent between the Updated Traffic Analysis Report and the Final EIS.

The section of US 97 included in the project limits was designated as an expressway in 1999. In April 2013, the Oregon Transportation Commission reviewed this designation and decided not to change it.

The Oregon Highway Plan was amended in 2011 to include new mobility targets, but expressway designations remained unchanged. As of 2013, expressway designation changes were made, but this section has not been included. These revisions will include a highway classification study every 6 years. The Oregon Transportation Commission and local stakeholders understand the importance of US 97, and the expressway designation for this segment is not being reviewed for potential removal.

The Final EIS and Updated Traffic Analysis Report include 2010 and 2011 crash data.

Please also see Topic 27 – Expressway designation and Topic 37 – Safety.

# 126

The 30th highest hour is the ODOT standard and is required for proper comparison with the Oregon Highway Plan and Highway Design Manual volume-to-capacity ratios. Bend is greatly influenced by recreational travel throughout the year, the use of the 30th highest hour is appropriate.

Please also see Topic 24 – Traffic analysis.

#### 127

Please see Topic 24 – Traffic analysis.

#### 128

Please see Topic 14 – Alternate mobility standards.

#### 129

The interchange spacing standard is an ideal spacing and should try to be achieved, but conditions may exist (geometric, environmental, operational, etc.) that do not practically allow this. ODOT has considered design exceptions during the development of alternatives, including the Preferred Alternative. Please see the response to comment P104 131 for more discussion on how design exceptions were considered during the alternatives screening process.

# 130

Please see Topic 24 – Traffic analysis.

#### 131

The first step of the three-step alternatives screening evaluated alternatives against minimum acceptable design thresholds set by the Oregon Highway Plan and AASHTO. Under these criteria, design exception were considered; if an alternative was close to meeting the design standard and it was practical to consider, then the alternative would pass. However, design exceptions would not apply if they would be in violation of safe design practices.

ODOT considered alternatives proposed by stakeholders, including many iterations of the alternatives submitted by CVSC and its consultant. In all cases, ODOT modified these alternatives in an attempt to achieve a passing score in the screening process. However, despite these attempts and extensive coordination between ODOT and CVSC representatives, none of these alternatives passed. In one case (WS West Modified Alternative), there was a fundamental non-compliance with OAR Division 51 (public approaches); in other cases (WS West E Modified and WS East A Modified Alternatives), the spacing between ramps-to-ramps and ramps-to-intersecting roadways was only 30-50 percent of the minimum requirement. In the case of the GM-2 Alternative that was proposed by another private stakeholder, the spacing between ramps-to-ramps and ramps-to-intersecting roadways was only about 65 percent of the minimum requirement.

Regarding the downscaled alternatives (for example, those with DS in the alternative name), the assertion that these alternatives did not get screened is incorrect. ODOT initially developed alternatives that included more design improvements and had higher costs. As the project developed amid the downturn in the economy, ODOT responded by developing the downscaled alternatives. All of these alternatives were screened against the same screening criteria so that a reasonable range of alternatives was identified for further evaluation in the Draft EIS. The screening criteria were based on the purpose and need. The goals and objectives were applied as part of the process to identify the Preferred Alternative. The Traffic Analysis Report incorrectly stated the goals and objectives were applied to the screening of alternatives; the Updated Traffic Analysis Report has corrected this statement.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

Page 3; Last Paragraph

Admission is made that the downscaled alternatives were defined after the main screening was performed. This is not a good practice and does not explain why a TSM option was not considered with the downscaling.

Page 4; First Paragraph

The two build alternatives are essentially the same. The proposed alternatives do not meet the standards established by the NEPA process.

Page 4; Third Paragraph

134 North of Grandview Business 97 narrows to two to three lanes? Most of the traffic on this segment is bound for the Cooley triangle retail. Why does it narrow to a lower capacity facility?

Page 4; Last Paragraph

The 75% reduction for through traffic ignores the added travel time for those attempting to access US 97 retail. This is a very narrow definition of benefits and should be complemented by a similar assessment of travel time impacts for US 97 retail traffic.

Page 5; Paragraph 1

Reference is made to near capacity section of the Parkway south of Empire. It does not seem logical that adding four lanes of freeway capacity north of Empire can be accommodated by the network to the south. This is a major concern that raises questions about the reasonableness of ODOT's proposed build alternatives. In the long term, it also raises concerns about the segment north of the northern interchange. Merging four lanes of freeway traffic with a major arterial seems like the recipe for a bottleneck on US 97 north of the northern interchange.

Page 5; Paragraph 3

Assessment views US 97 as an interstate facility rather than a community asset. In urbanized area freeways and expressways generally serve both local and regional needs. Few new freeways have been constructed bisecting urban areas with the trend to build bypass routes to accommodate the high speed through traffic.

Page 5; Last Paragraph

The benefits of focusing entirely on long distance trips and the need for these trips to bisect the API are not established in this DEIS. Constructing a high speed only facility for through traffic in an urbanized area has generally been abandon by the transportation planning industry as a very bad practice.

Page 6; First Paragraph

The two purposes are not consistent with the DEIS purposes.

Page 8; Figure 2

137

The mile post for Empire Bend Parkway interchange should be added to this figure,

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# 132

As discussed in Section 2.4.4 of the Draft and Final EIS, a transportation demand management and transportation system management alternative was considered, but as a stand-alone alternative could not meet the purpose and need for the project. Please also see Topic 21 – Transportation demand management and transportation system management measures for more detail, including transportation demand management and transportation system management elements that have been incorporated into the Preferred Alternative.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

## 133

Please see response to comment P104 064.

#### 134

As shown in Exhibit 2-12 of the Draft EIS, under the East DS1 Alternative 3rd Street (referred to as Business 97 in the comment) would have two travel lanes north of Cooley Road. The traffic analysis indicates that traffic volumes would be lower on this section of 3rd Street so only two travel lanes are necessary. Under the Preferred Alternative, 3rd Street will have four lanes from the point where the northbound US 97 off-ramp merges with 3rd Street just south of Robal Road to the new signalized intersection, as shown in Exhibit 2-3 FEIS (Maps 6 and 7) in the Final EIS to accommodate increased traffic volumes and queuing associated with the new signalized intersection with US 97.

#### 135

The portion of the Executive Summary of the Traffic Analysis Report cited in this comment only presented the improved travel times on US 97. The Executive Summary in the Updated Traffic Analysis Report similarly highlights the travel time reductions on US 97 for the Preferred Alternative compared to the No Build Alternative. The Updated Traffic Analysis Report has been revised to show an equivalent 3rd Street (Grandview Drive to US 20) commercial segment travel time and speed, which better demonstrates the benefit to 3rd Street. Travel time changes on 3rd Street are provided in Table 25 (No Build Alternative) and Table 40 (Preferred Alternative).

## 136

The East DS1, East DS2, and Preferred Alternatives are sized in such a way to limit impacts associated with congestion south of the project. The near

capacity sections south of the project would meter traffic in both directions. Because traffic will be either speeding up northbound or slowing down southbound, the section of US 97 between Empire Avenue and Butler Market Road under the Preferred Alternative has auxiliary lanes to help smooth out the flows rather than providing additional through lanes.

The Preferred Alternative includes a new corridor for US 97 and a parallel local street corridor (3rd Street). Traffic will be distributed over both corridors, which reduces the traffic on US 97 south of Butler Market Road compared to the No Build Alternative. At the 3rd Street intersection with US 97, US 97 will transition from a rural expressway to an urban expressway. Advance signing, speed limits, and geometric design features (lane configurations, roadside development, sight distance, etc.) will help provide for a safe and efficient transition.

# 137

Please see Topic 15 – Separated through and local routes. The purpose of the US 97 expressway is to promote the efficient movement of long distance, regional, and longer local trips. The existing US 97 facility already bisects the Bend community. The new US 97 alignment will be adjacent to the railroad corridor, which is an existing barrier to east-west connections through Bend. The new US 97will be constructed in this already highly-developed corridor and will address the purpose and need of the project as outlined in Sections 1.2 and 1.3 of the Draft and Final EIS.

Please see the response to P104 072.

#### 138

The Traffic Analysis Report has been revised, so that the purpose and need statement is now consistent between the Updated Traffic Analysis Report and the Final EIS.

#### 139

Thank you for your suggestion. The mile points for the US 97/Empire Avenue interchange, Robal Road, and the US 20/3rd Street interchange have been added to Figure 2 in the Updated Traffic Analysis Report.

Page 9; Paragraph 1

Consideration should be given to changing the expressway designation.

Page 10; First Paragraph

141 CVSC understands that the mobility standards are currently being reviewed and might change, undermining this premise.

Page 10; Third Paragraph

Use of the 30th highest hour for the DEIS is inappropriate. The average weekday peak hour should be used. The higher hour overstates the need and estimates of benefits which are described in the HERs-ST section of this report.

Page 11; Second Paragraph

Advance warning flashing signal ahead signs and actual speed displays would also help. If the safety problems are as substantial as suggested by this DEIS, one suspect ODOT would have already implemented these low cost measures.

Page 11; Last Paragraph

It would seem that installation of "Jersey" type safety barriers north of Grandview might be a more cost effective investment than the proposed freeway action.

Page 12; Paragraph 1

The crash data seems to suggest that the study section of US 97 has lower crash rates than other comparable ODOT highways. It is therefore unclear why ODOT is proposing to spend huge amounts of money when the experience shows a relatively safe facility. Minor TSM safety measures seem to further enhance safety.

146 Page 12; Last Paragraph

The accident history is not current.

Page 13; Last Paragraph

History suggests driver error more than engineering design as the cause of most severe accidents.

Page 14; First Paragraph

The segment north of Robal has an accident rate less than half the statewide average and the section south to Empire are about two-thirds the statewide average for comparable facilities. This experience suggests a facility that is operating well.

Page 14: Second Paragraph

The Cooley Road and Robal Road intersections have accident rates "substantially below" the statewide average. This history suggests a relatively safe current design.

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#### 140

Please see Topic 27 – Expressway designation.

## 141

Please see Topic 14 – Alternate mobility standards.

#### 142

Please see response to comment P104 126.

#### 143

The following safety measures have been implemented on US 97 at Cooley and Robal Road intersections since 2006: flashing signal ahead signs on southbound US 97 before the intersection with Cooley Road and on northbound US 97 before the intersection with Robal Road; additional striping for improved lane delineation; and, adaptive signal timing. In addition, a speed display sign (displaying a vehicle's "actual" speed) is present on northbound US 97 just south of the Empire Avenue interchange. For the Preferred Alternative, the use and locations of flashing signal ahead signs and speed display signs will be determined during the final design phase of the project.

#### 144

Installation of "Jersey" type barriers was included in the alternatives studied in the Draft EIS. Installation of "Jersey" type barriers alone would not meet the purpose and need for the project. With the exception of the US 97 and 3rd Street signalized intersection, the Preferred Alternative will incorporate a median barrier ("Jersey" type) where US 97 has a paved median.

# 145

Crash data were provided in Section 1.3.3 of the Draft EIS and this section has been updated in the Final EIS. This comment is similar to P104 046. Please see the response to that comment, Topic 24 – Traffic analysis, and Topic 37 – Safety for more discussion on the use of crash rates, traffic data, and other metrics in the project's safety analysis.

# 146

The crash data presented in Section 1.3.3 of the Draft EIS and Traffic Analysis Report were current at the time the Draft EIS was published. Updated crash data are included in the Section 1.3.3 of the Final EIS and the Updated Traffic Analysis Report. Please also see Topic 10 – Updated data and analysis, Topic 24 – Traffic analysis, and Topic 37 – Safety.

# 147

ODOT agrees that many crashes within the project API are a result of driver error. However, if frequent crashes occur at a location, then ODOT investigates to determine if there is an underlying design or environmental issue.

# 148

Please see Topic 37 – Safety for discussion on the use of crash rates and other metrics in the project's safety analysis. Please also see Topic 24 – Traffic analysis for additional clarification on how the traffic data was analyzed for understanding safety issues in the project area.

Page 16; First and Second Paragraphs

The 2009 history further supports the absence of a safety problem on US 97 and brings into question one of ODOT's three purposes for this project.

#### Page 22; Second Paragraph

Most EISs use the average weekday peak hours and not the 30th highest hour. The latter tends to overstate the problem and over estimate potential project benefits. Combined with use of an existing condition with volumes 10% higher than current volumes and a generous mobility standard, use of the 30th highest hour argues for overbuilding capacity.

Page 22; Third Paragraph

What were the factors applied to boost the average peak hours to 30th highest hours?

Page 27; Second Paragraph

Using the 30th highest hour would overstate queuing problems. How many hours or portions of the hour on a typical weekday experience the 2007 queue?

Page 29; Table 14

Queues are sensitive to volumes near their capacities. The reported queues seem substantially longer than currently observed. Are these based on 2007 traffic volumes factored up to the 30th highest hour?

Page 29; Last Paragraph
Were old 2007 traffic volumes adjusted up to 30th highest hour used for the MOE analysis?

#### Page 30; Last Paragraph

When did ODOT re-designate US 97 as an expressway and what public outreach was made to affected property owners? Based on the current Bend Parkway, these spacing standards apparently were not in place for its planning, design, and construction. The same is true of US 97 from Sisters interchange north.

| Page 31; Last Paragraph

Cascade Village has a left turn inbound access from US 97 northbound south of Robal Road.

Page 33; Second Paragraph

Not having the best forecast (fiscally constrained) seems a problem considering the cost and the impacts associated with the proposed action.

Page 33; Third Paragraph

Clearly the vast majority of the traffic on US 97 is local, and yet ODOT's proposed action is aimed at the 25% of the non-local trips building it would seem a four lane expressway for about 10,000 ADT of through traffic.

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#### 149

Please see Topic 37 – Safety for discussion on the use of crash rates and other metrics in the project's safety analysis. This safety analysis validates the inclusion of improving safety in the project purpose and need statement.

### 150

This comment is similar to P104 126; please see the response to that comment. Please also see Topic 24 – Traffic analysis for discussion on the use of the 30th highest hour volumes.

## 151

The average peak counts were not "boosted." The seasonal adjustments were necessary depending on when the count was actually performed (most were done between May and July) as compared with when peak travel times for the area occur (obtained from automated traffic recorded information in the area). The seasonal adjustment factors ranged from 1.08 for a May count to 1.00 for a July count. Additional information on these factors has been added to Appendix D of the Updated Traffic Analysis Report. Please also see Topic 24 – Traffic analysis.

# 152

Please see the response to comment P104 126.

Because the volumes are relatively flat between the peak hour and the adjacent hours, an intersection might exhibit the peak hour queues over an approximately two-hour window, as described in Section 3.1.3 of the Draft and Final EIS.

## 153

The queues are based on 2007 volumes adjusted to the approximate 30th highest hour conditions. The queues were obtained from the calibrated Sim Traffic simulation model, which replicated the conditions at the time. As noted in Topic 24 – Traffic analysis, the traffic volumes were reduced 10 percent to represent 2011 conditions. The Final EIS and Updated Traffic Analysis Report provide the results of an updated No Build Alternative and the Preferred Alternative. Please also see Appendix I (queues for the No Build Alternative), Appendix L (queues for the Preferred Alternative), and Appendix M (design storage lengths for the Preferred Alternative) in the Updated Traffic Analysis Report and Topic 24 - Traffic analysis.

#### 154

Yes, 2007 was the base year of the project and the calibration year for the simulation model. These volumes were current when the project started. Since then, the volumes were dropped 10 percent to match 2011 conditions and the simulation recalibrated using travel times, as described in Section 3.1.2 of the Final EIS.

Please also see Topic 24 – Traffic Analysis.

# 155

The segment of US 97 within the project area was designated as an expressway in the 1999 Oregon Highway Plan, adopted by the Oregon Transportation Commission (OTC) on March 19, 1999. The last round of expressway designations occurred in 2006 with the adoption of the 2006 amendments to the Oregon Highway Plan. During each update of the Oregon Highway Plan, public outreach occurred in the form of numerous local meetings and public OTC hearing(s) on the Oregon Highway Plan. The Final EIS (which is not a FHWA NEPA document, but an ODOT-only document) for the existing Bend Parkway was completed in 1992. Initial project design began in 1992, prior to the 1999 expressway designations and corresponding expressway design guidance, so the Bend Parkway was constructed using different standards than those that apply to the construction of this project.

Please also see Topic 27 – Expressway designation.

#### 156

The text has been changed to reflect the current left-in/right-in/right-out driveway conditions.

### 157

The committed forecast is a fiscally-constrained forecast because all of the projects included have monies set aside for construction. This combination of the 2030 committed and the 2003 network was used only for this early high-level assessment of future travel patterns. The alternative analysis is based on the fiscally-constrained Metropolitan Transportation Plan forecast.

Please see Topic 16 – Funding.

#### 158

Section 1.1 Introduction of the Draft and Final EIS explains that US 97 is classified as a statewide facility and freight route and, as such, is a critical link in moving goods and people through Central Oregon. Local trips are similarly critical, as 75 percent of the trips on this segment of US 97 either start or stop in Bend. All trips (through, regional and local; truck and automobiles) are important considerations for the project, as stated in Section 1.2 Purpose of the Proposed Action of the Final EIS and will benefit from the Preferred Alternative. The expressway is not designed nor designated for short distance "on/off" trips that could easily be handled on the parallel local system. The alternatives are designed to separate through trips on the expressway from local "short hop" trips on a parallel local system. The design year 2036 average daily traffic (ADT) forecast is 50,400 vehicles per day on US 97 north of Robal Road, as shown in Exhibit 3-9A FEIS in the Final EIS.

Page 33; Last Bullet

Observations agree with the statement that most of the peak hour trips are commute trips and are not long distance trips that the proposed action is designed to accommodate.

#### Page 34; First Paragraph

Models are simply efficient number crunchers. They take whatever data is inputted and blindly follow instructions on how to use the input data. If the input data is flawed the output is flawed. We know that the Bend model was calibrated to pre-recession conditions and, thus, there is strong reason to suspect the model is overestimating trips. We also know that the land use growth assumptions used for the MTP 2030 forecast are much higher than what will actually occur. The model is therefore substantially and significantly over forecasting trips. Regional through traffic which is the primary purpose for the proposed action is hardwired into the MPO model. That is these regional intercity trips are estimated externally by ODOT, including perhaps intercity freight movements. These inputs are not explicitly described anywhere in the DEIS. As regional travel (including freight) is a primary reason established by ODOT for the proposed action, understanding these inputs is critically important. Is the analysis for the PM peak hour or some other hour?

#### Page 34; Fourth Paragraph

Use of the 30th highest hour is inappropriate. The straight line interpolation approach also seems weak in light of the recession. Not much is likely to happen between now and 2015.

#### Page 34; Last Paragraph

More detail seems warranted on the local growth to confirm that it is a sound basis for major investment decisions. The growth reflected in traffic volumes statement seems like circular reasoning. What is the growth and where is it located? Knowledge of this will allow confirmation that the input data is valid and also will allow decision-makers to revisit if this growth is smart or if it should be redirected elsewhere or in another form.

## Page 35; Last Paragraph

Volumes on the Empire Interchange crossing are projected to double. This will be a challenge to accommodate and from a system or network perspective it raises the question of diversion of some traffic away from this interchange.

#### Page 35; Last Paragraph

The Bend Parkway south of Empire will be at capacity, which raises the question of adding four expressway lanes into an already near capacity highway.

#### Page 35; Last Paragraph

The following ODOT finding raises questions on the proposed project capacity merits.

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# 159

The Preferred Alternative will provide travel time efficiencies not only for through trips but also for commute trips.

Please also see Topic 15 - Separated through and local routes.

## 160

Please see the Traffic Development section of the Traffic Analysis Technical Report. A summary of future travel patterns has been added to Section 3.1.2 of the Final EIS.

Please also see Topic 24 – Traffic analysis.

#### 161

This comment is similar to P104 126; please see the response to that comment as well as Topic 24 – Traffic analysis for more detail on use of the 30th highest hour volumes and the adjustments made to the existing traffic conditions (2011) that are presented in the Final EIS.

#### 162

The large amount of growth in the API is concentrated around Cooley Road, which includes build-out of the commercial triangle area, additional employment lands to the north of Cooley Road, build-out of the current 500 acres of Juniper Ridge within the urban growth boundary, and additional housing along O. B. Riley Road. Bend Metropolitan Planning Organization and City of Bend long-range planning staff have reconfirmed that these levels of growth assumptions are still appropriate, the inputs into the travel demand model are still valid.

#### 163

Both alternatives studied in the Draft EIS included the following Empire Avenue interchange improvements: additional through and turn lanes, widening ramp lanes, and signalizing the southbound on-ramp. Because the 3rd Street/Empire Avenue intersection is spaced too close to US 97 (820 feet as compared with the standard of 5,280 feet), Empire Avenue congestion would greatly improve from closing ramp connections to US 97; however, the social and economic impacts of doing so would be significant. Fully solving the congestion issue on Empire Avenue would have not been practical. The traffic analysis demonstrated that the more capacity added to Empire Avenue, the greater the demand. In essence, it is not possible to build your way out of congestion on Empire Avenue.

The Preferred Alternative includes the following improvements for the Empire Avenue area: widening Empire Avenue, adding turn lanes on Empire

Avenue, adding a signal at the southbound on-ramp, widening existing ramp lanes, closing access to Sherman Road, adding a signal at the intersection of 3rd Street and Mervin Sampels Road to provide access to the Sherman Road area, and adding turn lanes on 3rd Street at the intersection with Empire. As presented in Exhibit 3-14 FEIS in the Final EIS, the intersection of 3rd Street (US 20) with Empire Avenue (v/c ratio of 0.93) continues to exceed the operational target v/c ratio (0.85); however, this exceedence is far less than the v/c ratio of the No Build Alternative (1.51). As noted above, adding more capacity through other improvements just increases the demand on Empire Avenue; thus, the Preferred Alternative reduces congestion at this intersection but will not reduce congestion to a level below the operational target. Regarding the portion of the comment that addresses the capacity of US 97 south of Empire Avenue, this comment is similar to P104 136; please see the response to that comment.

163 Cont.

167

169

"The over standard mainline sections of US 97, especially south of the project limits will increase congestion for traffic entering and leaving the project area. Any substantial improvement with the project results in traffic reaching the limits faster, thus increasing congestion."

#### Page 39; Paragraph 1

164 Current conditions are relatively good concerning queue spillback and little growth is likely by 2015.
Therefore, the queue discussion in this paragraph does not seem accurate.

#### Page 43; Table 26

165 These forecasts are based on old data, bloated forecasts (30th highest hour), and generous mobility standards.

# Page 44; Queuing

166 This discussion supports the premise that adding capacity north of Empire will not solve regional problems, merely shifting the bottleneck location.

## Page 51; First Paragraph

The alternatives were first screened concerning satisfaction of ODOT current design standards and these were used as a fatal flaw past fail test. It did not matter that alternatives were consistent with the current Bend Parkway design practices or that they were functionally viable. Unless they passed the current ideal ODOT design standards, alternatives were discarded and not considered further. Thus, many reasonable alternatives were eliminated. Any consideration of the goals and objectives occurred only for the ODOT standard alternatives.

#### Page 51; First Paragraph

At the near completion of the project the purpose and need was revised to allow downscaled alternatives which, while not ideal, must have met the ideal current ODOT design standards. It is common in the transportation industry to consider design standard waivers, but this was not entertained by ODOT in this DEIS process.

#### Page 52; Paragraph 2

The Cascade village entry at Nels Anderson includes left- turns inbound to the Shopping Center.

#### Page 52; Paragraph 4

Four lane Robal Road between US 20 and US 97 will involve some costly and significant right-of-way acquisition.

# Page 99; Paragraph 1

The benefits of the proposed action could better be achieved by a bypass not traversing the API. The apparent objective to serve interstate and long distance freight traffic is inconsistent with punching a high speed highway thru a developed urban area.

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#### 164

The paragraph referenced in the comment is referring to future traffic volumes in 2026 and 2035 at unsignalized intersections with US 97 and US 20 (Table 23 in the Traffic Analysis Report). The traffic analysis for the No Build Alternative was revised and the Preferred Alternative was developed for the Final EIS. This revised analysis for the Final EIS with volumes 10 percent lower brings the queuing levels closer to current conditions and therefore is an accurate analysis. Table 17 in the Updated Traffic Analysis Report indicates that the unsignalized intersection of US 97 and Nels Anderson Place/Cascade Village (v/c = 1.11/0.86) still exceeds the Oregon Highway Plan operational performance target (v/c = 0.85 for US 97; v/c = 0.95 for approaches) for US 97.

Please also see Topic 24 – Traffic analysis.

## 165

Please see the response to comment P104 126, and Topic 24 – Traffic analysis and Topic 14 – Alternate mobility standards.

#### 166

Sections 1.2 and 1.3 of the Draft and Final EIS outline the purpose and need for the project, which includes reducing congestion and improving traffic flow. Queue distances and the average percent that queues block intersections and other approaches is one method that ODOT applied to analyze congestion and traffic flow. This comment references the queuing section in the Traffic Analysis Report for the No Build Alternative, which relayed the queue distances and average time blocked. As noted in the last paragraph on page 44 of the Traffic Analysis Report published with the Draft EIS, by 2035 the queuing under the No Build Alternative would be expected to be extensive and would result in system-wide congestion. This is also the case for the revised No Build Alternative traffic analysis prepare for the Final EIS; please see Table 23 in the Updated Traffic Analysis Report. The new improvements north of Empire Avenue under the Preferred Alternative will keep this part of the network operational and will be a significant improvement over the No Build Alternative (see Table 38 in the Updated Traffic Analysis Report). The Preferred Alternative will reduce the average time that intersections and approaches are blocked, but will not resolve the blockages completely.

Please also see Topic 35 – Purpose and need; goals and objectives.

#### 167

This comment is similar to P104 050 and P104 131; please see the responses to those comments. In addition, this comment correctly acknowledges that ODOT revised the purpose and need during the alternatives development phase and well before the Draft EIS was released, this is not unusual for projects that span several years as the understanding of the transportation problem becomes more complete. When the purpose and need statement

was revised, the alternatives screening criteria were revised accordingly and all alternatives, including those that had previously been eliminated, were re-screened.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

#### 168

The referenced section of the Traffic Analysis Report is describing the conditions for the build alternatives evaluated in the Draft EIS, not the existing conditions. Under the Preferred Alternative, the median opening for the northbound left-turn in to the Cascade Village Shopping Center from 3rd Street, just south of Nels Anderson Place, will be removed as shown on Exhibit 2-3 FEIS (Maps 3 and 6), in the Final EIS. Access will be consolidated to Robal Road because the existing left-turn lane is too close to the ramp connection from northbound US 97 off-ramp to 3rd Street to allow for safe operation for lane changing and queue storage.

# 169

The Preferred Alternative retains the existing widths of Robal Road, except near the new signalized intersection with US 20, as shown in Exhibit 2-3 FEIS (Map 4) in the Final EIS. This design will result in fewer impacts in this area, including right of way acquisition, as compared with the East DS1 and East DS2 Alternatives studied in the Draft EIS.

#### 170

The eastside "Bend Bypass" route was studied during the Bend Parkway EIS (which is <u>not</u> a FHWA NEPA document, but an ODOT-only document) published in 1992. However, during that process ODOT determined that most drivers want to go to Bend rather than around it; therefore, a true bypass was not a solution that benefited most of the traffic. As presented in the Updated Traffic Analysis Report, 75 percent of trips on the portion of US 97 in the project API start or make a stop in Bend. Thus, a similar conclusion was made for the US 97 Bend North Corridor project: an alternative that would completely bypass Bend would not benefit the majority of traffic using US 97.

The Preferred Alternative will serve all users: freight, long distance, regional, and local trips, by improving US 97 north of Empire Avenue. The extension of 3rd Street north of Cooley Road, as shown in Exhibit 2-3 FEIS (Maps 6 and 7) in the Final EIS, will allow local short-distance trips to easily access residential and commercial properties, leaving US 97 free for longer distance trips.

Please also see the response to comment P104 083.

#### H. Traffic Appendices

Page D-49; Paragraph 2

It is very debatable if the old 2032 volumes represent sound 2035 volumes. The decline in traffic, accidents, population, and employment forecast are dramatic and significant. Simple tables showing existing and future population and employment changes near the project area would be helpful.

age G-69

172 Only 3.5% of the trips are pure through trips. This statement brings into question the merits of the proposed action. Complicating travel for 96% of the traffic to benefit 3% of the traffic is not reasonable.

Page E-57; 2007 No Build Volumes

The 2007 30th highest hour forecast show that the current segment of US 97 south of Robal serving about 1,000 vph per lane and the segment of Bend Parkway south of Empire serving about 1,325 vph per lane.

Page H-91 2025; No build Forecasts

The 2035 no build forecast show volumes increasing to 1,500 vph per hour per lane on the Bend Parkway and to 1,300 vph per lane on US 97 at Robal. Overall the forecast show a 55% increase in peak direction volumes on US 20 south of Robal, a 36% increase on 3rd south of Empire, a 33% increase on 3rd at Robal, and a 43% increase on the Bend Parkway south of Empire. These growth numbers do not seem realistic.

Page K-232 2035; Forecasts for East DSL -1

The 2035 forecast for the East DS-1 build option shows even higher volumes on 3rd south of Empire and on US 20 south of Robal. The forecast for the Bend Parkway south of Empire is projected to be 3,965 vph in the northbound direction or about 2,000 vph per lane. The volume on the Bend Parkway would be higher than the no build alternative.

Page T-359; HERS-ST

175

This document dated October, 2009 precedes ODOT's definition of its downscaled alternatives. Thus, its findings do not reflect the DEIS build options. Consequently, HERS-ST discussion is not relevant to this DEIS. The analysis was performed for the East Alternative, which was discarded as being unaffordable leading to the subsequent definition by ODOT of the downscaled alternative.

Page T-362; Second Paragraph

It is customary to include a TSM alternative in these cost benefit analyses. Why wasn't a TSM option included? It might, for example, have included adding a third lane in each direction south of Grandview or lower speed limits with traffic safety measures.

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# 171

The Final EIS and associated technical reports include updated population and employment data as well as revised traffic analysis for the No Build Alternative and new traffic analysis for the Preferred Alternative. Please see Section 3.1 Transportation in the Final EIS and the Updated Traffic Analysis Report for updated traffic and safety analysis. Section 3.5 Socioeconomic Analysis in the Final EIS includes updated population and employment data.

Please also see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

## 172

Although we acknowledge your concerns regarding local traffic versus through trips, your statistics are incorrect. Within the transportation API (Deschutes Junction to Revere Avenue), approximately 25 percent of the traffic consists of through trips. Please also see Topic 24 – Traffic analysis for information regarding future population estimates and traffic trends.

# 173

The projected traffic volumes were developed from the Bend Metropolitan Planning Organization's travel demand model, which is based on Deschutes County projected population and employment data. This model was used to predict future traffic volumes out to the year 2035 for the alternatives evaluated in the Draft EIS and year 2036 for the No Build Alternative and Preferred Alternatives in the Final EIS. The traffic volumes on US 97 for the No Build Alternative (2036) have been revised (see the Updated Traffic Analysis Report, Appendix H) and generally indicate slightly lower volumes than were reported in the Traffic Analysis Report published with the Draft EIS.

Please also see Topic 24 – Traffic analysis for further discussion on the use of the Bend Metropolitan Planning Organization's travel demand model and realistic assumptions on projected traffic volumes.

#### 174

ODOT confirms the data noted in this comment are the same data presented in the on page K-234 (#7 and #9) and page K-236 (#26) in the Traffic Analysis Report that was published with the Draft EIS. The traffic volumes for the East DS1 Alternative on US 97 south of Empire were higher than the No Build Alternative because there is a large amount of latent demand, which is the case where drivers would prefer to use US 97 but projected congestion would force that traffic to other routes. Both the East DS1 and East DS2 Alternatives would improve that section of US 97, making it easier to travel

through, and therefore attract more traffic to US 97. A similar situation exists for the Preferred Alternative; however, the revised traffic analysis prepared for the Final EIS has only about 100 vehicles per hour more in the northbound direction (3,635 vehicles per hour) than the No Build Alternative (3,520 vehicles per hour) in 2036 (please see page K-9 (#17) and page H-9 (#24) respectively in the Updated Traffic Analysis Report).

## 175

ODOT agrees that the HERS-ST US 97 System Performance Analysis Report (2009) included in the Traffic Analysis Report did not directly apply to either of the build alternatives evaluated in the Draft EIS. This analysis has been updated for the Final EIS and evaluates the performance of the Preferred Alternative. Please also see Topic 25 – Cost and benefit-cost analysis.

#### 176

The HERS-ST US 97 System Performance Analysis Report included in the Traffic Analysis Report was not intended to be a full benefit-cost analysis which is why some of elements of a benefit-cost analysis are not shown. Furthermore, the purpose of the HERS-ST US 97 System Performance Analysis Report was not to evaluate transportation system management (TSM) or transportation demand management (TDM) measures. Adding a third lane is not a TSM measure; TSM generally includes measures such as channelization, signal timing, and intelligent transportation systems rather than capacity additions. Most of the operational TSM measures are too detailed for the HERS-ST US 97 System Performance Analysis Report to effectively analyze so a TSM/TDM alternative would show little change from the No Build Alternative.

Regardless of the minor supportive use of the HERS-ST US 97 System Performance Analysis Report in this project, the Preferred Alternative incorporates TSM elements, as more fully described in Topic 21 – Transportation demand management and transportation system management. The Preferred Alternative does not include a third lane on 3rd Street in each direction south of Grandview Drive.

Page T-362; Last Paragraph

The benefit cost assessment was performed without knowledge of the project costs. It assumed \$100 million in construction costs for the bypass option. This cost information is not available anywhere in the 1,500 page DEIS documentation. After seven years of planning it is reasonable to expect that total project cost information would have been provided for the DEIS and this HERS-ST analysis. Without the costs, review of benefit cost ratios is meaningless.

178 Page T-363; Second Paragraph

Mention is made of \$350 to 450 million in total project costs.

Page T-365; First Paragraph

This sentence suggests that environment is included in the assessment. In fact, only direct environmental benefits are considered and many livability and other environmental impacts are not considered.

Page T-366; First Paragraph

This paragraph seems to suggest that only ODOT agency costs were considered and that costs of the City, County, and other agencies are not factored in. Is this correct? If so, aren't the total costs the most important?

Page T-367; Second Paragraph

CVSC believes that the existing and forecast traffic volumes/conditions are significantly out of date having been prepared before the recession. Thus, any analyses based on these forecasts are also questionable.

Page T- 371; Fourth Paragraph
These costs do not reflect livability and sustainability costs.

Page T-372; Second and Third Paragraphs

Assumptions need to be validated with preliminary cost estimates, otherwise they are meaningless.

Page T-373; Table 7

181

183

The benefit cost ratio for the bypass option is 1.71 based on \$100 million capital improvement costs. The total ODOT bypass option is understood to be \$250+ million, which would have substantially lower benefit costs. The benefits used for this assessment appear to be overstated based on pre-recession conditions and the costs we believe are likely understated. One would anticipate cost in the order of \$320 million comprised of:

- \$100 million right of way
- \$15 million Empire Interchange
- \$35 million Cooley Road BNSF underpass
- \$20 million northern interchange
- \$120 million six miles of expressway

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# 177

Costs of the build alternatives evaluated in the Draft EIS were not needed in the Traffic Analysis Report. The purpose of the HERS-ST US 97 System Performance Analysis Report was to help identify a viable project cost range. This analysis has been updated for the Final EIS and evaluates the performance of the Preferred Alternative. Estimated costs for the alternatives studied in the Draft EIS were \$170 to \$220 million as listed in the Abstract at the beginning of the Draft EIS. Cost estimates for the East DS1 and East DS2 Alternatives have been added to Section 2.5 Comparison of Alternative in the Final EIS. Cost estimates for the Preferred Alternative have been added to Section 2.6.2 in the Final EIS. The estimated total project cost for the Preferred Alternative is \$184 million.

Please also see Topic 10 – Updated data and analysis and Topic 25 – Cost and benefit-cost analysis.

#### 178

The \$350 to \$400 million project costs shown were from the original large-scale alternatives. The HERS-ST US 97 System Performance Analysis Report helped to demonstrate that ODOT needed to investigate more cost-effective solutions.

Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# 179

ODOT agrees with this comment that the HERS-ST US 97 System Performance Analysis Report does not consider a wide range of environmental impacts or benefits. A comprehensive analysis of environmental impacts and benefits are presented in Chapter 3 of the Final EIS.

Please also see Topic 10 – Updated data and analysis.

# 180

The HERS-ST US 97 System Performance Analysis Report includes agency costs, which are directly linked to the roadway systems being analyzed. Thus, the costs for all agencies (ODOT, City of Bend, and Deschutes County) that own the roadways are included in the analysis. Please also see Topic 10 – Updated data and analysis and Topic 25 – Cost and benefit-cost analysis.

#### 181

Please see Topic 10 – Updated data and analysis and Topic 24 – Traffic analysis.

# 182

Your comment is correct. Livability and sustainability costs are not part of HERS-ST US 97 System Performance Analysis Report.

# 183

The cost ranges have been revised in the HERS-ST US 97 System Performance Analysis Report (please see Appendix R of the Updated Traffic Analysis Report) to reflect and bracket the current project estimates.

# 184

ODOT has developed a cost estimate for the Preferred Alternative; please see Section 2.6.2 of the Final EIS. In addition, the HERS-ST US 97 System Performance Analysis Report has been revised to analyze the Preferred Alternative, which also incorporates the new traffic analysis conducted for that alternative. Please see Appendix R in the Updated Traffic Analysis Report.

\$30 million local street modifications and traffic/signage control

These estimates do not have the benefit of geotech and other detailed background studies, but suggest that this will not be a low cost effort to construct. This will not be a simple project to construct and costly traffic management plans will be needed over a decade.

184 Cont

The ODOT 1.71 BCR which was based on the \$100 million construction cost postulation, more likely would be 1.15 if the benefits were calculated based on post recession growth and use of the average weekday peak hour traffic volumes rather than the 30th highest hour of the year. The growth forecast are likely 25 percent lower than used in the DEIS and the adjustment for 30th highest hour would add another 5 to 10% to eliminate inflated benefits. Recognizing that the steepest benefits occur at/near capacity these adjustments likely translate to a 50% boost to ODOT estimated benefits. If the \$320 million cost estimate above is used in the BCR calculation the BCR drops to 0.36 – hardly a cost effective or reasonable investment. Inclusion of land value in the cost makes sense since few highways ever revert back to other uses and those few incur major demolition costs to allow for other uses. Costs for engineering design, construction management and other such soft costs should also be included in the total project costs used for the BCR.

#### General

At the back of the Traffic appendices, ODOT describes its approach and found a 1.71 BCR for the bypass project. Actually, this is not a bypass since it places the freeway traffic into the network at the congested Sisters/Empire interchange. The BCR should exceed 1.00 to be considered viable, but almost all DOTs look for something greater (e.g., 1.20) to ensure that the project is feasible. In practice, projects must be competitive with other major investment highway projects in addition to being viable themselves.

...

ODOT's estimate of benefits is likely 50% too high as the growth inputs to the model are about 30% to high and the use of the 30th highest hour adds to the inflated traffic volumes. Near capacity operating conditions, the benefits are greatest so the benefits would be higher than the traffic volume inflation.

ODOT confesses not having current cost estimates but uses \$100 million construction costs for ODOT's analysis. ODOT does not include land cost and probably not "soft costs." ODOT's rationale is that land will always have value and could be used at a later date for something else. This is a flawed argument as few of us have ever seen land revert back to something else after it has been developed for a highway. Also, substantial demolition costs would be involved to return the land to another use.

If the benefits were reduced by 50%, the BCR would drop to 1.15. If the costs increase from ODOT's \$100 million to CVSC's projected \$320 million, it would further reduce the BCR to 0.36.

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#### 185

This comment is similar to P104 184; please see the response to that comment. Please also see Topic 24 – Traffic analysis and Topic 25 – Cost and benefit-cost analysis.

# E. Interchange Area Management Plan Technical Report

#### Page 1; Paragraph 1

According to ODOT, only 3.5% of the traffic is purely regional with 75% of the traffic having destinations within the API. Thus, it is misleading to say US 97 also serves as a route for local residents to travel to and from home and work. It would be more accurate to say that US 97 is an important arterial street which also accommodates some regional traffic.

## Page 3; Second Paragraph

Crash rates are less than half the statewide average for comparable facilities. As such, it is a relatively safe facility and not a major safety problem.

#### Page 5; Exhibit 2

It seems questionable that a two lane business 97 north of Cooley will be adequate since most of the traffic in the corridor is local and this local traffic would need to use this narrow roadway.

## Page 7; First Bullet

The expressway classification is under review and this purpose, therefore, is premature and likely to change.

# Page 7; Bullet Six

186

The purpose is overly broad and invites abuse.

## Page 10; Exhibit 4

Cascade Village is located more than a half mile from the Empire Interchange and should not be included in the Empire Interchange Management Area Plan. Overall the areas for these interchange plans are too large and usurp control by the City and County. Public input is needed to focus these areas. In recent years, ODOT has eliminated Cascade Village's driveway to US 20 and encouraged it to focus its front door towards US 97. To reopen access issues for the shopping complex after substantial investments towards oriented itself towards US 97 seems poor public policy.

#### Page 57; First Paragraph

As these IAMPs are integral elements of the proposed corridor plan, they should be more fully described in the DEIS and the refinement of the IAMPs should be subject to NEPA review at the project level prior to moving forward with implementing the corridor plan and the IAMPs.

#### Page 38; Third Paragraph

The IAMPs should be consistent with the proposed action and since reasonable alternatives were not included in the evaluation and since the proposed action itself is not cost effective in terms of its BCR It by definition is an unreasonable action.

#### (10319-027-00093557;1)

**US 97 Bend North Corridor Project** 

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#### 186

Thank you for the detailed review of the Interchange Area Management Plan Technical Report. The Preferred Alternative does not require development of any Interchange Area Management Plans. Please see Topic 3 – Interchange area management plans (IAMPs).

# Page 42; Last Paragraph

This paragraph cites no differences in ODOT's proposed actions. It is likely that more cost effective and reasonable actions will be identified before the FEIS is published.

# 186 Cont. reason

Page 43; First Paragraph

1,320 feet influence area is defined in this paragraph, but more public input is needed to define a reasonable area. Cascade Village should not be within this IAMP.

# P105: Tim Casey



September 12, 2011

Oregon Department of Transportation, Region 4 Attn: Robert Bryant C/O Amy Pfeiffer 63030 O.B. Riley Road Bend, OR 97701

Dear Mr. Bryant:

The Bend Chamber of Commerce supports a US 97 Bend North Corridor Project which reduces traffic congestion, improves traffic flow, promotes economic development and enhances public safety, while considering the economic impacts to our community and local businesses.

It is our position that a plan for this project needs to encompass the following considerations:

001

- 1. Reasonable access to Juniper Ridge to support future economic development
- Reasonable access and signage to the Cascade Village Mall to support commerce from Highway 97

003

It is our opinion the DS1 option addresses most of our concerns for the Bend community, but fails to provide a reasonable solution to support commerce access to Cascade Village Mall from Highway 97. A modification to DS1 to reduce the distance of the nearest access point to the mall is recommended. If there are current policy restrictions limiting this action, we would like to recommend the policy be reviewed with consideration to the economic impact to our community.

The Bend Chamber looks forward to working with the ODOT, Deschutes County, and the City of Bend in finding solutions to US 97 Bend North Corridor Project. By working together, we can create a positive change for the entire community.

Sincerely,

Tim Casey
Executive Director

1777 (WMA) (5) 5): 300 + 8 nn, Oregon 9770 ) + rechai (\$41) 382-322) + rea (\$41) 385-9929 + 1,8 www.bendutrice.com

#### 001

The Preferred Alternative provides access to Juniper Ridge from US 97 via Cooley Road and Empire Avenue. Please also see Topic 18 – Juniper Ridge.

## 002

We appreciate your expression of support for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. With the design of the Preferred Alternative, 3rd Street and US 97 are connected with a signalized intersection just south of the Deschutes Memorial Gardens and Chapel; this direction connection between US 97 and 3rd Street will provide for southbound US 97 travelers to access to the Cascade Village Shopping Center. A similar connection for northbound US 97 to 3rd Street just north of the Empire Avenue interchange is also included in the Preferred Alternative. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 19 – Business directory signs.

# P106: Kathleen and Michael Cleavenger

From: MICHAEL KATHLEEN CLEAVENGER [mailto:tcleaven66@msn.com]
Sent: Monday, September 12, 2011 4:11 PM
To: comments@us97solutions.org
Subject:

001

We need to keep the Nels & Lillian Anderson home as a Bend Historical Asset. This home and property tell an important story about the history of Central Oregon. It is a story different from the Old Mill and downtown Bend historical homes. It is a story about the Anderson's heritage, homestead, Lilly Dairy and their valuable community involvement. This home should remain a Landmark & be considered for the national registry.

Thank you,

Kathleen & Michael Cleavenger 541-382-2927

# 001

Please see Topic 31 – Historic resources.

# Paul D. Dewey

Attorney at Law

1539 NW Vicksburg Bend, Oregon 97701 (541) 317-1993 fax (541) 383-3470 pdewey@bendcable.com

September 12, 2011

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

Re: US 97 Bend North Corridor Project Draft Environmental Impact Statement and Draft Section 4(f) Evaluation; ODOT Key Number: 14020; Federal-Aid Number: S004(112)

Dear Ms. Pfeiffer:

I am writing on behalf of my clients, Bruce and Susan Levin, who have property in the subject area and whose house and irrigated farmland would be substantially impacted by Alternative 1. My clients have already explained in great detail in their letter of August 20, 2011, the impacts to their land that would occur if Alternative 1 were selected.

#### INTRODUCTION

It is my clients' position that this project as portrayed in the action alternatives of East DS1 and East DS2 is not needed and is not appropriate for the area for the ostensible reasons stated in the DEIS. If the project does go forward, however, and the only options are East DS1 and DS2, then the Levins believe that DS2 would be the least worst alternative.

Before addressing the legal inadequacies of the DEIS, I want to briefly address fundamental "common sense" reasons why this project should not move forward.

To a great extent, the project has become unworkable simply because of the lack of potential funding for such a large project. Between the time that this project planning began and now the economic situation in the country and the potential for funding such transportation infrastructure projects has substantially changed. It should be noted that even at the time of the preparation of the DEIS that ODOT and the Federal Highway Administration acknowledged that if the project were to exceed \$160 million that it would not be cost effective. Appendix T: HERS-ST US 97 SYSTEM PERFORMANCE ANALYSIS REPORT, at page T-373, states:

"At some point, probably about \$160-\$180 million, the system Benefits will no longer justify the construction costs."

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, this neighborhood area and the property located at 20620 Bowery Lane and owned by Bruce and Sandra Levin is no longer impacted by roadways or interchanges included in the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

The comments provided in this letter are similar to other comments received from Bruce and Sandra Levin. Those comments are included in the record of comments as P33 and P96.

#### 001

Thank you for your concerns regarding funding of large transportation projects. Funding has been identified to begin construction of the Preferred Alternative, which is a scaled down version of the East DS2 Alternative evaluated in the Draft EIS. The project can be constructed in incremental phases, so the transportation benefits can be implemented in the project area to match the available funding. The benefit-cost analysis has been updated for the Preferred Alternative. Please see Topic 16 – Funding and Topic 25 – Cost and benefit-cost analysis.

00

September 12, 2011 Page 2

001 Cont.

Given that the cost of Alternative 2 is estimated to be \$190-205 million and Alternative 1 to be \$200-210 million (see attached Ex. 1, page 2), neither proposed action alternative is justifiable given the costs. This analysis is probably conservative given that it is eight months old.

- 2. The other fundamental consideration that has apparently not been taken into account by the DEIS is that the basic standard being used to measure capacity and congestion (the volume to capacity, or V/C ratio) is in the process of being changed. In the last legislative session there was a substantial move to amend Oregon's Transportation Planning Rule ("TPR") and application of the V/C ratio. There is currently ongoing the drafting of rules to substantially alter the TPR and use of the V/C ratio, See the attached Ex. 2. It is highly unlikely that the Final Environmental Impact Statement will be concluded on this project before the TPR and V/C ratio standards are changed. Changes in these standards will likely mean that there will be less need for this project and that a substantially reduced project would be appropriate to address whatever remaining needs there are. At the very least, it seems prudent for the agencies not to move forward with any further planning on this project until these mobility and other standards are amended.
- 3. Another notable factor about this proposed project is that it addresses only the area north of Empire Boulevard, though the DEIS recognizes that the section of US 97 that is and will be most congested is south of Empire Boulevard. Where one of the objectives of this project is to improve mobility on US 97, it hardly makes sense in this fiscal climate to come up with a very expensive solution to part of a problem that will not correct and may even exacerbate problems in an adjoining area. The result will still be substantial congestion on US 97. Unless the entirety of US 97 as it passes through Bend is addressed, the DEIS cannot claim to be truly addressing mobility of this expressway. Note also that the designation of US 97 in this project area as an "expressway" may also be changing.
- 4. Of further substantial concern is the fact that virtually all current businesses and a vast majority of residents of the area favor not moving ahead with this project except in a very limited way of addressing the Cooley Road intersection and Robal Road intersection. The reasons why this much more limited project is favored are because there is less disruption of existing businesses, the City can obtain the access it needs to Juniper Ridge, there is less development through neighborhoods and the cost is far less. It has been reported that originally ODOT was looking at such a limited solution but the Oregon Transportation Commission pushed for addressing a larger system area. While such a larger perspective and project may have been appropriate a few years ago when the economic situation was different, that is not an acceptable solution today. That view of the OTC is also outdated given the current push to amend the V/C ratio and TPR.
- 5. There is a pervasive sense of being "outdated" in the DEIS, no doubt the result of planning for this project having begun before the economic decline. Though there is token acknowledgment of the decline in the DEIS, it is not accompanied with a rigorous examination and calculation of the effects. As a result, the DEIS repeatedly states, sometimes just pages apart:

#### 002

Please see Topic 14 – Alternate mobility standards, Topic 35 – Expressway designation, and Topic 36 – Transportation Planning Rule.

The Preferred Alternative was designed to limit the proposed improvements primarily to within the City of Bend's Urban Growth Boundary; this alternative has a smaller footprint with fewer impacts compared to the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. Section 3.1.3 of the Final EIS provides information on traffic analysis conducted for the Preferred Alternative, including how the Preferred Alternative reduces congestion, improves safety, and increases traffic flow to meet the project's purpose and need.

# 003

The project's purpose and need is outlined in Section 1.2 and Section 1.3 of the Final EIS and is still valid in the project area despite the status of the economy. During the development of alternatives, a smaller scale alternative (Existing DS1) with an interchange at Cooley Road was studied. When evaluated against the purpose and need, this alternative failed to achieve operational benefits (as discussed in Section 2.4.2 in the Final EIS) necessary to reduce congestion and improve traffic flow. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative, which does meet the project purpose and need.

With the design of the Preferred Alternative, there are fewer impacts to the businesses and neighborhoods and based on input from businesses and residents at various public outreach events (December 2012 – August 2013 focus group meetings and June 13, 2013, open house), there was general support voiced for the Preferred Alternative. The Preferred Alternative is also supported by the City of Bend who adopted this alternative into their Transportation System Plan on March 5, 2014. The Preferred Alternative is consistent with Deschutes County's Transportation System Plan. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 14 – Alternate mobility standards and Topic 36 – Transportation Planning Rule.

# 004

The Final EIS has been revised to reflect the rise and decline of the economy in Bend over the past several years. Furthermore, the Final EIS includes updated traffic analysis for the No Build Alternative and new traffic analysis for the Preferred Alternative (as discussed in Section 3.1.3 of the Final EIS). Please also see Topic 24 – Traffic analysis.

00

003

September 12, 2011 Page 3

"April 2000 to July 2006, Bend was the fourth-fastest growing metropolitan area in the US." (DEIS pages 1-2 and 1-6)

004 Cont.

To be accurate, the DEIS needs to describe the decline in the bubble, not just the rise of the bubble.

For all of the above reasons, as well as the legal inadequacies of the DEIS and Draft 4(f) Evaluation, discussed below, no further work of this project should occur until the new standards are set and at that point the more limited Cooley Road and Robal Road improvements should be assessed.

#### VIOLATIONS OF NEPA

There are numerous problems with the DEIS under the National Environmental Policy Act ("NEPA") and its regulations, including the purpose and need, the scope of alternatives, the adequacy of analysis of the alternatives, the adequacy of information in the DEIS, the analysis of indirect effects, the analysis of cumulative effects and the analysis of mitigation measures.

#### I. SUMMARY OF PROBLEMS.

Beyond the above "common sense" concerns of the Levins, they also object to the legal inadequacies of the DEIS. The details of the legal inadequacies of the DEIS are explained below, but at this point it is important to note that the errors and inadequacies of the DEIS are such that they cannot be corrected in a Final EIS. What is required in order to provide adequate information and analysis to enable informed public comment is a revised or supplemental DEIS. A brief summary of our objections that reflect this need for a revised or supplemental DEIS include:

- 1. Section 1.3.4 of the DEIS on costs of the proposed project is missing. Though referred to elsewhere (see, for example, DEIS pages 2-33 and 2-42), this section was deleted or omitted. Adequate analysis of costs is critical to any NEPA analysis.
- There is a substantial financial feasibility disconnect. Not only is the potential financing of this \$190-210 million project admitted by all to be impossible to achieve, but the DEIS itself admits that its cost/benefit analysis reveals that with any project costing more than \$160-180 million the benefits will no longer justify the costs. Despite that <u>fact</u> and NEPA's requirement for an adequate range of alternatives, no cheaper alternatives were seriously considered.
  - 3. The stated Purpose and Need are fundamentally flawed where the actual safety data in the Appendices completely undercut the suggested safety "need" stated in the DEIS and where the actual traffic data in the Appendices show far less traffic growth and infrastructure need than stated in the DEIS.
  - 4. The analysis of direct and indirect impacts on land use reveals a lack of familiarity with Oregon's land use laws. This is particularly the case with regard to when and how zone changes can occur and when and how goal exceptions are required. The DEIS makes the sweeping

#### 005

Your comment letter references problems with the Draft EIS. Each is addressed individually below.

Regarding your request for a Supplemental Draft EIS, please see Topic 34 – Supplemental Draft EIS.

#### 006

Thank you for noting this incorrect reference in the Draft EIS. The Final EIS has been corrected to reference the reader to Section 1.4.2. Furthermore, Section 2.5 in the Final EIS includes the estimated cost of the No Build, East DS1, and East DS2 Alternatives. Section 2.6.2 in the Final EIS includes the estimated cost of the Preferred Alternative. Please also see Topic 25 – Cost and benefit-cost analysis for a discussion on how this analysis was part of the NEPA considerations.

#### 007

This comment is similar to P107 001 and P107 006. Please see the responses to those comments regarding the estimated cost of the Preferred Alternative and cost-benefit analysis. In addition, please see Topic 16 – Funding.

Please also see Topic 32 – Range of alternatives, alternatives screening and Identification of the Preferred Alternative for a discussion on developing a reasonable range of alternatives to evaluation in the Draft EIS. A wide range of twenty-one preliminary alternatives were identified and evaluated against the purpose and need for the project to determine the reasonable range of alternatives that would be studied in the Draft EIS. Costs were not estimated for each preliminary alternative; however, it is likely that some of those alternatives, such as Existing DS1 Alternative, had lower costs, but that alternative did not meet the purpose and need for the project.

## 800

The safety need for this project is not fundamentally flawed. Please see Topic 37 – Safety and Section 1.3.3 of the Final EIS.

The traffic volumes provided for the safety analysis in the Traffic Analysis Report Appendices and the projected traffic volumes reported in the Draft EIS are actually consistent; however, because of different methodologies used for the safety analysis and the projected traffic volumes during peak hour travel, we acknowledge the data may be difficult to compare. Please see Topic 37 – Safety. Please also see Topic 24 – Traffic analysis for additional clarification on how the traffic data was analyzed for understanding safety issues in the project area.

### 009

This comment is similar to P107 031. Please see the responses to that comment regarding direct, temporary construction, indirect, and cumulative impacts analysis. In Section 1.1 of the Draft and Final EISs, the area of potential impacts is defined and delineates the boundary in which direct impacts were analyzed. Indirect impacts analysis for land use, including a discussion of induced growth, was disclosed at the end of Section 3.2.3 of the Draft and Final EISs. Similarly, Section 4.1.3 presented the cumulative impacts analysis for land use. The transportation improvements identified by the Preferred Alternative are allowed within the existing zone and will neither drive nor prohibit zone changes on abutting property that are initiated by others. There are no zone changes proposed in association with the project. Further, the Preferred Alternative's improvements (such as along US 97, 3rd Street, Robal Road, and US 20) will support the adjacent land uses, which are zoned Commercial General, Industrial Light or Mixed Employment. The Preferred Alternative has been designed to minimize impacts outside of the adopted urban growth boundary by containing all improvements within the adopted UGB, except for the extension of Britta Street to intersect with US 20 and Robal Road and the roundabout at Cooley Road and O.B. Riley Road. No goal exceptions are required for the Preferred Alternative.

Please also see Topic 5 – Statewide goal exceptions, Topic 26 – Cumulative impacts, and Topic 33 – Induced growth.

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009 Cont.

conclusion that the project will not induce growth or alter land uses because existing zoning will stay the same. To the contrary, zone changes to allow greater development on non-resource land (like MUA-10) is relatively easy and certainly predictable.

010

In fact, the DEIS assumption of no effects due to existing zoning protection is inconsistent where the DEIS then proposes special interchange management plans to protect areas next to interchanges from development. If existing zoning really is sufficient to protect existing land uses, then why does the DEIS have to propose special interchange management plans to prevent induced development?

5. The DEIS states as a "key point":

"All land use actions required for the proposed action would occur prior to publication of the Final EIS." (DEIS page 3-32)

01

The current DEIS timeline calls for the issuance of the Final EIS in the fall of 2012. Given the number and complexity of all the land use actions that will be required to bring this proposed project into conformity with Oregon's land use laws, the Final EIS would actually not be released for years. Not only are individual land use applications and zone change applications needed but also amendments to comprehensive plans and the even more complicated goal exceptions to the Statewide Planning Goals. Note that zone changes, plan amendments and goal exceptions are not subject to the 150-day rule by which most land use decisions need to be made. It will take years to get through the required public processes as well as through the appeals to LUBA and the Court of Appeals on these complex issues.

## II. PURPOSE AND NEED.

The DEIS statements of Purpose and Need is fundamentally flawed where they are based on incorrect and outdated assumptions as to mobility, safety, economic development and feasibility of funding.

The "Purpose of the Proposed Action" as stated at page 1-3 "is to improve safety and mobility for trucks and automobiles on US 97 by implementing a practical design solution that is affordable within the potential 20-year funding opportunities and meets certain performance objectives." The performance objectives that are listed include improvements to reduce delay, congestion and crashes at the US 97/Cooley Road and US 97/Robal Road intersections; reduction of delay and congestion and improvement of safety between Empire Avenue and Deschutes Market Road on US 97; and support for economic development and minimization of impacts on the local economic base.

In turn, the "Need for the Proposed Action," at page 1-4, is to address "Congestion at Approaches," "Traffic Flow within the Corridor," and "Safety."

These purposes and needs effectively fall into the four categories of future traffic growth and mobility, safety, economic development and funding feasibility.

#### 010

Please see Topic 3 – Interchange area management plans (IAMPs).

#### 011

For the Preferred Alternative, no exceptions to statewide planning goals are required. All required land use actions (City of Bend Transportation System Plan and the Bend Metropolitan Planning Organization's Metropolitan Transportation Plan updates) have been completed. Please also see Topic 5 – Statewide goal exceptions, Exhibit 3-27A FEIS in the Final EIS for a summary of how the Preferred Alternative is consistent with state and local plans, and Exhibit 2-31 FEIS in the Final EIS for a list of approvals that will be required to construct the Preferred Alternative.

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# A. Future traffic growth and mobility.

Aside from the fundamental problem, discussed above, of the underlying measurement of mobility being changed by the State before there will be an FEIS on this project, there are a number of growth assumptions and statements of need in the DEIS which are not accurate or fully analyzed. The following are examples of problems in the DEIS analysis.

- ODOT's projected 35% increase in average weekday traffic volumes for US 97 in the No Build Alternative between 2007 and 2035 is not explained or justified. (DEIS page 3-15)
   ODOT apparently assumes that Bend's growth is going to resume at some point at an even higher rate than that experienced during the "boom" years from 2004 to 2007. There is no basis for that assumption and, to the contrary, most economists predict sluggish growth for at least the next 5 to 10 years. This is also reflected in the recent decrease in Bend's population.
- 2. The DEIS numbers are also inconsistent. Note that the DEIS at page 1-6 states that the average daily traffic ("ADT") on US 97 in the northern part of the API is projected to increase 34% (to 61,000 vehicles per day) by 2035, but at page 3-15 describes an increase of 39% in average weekday traffic for US 97/3<sup>rd</sup> Street north of Robal Road to 58,700 vehicles per day.

Yet another inconsistency is between the DEIS and the DEIS Transportation Planning Analysis Unit report ("TPAU"). Again, the DEIS at page 3-15 reports 58,700 average weekday traffic for 2035 for US 97/3<sup>rd</sup> Street north of Robal Road. The TPAU at page 34 utilizes the same 2035 number of 58,700 which it describes for "ADT" at "US north of Robal Road." The DEIS and TPAU differ, however, in portraying the 2007 figures as 42,200 in DEIS page 3-15 and 44,500 in TPAU page 34. The DEIS describes a 39% increase but the TPAU describes a 32% increase at that site.

3. The numbers in the DEIS are also inconsistent with information on ODOT's website. "Traffic Volume Tables" showing AADT (all vehicles Average Daily Traffic) for mileposts 135.95 (south of Empire Boulevard interchange), 135.16 (north of Empire), and 134.70 (entrance to Mountain View Mall), attached as Ex. 3. The following chart shows yearly AADT for these sites.

2004	'05	'06	*07	'08	*09	*10
41,300	43,500	46,100	46,600	43,400	42,200	41,300
	49	37,400	38,200	33,600	32,700	32,500
34,800	35,800	37,800	35,900	32,000	31,100	31,200
	41,300	41,300 43,500	41,300 43,500 46,100 37,400	41,300 43,500 46,100 46,600 37,400 38,200	41,300 43,500 46,100 46,600 43,400 37,400 38,200 33,600	41,300 43,500 46,100 46,600 43,400 42,200 37,400 38,200 33,600 32,700

Growth rates at these locations show no growth or a decrease over the past seven years. It is not clear how the DEIS came up with the projection of an average of 35% increase in traffic volumes between 2007 and 2035. (DEIS page 3-15)

#### 012

The mobility targets have changed from 0.80 to 0.85 since publication of the Draft EIS. Please see Topic 14 – Alternate mobility standards.

- 1 Exhibit 3-9 in the Draft EIS did disclose a 35 percent increase in weekday traffic volumes between 2007 and 2035 on US 97 south of Empire Avenue. This growth is based on the Bend Metropolitan Planning Organization travel demand model used to analyze existing (2007) traffic volumes and projected future year (2035) conditions associated with the No Build Alternative. The traffic analysis in the Final EIS has been updated to reflect the decline in traffic volumes, as shown in Exhibit 3-9 FEIS. The traffic analysis conducted for the Draft and Final EIS uses the most current travel demand model provided by the Bend Metropolitan Planning Organization, which is the best model available. Please see Section 3.1.3 in the Draft and Final EIS and Topic 24 Traffic analysis.
- 2 Thank you for bringing this to our attention. The Draft EIS was inconsistent on pages 1-6 and 3-15. The Final EIS has been updated to include new traffic analysis for the No Build Alternative existing (2011) and future year (2036) conditions. This new analysis is consistently presented in Exhibit 1-4 FEIS and Exhibit 3-9 FEIS.

Regarding analysis reported on page 3-15 of the Draft EIS and the Traffic Analysis Report (i.e., TPAU Report), the results presented were inconsistent as well. The Final EIS and Updated Traffic Analysis Report have been revised to consistently incorporate new analysis for the No Build Alternative.

3 – The numbers reflected in this comment are from the Automatic Traffic Data Recorders in the project area that were recorded in 2011, which reports traffic volumes in Average Annual Daily Traffic (AADT). AADT is not the same measure as the Average Daily Traffic (ADT) for peak month traffic volumes reported in the Draft EIS. Although these numbers are not the same, both the data reported in the Draft EIS (2007 ADT) and the information from the Automatic Traffic Data Recorders (2011 AADT) are correct for the different years they represent. Please see Topic 24 – Traffic analysis for clarification on the differences between AADT and ADT as well as the basis for assuming a 35 percent increase in traffic volumes between 2007 and 2035.

The traffic analysis has been updated to reflect the decline in traffic volumes for the Preferred Alternative and can be found in Section 3.1.3 in the Final EIS.

01:

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- Even where the US 97 corridor has its highest traffic volumes, 46,600 AADT at milepost 135.95 in 2007, the rate of growth between 2004 and 2007 was only about 13%. <u>In fact, the</u> traffic volumes in 2010 for this site are the same as those in 2004.
- 5. The Mall entrance intersection showed an AADT of 31,200 in 2010, down from an AADT of 34,800 in 2004. However, the DEIS TPAU Report states at page 34 that the traffic volumes in this area were 44,500 ADTs in 2007. The ODOT Traffic Counting Program data shows the traffic volumes in this location as 35,900 AADT in 2007.
- Even assuming the validity of a 32% increase as stated in the TPAU at page 34 for US 97 north of Robal Road, when applied to today's volumes of 31,200 to project 2035 volumes, this location's 2035 ADT would only be about 41,200.

012 Cont.

- It is also questionable why ODOT used peak traffic periods of 2006-2007 as the starting
  point to analyze how traffic volumes can be expected to increase to the levels projected for 2035.
  While ODOT states that 2007 counts are functionally equivalent to 2009 values (DEIS page 1-4),
  the ATRs show a 9-15% decrease in volumes from 2007 to 2009.
- 8. It is difficult to understand how ODOT was able to project a growth rate of 35% in the API when its own ADT traffic data shows much lower rates of growth. There appears to be a pattern of overstating traffic counts, particularly with respect to projecting future volumes.
- 9. Finally, the data shows that most of the traffic congestion on US 97 takes place between the Empire Avenue interchange and the Colorado Avenue interchange. Given the financial constraints of these times, it is difficult to understand why ODOT has a given a priority of working on an interchange north of Cooley Road which would have little or no impact on resolving US 97's real congestion issues south of Empire Avenue.

#### B. Safety.

It is also does not appear that the safety issues as identified in the DEIS support the Purpose and Need statements associated with safety in the DEIS. The DEIS at page ES-3 states:

"The number of severe injury or fatal crashes has increased in the API over the past six years. Specifically, the intersections of US 97 with Cooley and with Robal Road are listed in the top five percent of ODOT's 2010 Safety Priority Index System, which represents locations with the highest collision history and ODOT's highest priorities for safety improvements."

013

This statement actually overstates the safety issues in this area. The data in the Final TPAU shows that the majority of the API's severe injury/fatal crashes occurred on local streets. From January 1, 2004, to December 31, 2009, there were no fatal crashes at US 97/Cooley and only one at US 97/Robal. Other fatal crashes on US 97 were to the north in an uncongested portion of US 97. While there were a number of accidents at the Cooley and Robal Road intersections, few were serious and when compared to the local street network the two intersections performed well.

# 012 (continued)

- 4 The project volumes are based on a 20-year projection, so it is still possible to meet the long-term projections and have short-term periods of stagnant or declining volumes. The Preferred Alternative is a modified design of the East DS2 Alternative presented in the Draft EIS. As noted in the comment, traffic volumes have declined between 2007 and 2011. As a result, ODOT conducted a new traffic analysis for the No Build Alternative and Preferred Alternative, which resulted in reducing the Preferred Alternative footprint in specific locations such as Cooley Road. Please see Section 1.3 and Section 3.1.3 of the Final EIS. Please also see Topic 24 Traffic analysis.
- 5 This comment is attempting to compare AADT and ADT traffic volumes, which are different measures. Please see Topic 24 Traffic analysis.
- 6 Please see response to P107 012(5). The 31,200 annual average daily traffic volume (AADT) used in this comment is actually closer to 37,500 average daily traffic (ADT) when considering an approximately 20 percent adjustment for seasonal/peak hour volumes. This rough adjustment is similar to the actual analysis conducted for the No Build Alternative in the Final EIS, which is reported to be 40,000 ADT for weekday peak hour traffic volumes in 2011. Please see Exhibit 3-9 FEIS in the Final EIS.
- 7 Please see Topic 24 Traffic analysis for a discussion on the difference between AADT and ADT traffic volumes, application of the 30<sup>th</sup> Highest Hour Volume in developing peak month ADT, and the assumption of a 35 percent growth rate. The traffic analysis was updated to reflect the decline in volumes for the No Build Alternative and Preferred Alternative in Section 3.1.3 of the Final EIS.
- 8 Please see Topic 24 Traffic analysis for a discussion on the 35 percent growth rate assumed in the future traffic volumes.
- 9 The purpose of the project is stated in Section 1.2 of the Final EIS, and is focused on US 97 north of Empire Avenue, where US 97 still has at-grade signalized intersections with congestion, safety and traffic flow issues. The Preferred Alternative addresses the congestion and safety issues in this section of US 97 by realigning US 97 to the east so that the signalized intersections of Robal Road and Cooley Road will be on 3rd Street instead of US 97. The Preferred Alternative does not include a new northern interchange, but instead provides connection to 3rd Street via a new signalized intersection north of Cooley Road.

The section of US 97 between Empire and Colorado on the Bend Parkway has already been improved to carry more traffic and is a free-flow facility (i.e., does not have any stop-controlled intersections), and that section of US 97 does not experience the same congestion or safety issues as does US 97 north of Empire Avenue.

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In contrast, the least safe portion of the US 97 Bend North Corridor's API is apparently the local street network. O.B. Riley Road and Deschutes Market Road are apparently the two most dangerous intersections.

Furthermore, the TPAU Appendix A, at page A-6, states that the two segments of US 97 that contain Cooley and Robal Roads have lower crash rates as compared to other roadways of their type.

The intersection of US 97 and Cooley Road has 0.10 crashes per million entering vehicles and the intersection of US 97 and Robal Road has 0.35 crashes per million. The TPAU Appendix A, page A-6, admits:

"These intersections are substantially below the 1.0 crashes per million entering vehicles rule of thumb for indicating a safety issue."

But then the TPAU attempts to discount the rule by stating that a safety issue may be indicated without meeting the 1.0 value, giving the example of the Empire Avenue intersection as being in the top 10% of most serious crash locations in Region 4 even with a low 0.18 crash rate. Relative safety in Region 4 is just that, relative. Something can measure in the top 5% or 10% of any arbitrary area of management reference and still not mean there is a true safety need justifying a \$200 million project. The TPAU Appendix A at page A-6 also admits:

013 Cont.

"The second segment, from Cooley Road to Empire Avenue has an overall crash rate of 0.77 crashes per million vehicle miles as compared to the comparable statewide rate of 2.08 for urban other principal arterials. A review of the past six years of crash rates shows that the average crash rate is comparable to other rural principal arterials at 0.68 crashes per MVM."

Despite all of these objective measures reflecting the lack of a true safety issue, the DEIS at page 1-13 emphasizes the point that the two intersections of Cooley Road and Robal Road are listed in the top 5% of ODOT's 2010 Safety Priority Index System. The data in Appendix A at page A-6, Table A-3 shows that the two intersections barely qualify at the low end of the 5% qualification. It is inappropriate for the DEIS to selectively report one criterion as a basis for finding a Safety "Need," and ignore at least two other criteria discussed in TPAU Appendix A showing that the there is not a true Safety issue.

A fundamental problem with the DEIS is that it comes to conclusions in the Purpose and Need that are simply not supported by the more detailed data contained in Appendix A and Appendix B in the TPAU. Where safety is being used as a purpose and need for a project there needs to be a clear analysis and understanding of the nature of the safety issue. While rear end collisions can be serious, the true safety issue appears to be at the intersection of local roads and US 97 in the northern part of the API. Rather than a solution which requires around \$200 million, it would seem to be more prudent to look at less costly alternatives such as frontage roads to reduce local accesses onto the highway, plus a better intersection at Cooley Road and Road to prevent the rear end collisions.

## 013

Please see Topic 37 – Safety. Please also see Topic 24 – Traffic analysis for additional clarification on how the traffic data was analyzed for understanding safety issues in the project area.

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# C. Economic Development.

There are fundamental flaws in the economic analysis presented in the DEIS as a justification for this project. Problems with this analysis include:

 There is a serious overstatement of need for more commercial and mixed-employment lands. The DEIS at page 1-17 states:

"Vacant Commercial lands are particularly scarce (272 acres) to support a 20year planning period."

As shown in the attached Ex. 4 there is currently a 22.1% vacancy rate in Bend for commercial office property. The apparent reason why the DEIS overstates and misrepresents the need for more commercial or employment lands is that it is based on the 2008 Economic Opportunities Analysis for Bend. As of 2007 the vacancy rate was only about 7%. Though Bend utilized this analysis in its proposed urban growth boundary expansion, and though that report was accepted by the State, this report is not a valid basis on which to support assumptions in this 2011 DEIS. The only reason why the State accepted the City's use of the 2008 economic opportunities analysis (which was based on data in 2007 and before) was because the UGB expansion process was already well developed as of that date. Just because a 2008 document (using data from 2007 and before) was acceptable for a proposed 2009 urban growth boundary expansion process does not mean that that same report is valid for a 2011 DEIS, particularly when the economic situation has so fundamentally changed and there is overwhelming data which contradicts and undermines data and conclusions in that 2008 report.

- 2. Another fundamental problem with the DEIS economic analysis is its emphasis on potential future commercial development north of Cooley Road between US 97 and US 20. There is actually very little land in that area that was proposed by the City to be included in the UGB and it is by no means certain that this land will actually be included in the upcoming UGB process. When the Oregon Land Conservation Development Commission rejected the City's proposed UGB expansion, it emphasized the need for infill development as opposed to sprawl on the edges of the City.
- Furthermore, the DEIS ignores the serious impacts of the two action alternatives in the DEIS which would negatively affect existing businesses in the existing commercial area located between US 97 and US 20. It is not at all appropriate for the DEIS to fail to address impacts on existing commercial businesses in the Purpose and Need statement and instead only tout the potential economic development north of this area if a new interchange is developed.
- Even if future commercial development north of Cooley Road between US 97 and US 20 is a valid purpose and need for the DEIS, there is no showing that the proposed road improvements in the DEIS are necessary to accomplish that commercial development.

#### 014

1 – The Draft EIS and Final EIS use the most current economic analysis prepared and adopted by the City of Bend, which is the 2008 Economic Opportunities Analysis.

This economic analysis was provided by the City of Bend, and even though there has been a decline in the economy since 2007, this decline is expected to be a temporary situation and Bend is expected to grow again in the future.

- 2 The information presented in Section 1.4.2 of the Draft EIS did reference the City of Bend's 2008 Economic Opportunities Analysis. Even though the City's Urban Growth Boundary expansion is on hold, the 2008 Economic Opportunities Analysis is still the best information available. Please also see P107 014(1).
- 3 The Draft EIS disclosed the potential impacts to existing businesses from the alternatives in Section 3.5 Socioeconomic Analysis. The Preferred Alternative replaced the northern interchange with a signalized intersection. Please also see Topic 1 How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.
- 4 Part of the purpose of the project is to support economic development consistent with local agency plans as discussed in Section 1.2 of the Final EIS with additional background information presented in Section 1.4.2 of the Final EIS. The measure for how the alternatives considered, addressed this criterion was to avoid bisecting "critical large developable and/or economically important lands." Without the improvements that the Preferred Alternative provides to traffic operations, US 97 will be congested as described in Section 3.1.3 of the Final EIS and likely have an adverse impact on continued commercial development in the area. The Preferred Alternative provides improved connections and access into the lands between US 20 and US 97. Please also see Topic 13 Additional connectivity to businesses in the Robal Road vicinity.

01/

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# D. Funding Feasibility.

Though the DEIS generally refers to analysis of funding feasibility, such as a reference to a project near Redmond having obtained funding a few years ago in the amount of \$90 million (DEIS page 1-16), there is no true analysis of the likelihood or feasibility of getting funding for this expensive project in the present or future. The inadequacies of the analysis in the DEIS include:

- Though there are repeated references to Section 1.3.4 (DEIS pages 2-33 and 2-42) which
  ostensibly address funding feasibility, there is in fact no such section in the DEIS. Section 1.3.4
  is missing.
- There is no justification or analysis for assuming that past funding of transportation infrastructure projects in Central Oregon can be repeated. The DEIS inappropriately states, at pages 1-15 to 1-16:

"Based on past experience and forecasts for Central Oregon, it is conceivable that a project of this importance could receive up to \$250 million over the 20-30 year timeframe....Recently, Central Oregon received approximately \$90 million for the first phase of the US 97 Reroute Phase I in Redmond. Thus, it would be reasonable to assume that the US 97 Bend North Corridor project could receive a similar amount of up to approximately \$90 million for an initial project phase (first 10 to 15 years) that would provide some congestion relief and improvement in traffic flow and safety."

There is simply no basis for these conclusions given that funding for past projects was done under different economic conditions and given that there is no analysis of what funding is currently available. Notably, there is no discussion of the ability to fund subsequent phases of the US 97 reroute in Redmond. The DEIS also doesn't identify or analyze the "forecasts" it mentions.

- 3. The DEIS is also deficient in failing to report the fundamental conclusion made in Appendix T, at page T-373, discussed above, that the system benefits will no longer justify the construction costs at \$160 million or above. Both the East DS1 and East DS2 alternatives will cost more than this. In fact, the Appendix T of the Final Traffic Analysis Technical Report suggests that a far cheaper alternative to simply improve the Cooley Road interchange would have a much better cost to benefit ratio as well as an adequate performance standard.
- 4. The DEIS at page 2-23 identifies "economic feasibility" as one of seven criteria to be used for "alternatives screening" and defines it as \$250 (DEIS page 2-24). No data or analysis justifies that arbitrary number.

## 015

Partial funding for the Preferred Alternative is documented in the financially constrained list of the Bend Metropolitan Organization's Metropolitan Transportation Plan. Please also see Topic 16 – Funding.

- 1 –Thank you for identifying this error in the Draft EIS. The reference to Section 1.3.4 on pages 2-33 and 2-44 should have referenced Section 1.4 Background. This has been corrected in the Final EIS.
- 2 We acknowledge your opinion that history may not be the best indicator of future funding; however, past funding for major transportation projects in ODOT Region 4 was selected to provide a threshold for reasonable funding that could be obtained for the total cost and phases for this project. Please also see Topic 16 Funding and Topic 32 Range of alternatives, alternatives screening and Identification of the Preferred Alternative.
- 3 Please see Topic 25 Cost and benefit-cost analysis. Chapter 2 of the Final EIS discusses the various alternatives considered on the existing alignment of US 97, including an interchange at Cooley Road (such as the GM-2 and Existing DS1 Alternatives); however, these alternatives failed to meet the purpose and need for this project.
- 4 The justification for selecting \$250 million as a screening criterion is presented in Section 1.4.1 of the Draft and Final EIS. Please also see Topic 16 Funding for additional detail on inclusion of the Preferred Alternative in the Bend MPO's financially constrained and illustrative project lists.

015

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# III. FAILURE TO CONSIDER A REASONABLE RANGE OF ALTERNATIVES

It is a fundamental requirement that a NEPA document consider a reasonable range of alternatives. 42 U.S.C. § 4321 *et seq.* and 40 C.F.R. § 1502.1. This requirement has not been satisfied in several ways.

- 1. The two action alternatives of East DS1 and East DS2 are too similar and fail to capture a reasonable range of alternatives.
- 2. An example of another alternative that was not adequately considered is an improvement focused on the Cooley Road intersection with US 97.
- 3. A key factor that has not been adequately considered in any alternative is Transportation Demand Management ("TDM") measures which in combination with an improvement to the Cooley Road intersection and future changes to the V/C ratio for measuring mobility standards could result in an alternative that would meet performance standards.

The DEIS at page 2-32 rejects a Transportation System Management/Transportation Demand Management Alternative as a "stand alone alternative." It adds that TSM strategies tend to be most effective for populations over 200,000 and that implementation of TDM strategies "is typically outside of the jurisdiction of ODOT." No one is proposing a "stand alone" TSM/TDM alternative, but NEPA does require the DEIS to account for the impacts that can be achieved by a variety of TSM and TDM measures. They are an integral part of the State's TPR which will be applied in the requisite land use proceedings.

4. It should also be noted, though the DEIS fails to address it, that there is an existing Intergovernmental Agreement To Support Zone Change For Employment Sub-District of Juniper Ridge, dated November 2010, whereby ODOT allowed a variation in its mitigation improvements for the rezoning of land in Juniper Ridge, an area owned by the City which the City intends to develop with commercial and industrial properties. Given that this is an existing intergovernmental agreement and that there is apparently funding to implement needed infrastructure improvements associated with the agreement, it would have been reasonable to include these factors in an alternative as part of the DEIS. The Intergovernmental Agreement is attached as Ex. 5.

## IV. INADEQUATE ALTERNATIVES ANALYSIS

There are numerous ways in which the DEIS fails to provide adequate analysis and information on the different alternatives, including the failure to identify differences between alternatives, and the use of inconsistent, incomplete, incorrect and outdated data.

# A. Failure to Distinguish Between Alternatives.

The requirement for conducting an adequate discussion of alternatives is found in 42 U.S.C. § 4332 *et seq.* and 40 C.F.R. § 1502.14. 40 C.F.R. § 1502.14 provides in pertinent part:

## 016

The Draft EIS considered a reasonable range of alternatives. ODOT and the FHWA considered a preliminary range of 21 build alternatives, and then carried forward two build alternatives that met the purpose and need for evaluation in the Draft EIS. The alternatives development and screening process is provided in Section 2.2 of the Draft and Final EIS. Please also see Topic 32 – Range of alternatives, alternatives screening and Identification of the Preferred Alternative.

- 1 The East DS1 and East DS2 Alternatives presented in the Draft EIS are the essentially the same from Empire Avenue to Cooley Road. However, they differ north of Cooley Road and have different environmental impacts. Other alternatives, which were considerably different from the East DS1 and DS2 Alternatives, were studied during the alternatives development process; however, none of those alternatives met the purpose and need for the project. Please also see Topic 32 Range of alternatives, alternatives screening and Identification of the Preferred Alternative.
- 2 The purpose and need for the project addresses the congestion, safety and traffic flow issues on US 97 from Empire Avenue to Deschutes Market Junction, which includes Cooley Road as one intersection within this corridor. The solution to this project must address the corridor needs, not just those needs associated with one intersection. Alternatives with a Cooley Road interchange were considered, but eliminated since they did not meet the purpose and need. More information on the preliminary range of alternatives and the alternative screening is discussed in Section 2.2 of the Draft and Final EIS. Please also see Topic 32 Range of alternatives, alternatives screening and Identification of the Preferred Alternative.
- 3 Transportation system management elements will be implemented as part of the Preferred Alternative. These measures are discussed in Section 2.1.2 and Section 2.4.4 of the Final EIS. Please also see Topic 21 Transportation demand management and transportation system management measures.

As part of the alternatives development process, ODOT studied the Existing DS1 Alternative, which included an interchange on US 97 at Cooley Road. This alternative, along with all other build alternatives, were evaluated under the assumption that TSM and TDM measures would be implemented. As discussed in Section 2.4.2 of the Final EIS, the Existing DS1 Alternative did not meet the purpose and need for the project; therefore, the Existing DS1 Alternative was eliminated from further consideration. Please also see Topic 32 – Range of alternatives, alternatives screening and Identification of the Preferred Alternative.

4 – The intergovernmental agreement (IGA) between the City of Bend and ODOT identified mitigation and funding strategies, but the identified projects have not

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been adopted and funded in the City's Transportation Capital Improvement Program Strategy or ODOT's Statewide Transportation Improvement Program. This agreement was intended to define the actions and associated responsibilities for the City and ODOT so development could continue in Juniper Ridge. The transportation projects that are funded will be constructed when the development at Juniper Ridge reaches the number of trips outlined in the IGA. Because the projects referenced in this comment are not funded they were not considered as a part of an alternative. Many of the improvements identified in the agreement are outside of the project API and are beyond the scope of this agreement.

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"This section is the heart of the environmental impact statement....[I]t should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives...
- (b) Devote substantial treatment to each alternative considered in detail including the proposed actions so that reviewers may evaluate their comparative merits."

A striking example of the failure to conduct an adequate alternative analysis is the discussion of effects of the alternatives with regard to land use planning. This discussion fails to distinguish between the two "build" alternatives.

- 1. For both of the alternatives, the DEIS at page 3-50 and the DEIS "Final Land Use/Planning/Parks and Recreational Facilities Technical Report" ("DEIS FLU") assume there would be exceptions to Oregon's Statewide Planning Goals 11 and 14 for the new US 97/3rd Street interchange and for the extension of Robal Road. The DEIS and DEIS FLU acknowledge greater land acquisitions, conversion of land and other impacts associated with the East DS1 alternative but fail to factor in those differences in assessing the difficulty with obtaining goal exceptions. The DEIS FLU assumes that goal exception process will be equally difficult/casy for both alternatives which is not the case. To the contrary, the requirements of the Oregon goal exception process in OAR 660-012-0070 favor an alternative with the least impacts.
- 2. Additionally, the East DS1 alternative will require a further Goal 11 and 14 exception for the extension of 3rd Street through the rural area known as "Rock of the Range" or the Hunnell Neighborhood. That road does not qualify as an allowable transportation improvement on rural lands under OAR 660-012-0065 and thus must obtain an exception under OAR 660-012-0070. OAR 660-012-0065(3)(g) allows new "access roads and collectors." Third Street, however, will clearly be an "arterial," not meeting the definitions of "access road" and "collector," where it will connect to a State highway principal arterial on one end and the City's 3rd Street arterial on the other end.

It may be for purposes of trying to avoid the goal exception process of this road that the DEIS portrays it as a two-lane road even though it connects with a four-lane arterial in the City. However, the attempt to artificially show the extension of 3rd Street as merely a two-lane road does not suffice to qualify under OAR 660-012-0065(3)(g). This road connecting two arterials (including a state highway) would clearly not qualify as a new access road or collector.

#### B. Use of Inconsistent, Incomplete, Incorrect and Outdated Information.

There are a number of examples of the DEIS utilizing inconsistent data or inconsistently using data in its analysis. Other information is incomplete, incorrect or outdated. NEPA under 42

## 017

Section 2.2 of the Final EIS describes how the 21 build alternatives included in the preliminary range of alternatives were reduced to the reasonable range of alternatives that met the purpose and need for the project. Please also see Topic 32 – Range of alternatives, alternatives screening and Identification of the Preferred Alternative.

The No Build, East DS1, and East DS2 Alternatives comprised the reasonable range of alternatives evaluated in the Draft EIS. Chapter 3 provided a detailed evaluation and disclosed impacts and benefits of each of these alternatives across 19 environmental disciplines. Within each Chapter 3 discipline sections, text and exhibits presented this rigorous impact analysis, which was then summarized in Exhibit ES-7 FEIS for a side-by-side comparison of each alternative.

- 1 Thank you for your comment on the alternatives presented in the Draft EIS. The Preferred Alternative identified in the Final EIS will not require any goal exceptions. Please also see Topic 5 Statewide goal exceptions.
- 2 The 3rd Street extension referenced in your comment is not a part of the identified Preferred Alternative.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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<sup>&</sup>lt;sup>1</sup> As noted by Toby Bayard in her email to you of September 9, the Final Traffic Analysis Technical Report, App. J, p. J-213, shows that ramps from US 97 to 3rd Street will need to be two lanes.

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U.S.C. § 4321 et seq. requires utilization of complete and current data. See, for example, the discussion in Utahns for Better Transp. v. U.S. Dept. of Transp., 305 F3d 1152, 1169 (10<sup>th</sup> Cir. 2002), where the Court addressed the use of outdated information as a NEPA issue (finding that the agency actually ended up not using the outdated data). Examples include:

- 8 1. As mentioned above, despite repeated references to Section 1.3.4 of the DEIS, there is in fact no Section 1.3.4 in the DEIS. This information was deleted or omitted.
- 2. The DEIS does not present a true cost picture where it fails to predict or explain costs for mitigation of future effects such as the more extensive road network that the DEIS assumes will be done on city and county land. Additionally, there is a lack of information or data on condemnation costs.
- As discussed above with regard to the financial viability of the project, there is a lack of information on current availability of funds and current predictions for future availability.
  - There is no assessment of impacts of the individual phases of the project, individually or cumulatively. The DEIS acknowledges at page 2-9;

"Specific increments or the sequencing of increments have not been determined at this time."

- 5. There is an incomplete assessment of information relevant to a Statewide Goal analysis, including current and predicted availability of TDMs.
- There is a lack of complete information on what particular mitigation will be available.
   The DEIS "laundry lists" of possible mitigation measures does not substitute for the kind of complete listing and discussion of potential mitigation that is required.
- 7. The depiction of crash data in the DEIS presents an outdated and misleading conclusion as to the safety of the area. More detailed crash data in the appendices show that the DEIS analysis is incorrect.
  - 8. The DEIS repeatedly states that the extension of 3rd Street as presented in alternative East DS1 will not impact the Hunnell or the Rock of the Range neighborhood. There is simply no data to support that fact and the bisecting of the neighborhood by this new road obviously will negatively impact it. See the photo simulation of "3rd Street" depicted at DEIS page 2-16.
  - 9. Specific properties and business to be impacted by the two alternatives are not identified and the particular impacts to specific properties are not explained. The Levins presume they are one of the three parcels to be bisected as shown at DEIS, p. 3-55, but no details or analysis of impacts are made. They have invested over \$250,000 in preparation of their fields and irrigation system.
  - 10. The statement in the DEIS that the build alternatives are fiscally possible because there was some past funding for the first phase of the Redmond bypass project is not logical. No

## 018

This comment is similar to P107 015(1). Please see the response to that comment.

# 019

The costs presented in the Draft EIS Abstract included the estimated costs for the design, right of way acquisition, construction, and mitigation to implement the East DS1 and East DS2 Alternatives. All of the improvements that ODOT would have undertaken to implement these alternatives were included in those cost estimates. Projects that would be implemented by city or county are considered independent and have been identified in the No Build Alternative; and thus, these projects are not included in the estimated cost for the US 97 Bend North Corridor project. Please see Appendix D, Table D-4 of the Updated Traffic Analysis Report for a list of projects included in the No Build Alternative. The Abstract and Section 2.6.2 of the Final EIS present the estimated cost for the Preferred Alternative.

Please also see Topic 30 – Right of way acquisition for information on estimated costs that can be anticipated during the right of way process.

# 020

This comment is similar to P107 015(2). Please see the response to that comment.

## 021

We agree that neither the Draft EIS nor Final EIS includes an assessment of impacts to phases, because no particular phase has yet been identified. These documents acknowledge that the project will likely be built in phases. Please also see Topic 17 – Phasing.

## 022

The Preferred Alternative does not require goal exceptions; and thus, no analysis of the available transportation demand management measures are needed to support goal exception application. Please see Topic 5 – Statewide goal exceptions and Topic 21 – Transportation demand management and transportation system management measures.

## 023

The Draft EIS included a listing of potential mitigation measures, so that comment on mitigation could be sought. ODOT and FHWA considered the comment provided on the potential mitigation included in the Draft EIS. The Final EIS lists environmental commitments that have been incorporated into the project in the fifth subsection of Chapter 3 for each environmental resource (for example, please see Section 3.1.5 and Section 3.2.5).

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# 024

This comment is similar to P107 013. Please see the response to that comment.

# 025

The Preferred Alternative limits the extension of 3rd Street to extend no further than the south side of the Deschutes Memorial Gardens and Chapel. As noted in the introductory response to this letter, the property located at 20620 Bowery Lane and owned by Bruce and Sandra Levin is no longer impacted by roadways or other improvements included in the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. The business and residential impacts are disclosed in Section 3.5.3 of the Draft and Final EIS and shown on maps in Exhibits 3-36 and 3-38 in the Draft EIS and Exhibit 3-38 FEIS in the Final EIS. During right of way acquisition, ODOT Real Estate staff will contact property owners to engage in more detailed discussions and begin negotiations to purchase property needed for this project. Please also see Topic 30 – Right of way acquisition.

# 026

This comment is similar to P107 015(2). Please see the response to that comment.

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# 026 Cont.

current data on federal funding availability is presented and there is no information to substantiate reliance on past funding as being indicative of future funding.

- 11. As discussed above, the prediction of growth of traffic is skewed. The DEIS use of the trend analysis is not consistent with standard trend data extrapolation and fails to account for the decline in use over recent years.
- 12. The DEIS treatment of Juniper Ridge is inconsistent. On the one hand, it recognizes that its development is "foresecable," and in many respects this entire project seems to be driven by the City's desire to build Juniper Ridge. On the other hand, the DEIS fails to provide basic information on the impacts, including projected traffic and direction of travel, at Juniper Ridge.
  - 13. The DEIS at pages 1-17 to 1-18 states that the 2008 Economic Opportunities Analysis analyzes "the <u>current</u> development status of economic lands" and "provides a factual basis to grow the City's economy between 2008 and 2028." (Emphasis added.) Based on Bend's boom years, the EOA is functionally irrelevant after the crash. The DEIS is fatally flawed in assuming that no amendment or correction to the EOA is needed. The repeated reliance on the EOA as justification for the DEIS leaves the DEIS without an adequate factual base.
- 030 14. We also incorporate by reference the far more exhaustive list of data problems as identified by Toby Bayard.

## V. INADEQUATE INDIRECT EFFECTS ANALYSIS

There is an inadequate assessment of indirect effects of induced growth and impacts on land use due to the project. The requirements for assessing growth-inducing effects and impacts on land use arc found in 42 U.S.C. § 4321 et seq. and 40 C.F.R. §§ 1502.16 and 1508.8(b). These requirements for assessing growth-inducing effects, impacts on land use and other indirect effects have been emphasized in the *Utahns* case, 305 F3d at 1174, and in the case of *City of Davis v. Coleman*, 521 F2d 661, 675-77 (9<sup>th</sup> Cir. 1975). Indirect effects are defined in 40 C.F.R. § 1508.8(b):

"Effects include:

- (a) Direct effects, which are caused by the action and occur at the same time and place.
- (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems."

The analysis of indirect effects of induced growth and impacts on land use is flawed in many ways, including the following examples. Note that the DEIS itself has very little discussion of indirect impacts on land use and induced growth. (DEIS pages 3-60 and 3-61)

# 027

See Topic 24 – Traffic analysis.

## 028

Juniper Ridge is appropriately analyzed in the Draft EIS and is further described in Topic 18 – Juniper Ridge and Topic 26 – Cumulative impacts.

# 029

This comment is similar to P107 014(1). Please see the response to that comment.

## 030

Toby Bayard's comments have been numbered as P047, P141, and P147 through P159. Please see responses to those comments.

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- 1. The DEIS FLU show the Project's Area of Potential Impact ("API") for indirect impacts in its Appendix B. This API map is substantially larger than the API map for direct effects shown in Ex. 1 of the DEIS FLU at page 2. There is unfortunately no analysis in the DEIS or DEIS FLU explaining the rationale for the two maps other than the description that the API for direct effects "extends 100-feet outside of the construction limits for the project's build alternatives." (DEIS FLU page 1) Why direct effects would extend only 100 feet outside construction limits is not explained.
- Though the C.F.R.s and case law clearly describe induced growth and impacts on land use as indirect effects, the DEIS FLU at page 6 addresses them as direct effects and thus inappropriately applies the smaller API map:

"The API for land use is consistent with the project's API, as described in Section 1.1 and shown in Exhibit 1."

The actual discussion of impacts on land use under Direct Effects, however, does not explore induced growth or impacts on land uses in the area, as it presumably assumes there will be none.

- 3. Under the heading of Indirect Effects (DEIS FLU pages 57-58), the discussion of Direct Effects in Sections 6.1.2 and 6.1.3 is incorporated by reference. Again, those sections do not address effects in the larger Indirect Effects API as shown in Appendix B. It is also inappropriate to incorporate by reference the NEPA analysis of Direct Effects ("which are caused by the action and occur at the same time and place" as defined in 40 C.F.R. § 1508.8(A)) as opposed to Indirect Effects.
- 4. The only discussion of induced growth and impacts on land use in the larger API (Appendix B map) concern constraints of land use laws and use of interchange area management plans. Regarding the constraint of zoning on growth, the DEIS FLU at pages 57-58 state:

"[B]ecause of the constraints of the UGB, comprehensive plan, and zoning designations the build alternatives would not influence growth at the regional scale or facilitate land uses that are not planned....[N]o changes to the existing zoning designations would be included in the proposed action, so future proposed development would have to comply with current zoning restrictions."

This statement reflects a fundamental misunderstanding about Oregon's land use laws and the Deschutes County Comprehensive Plan and Code. Just because an area is zoned MUA-10 does not mean it cannot be rezoned to more intensive uses. While it is difficult to rezone resource lands such as Exclusive Farm Use ("EFU") to more intensive development, it is relatively easy to do so on non-resource or so-called exception lands, such as MUA-10. This can occur in a couple of ways, one of which is by incorporation of an area into a city with an urban growth boundary expansion. A more fully developed transportation system in an exception area, such as would occur here, would increase the qualifications of that area to be included in a UGB expansion. Also, even if an area remains in the county, rezoning to allow for more intensive development

## 031

- 1 We assume the acronym FLU references the Final Land Use/Planning/Parks and Recreation Facilities Technical Report. The map presented in Appendix B of the Final Land Use Technical Report and Exhibit 4-4 FEIS in the Final EIS encompasses a large area to capture other potential actions that could contribute to indirect and cumulative impacts, as explained in Section 4.1.2 Resources Analyzed for Cumulative Impacts of the Draft EIS. The area of potential impacts, which addresses direct impacts only, has been defined as 100 feet beyond ground disturbing activities (construction limits) based on the best professional expertise of resource professionals. Impacts would not reach this extent for many resources, such as, right of way, parks and recreation facilities, historic properties, and hazardous materials to name a few.
- 2 This comment is similar to P107 009. In both the technical reports and the Final EIS, direct, temporary construction, indirect, and cumulative impacts are described separately. In the technical reports, Section 6 has four subsections that correspond to each of these different types of impacts. In the Draft and Final EIS (using Land Use as an example), Section 3.2.3 is broken into subsections for direct, temporary construction, and indirect impacts; Section 4.1.3 addresses cumulative impacts. In both the technical report and Final EIS, the impact analysis does not assume there will be no induced growth. The Preferred Alternative limits the potential for induced growth by keeping all proposed improvements within the City of Bend's UGB with the exception of the Britta extension and the roundabout at Cooley Road and O.B. Riley Road. Induced growth is discussed as an indirect impact under Section 6.3 of that technical report as well as in Section 3.2.2 of the Final EIS. It is important to note that the Preferred Alternative does not include a northern interchange; instead the Preferred Alternative includes a signalized intersection in the northern portion of the project that is wholly contained within the UGB. Please also see Topic 33 – Induced growth.
- 3 The NEPA analysis for land use, and for all other resources analyzed, does not incorporate direct impacts analysis by reference, but discloses those impacts directly in the Draft EIS and Final EIS. Indirect impacts on land use are discussed in Section 6.3 of the Land Use Technical Report and Section 3.2.3 of the Draft and Final EIS. Indirect impacts extend beyond the API to the larger cumulative impacts study area, as shown in Appendix B of the Land Use Technical Report and Exhibit 4-4 FEIS in the Final EIS. For example, the discussion of planned development in the project vicinity, travel through the region, and population increases where businesses and residents relocate are changes that extend beyond the API. These indirect impacts are taken into account as part of the cumulative impacts described in Section 6.4 of the technical report and Section 4.1.2 of the Final EIS. The technical report and Final EIS

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have been revised to explain that both direct and indirect impacts of the project are part of the cumulative impacts analysis.

4 – No interchange area management plans or goal exceptions will be required for the Preferred Alternative.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, Topic 3 – Interchange area management plans (IAMPs), Topic 5 – Statewide goal exceptions, and Topic 33 – Induced growth.

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can occur under the "changed circumstances" rule of DCC 18.136.020. A classic case of a changed circumstance justifying rezoning would be this large scale transportation development.

- 5. The DEIS and DEIS FLU implicitly acknowledge this risk when they propose that two interchange area management plans be developed to deter induced growth. (DEIS pages 3-29 and 3-61, and DEIS FLU page 58) If the above quote that current zoning restrictions means that there would be no induced growth or impacts on land use, then why does the DEIS propose interchange area management plans to protect the interchanges from induced growth? There would be no need for the interchange area management plans if, as quoted above, current zoning restrictions would not change. This is a clear admission to the obvious fact that there will be induced growth and impacts on land use. The failure to properly address these issues violates NEPA.
- 6. The DEIS is further inadequate specifically with regard to the interchanges where it fails to present what would be in an "interchange area management plan." No assessment of induced growth or impacts on land use can be made without knowing what mitigation is proposed so that the public can assess whether it would be feasible or effective. NEPA's requirement of a "hard look" means for more than a plan to do a plan.
- 7. There are serious problems with the proposed scope of the interchange area management plans. The DEIS at page 3-29 depicts a very large area west of the East DS1 US 97/3rd Street interchange. Such a sweeping zone freeze would be unprecedented, contrary to the Deschutes County comprehensive plan and would lead to constitutional equal protection claims. The interchange area management plan would not equally protect the east side of the interchange where the City wants to locate part of its Juniper Ridge development. Since current land use plans for that area do not show or adopt those Juniper Ridge plans, those lands should also be prohibited from development to "protect" the interchange.
- 8. Additionally, current inconsistencies of the projects with Statewide Goals, the County plans and code, the City plans and code and other land use/transportation plans are not identified or explained. Instead, the DEIS at page 3-48 and the DEIS FLU at pages 37-38 under the heading of "Consistency" merely make such statements as:

"Consistent subject to approval of goal exceptions...
Consistent subject to approval of amendment...
Consistent subject to approval of land use permits...
Consistent subject to approval of TSP amendment."

What is required by a proper NEPA analysis is an assessment of consistency or inconsistency with these current plans. It is not sufficient for the DEIS to presume consistency based on approval of future changes in the relevant plans and codes. There must be some assessment of current inconsistencies and what would be required to make these plans and codes consistent.

9. The DEIS further incorrectly states at page 345 that the No Build Alternative would be inconsistent with the Transportation Planning Rule. All current County and City Transportation System Plans have been found to be consistent with the TPR and have been "acknowledged." It

# 032

5, 6 and 7 – Interchange Area Management Plans are not needed for the Preferred Alternative. Furthermore, the Preferred Alternative has been designed to minimize impacts outside of the adopted urban growth boundary and confine improvements to already urbanized areas.

Please also see Topic 3 – Interchange area management plans (IAMPs), Topic 18 – Juniper Ridge, and Topic 33 – Induced growth.

## 033

8 – The Draft EIS on page 3-48 as noted in the comment disclosed whether the East DS1 and East DS2 alternative was currently consistent with a plan, or would be consistent with future plans subject to future approvals. An updated table, Exhibit 3-27A FEIS, is added to the Final EIS to clearly state the Preferred Alternative is consistent with all applicable state and local plans. Goal exceptions are not required for the Preferred Alternative.

## 034

9 – The Preferred Alternative is consistent with the Transportation Planning Rule as noted in Exhibit 3-27A FEIS of the Final EIS. As shown in Exhibit 3-26 FEIS of the Final EIS and detailed in Section 6.1.1 of the Final Land Use/Planning/Parks and Recreation Facilities Technical Report, the No Build Alternative remains inconsistent with the Transportation Planning Rule because, along this section of US 97, the No Build Alternative would not provide a safe, convenient, or economic transportation system and would not examine transportation demand management measures. The No Build Alternative also would not minimize traffic congestion or make transportation improvements that maximize efficiency or mobility.

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is not current plans which must be assessed for consistency with the TPR but instead all proposed amendments to those plans.

# VI. INADEQUATE CUMULATIVE EFFECTS ANALYSIS

An adequate cumulative effects analysis is critical for a NEPA process. See 42 U.S.C. § 4332 et sea, and 40 C.F.R. § 1502.16, 1508.7 and 1508.25(a)(2). 40 C.F.R. § 1508.7 provides:

"Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor or collectively significant actions taking place over a period of time."

The cumulative effects analyses on land uses in the DEIS at pages 4-2 to 4-9 and the DEIS FLU at pages 58-62 are woefully inadequate. They only identify possibly foreseeable actions without providing the required detailed analysis of the cumulative effects. There are several specific problems with the cumulative effects analysis.

- 1. On the one hand, the DEIS at page 4-4 and the DEIS FLU at page 59 state that the "planned Juniper Ridge development" should be considered as part of the cumulative effects analysis, but a description of that proposed development is missing along with such effects as the projected traffic for the completed Juniper Ridge development. There are maps in the record showing an extension of 18<sup>th</sup> Street at the proposed location of the interchange for East DS1 which would move traffic from the north end of Juniper Ridge across the highway and onto the proposed 3rd Street extension and through the Rock of the Range/Hunnell neighborhood. Neither the traffic impacts on this road nor the direct or indirect effects on the neighborhood are addressed in any cumulative effects analysis. See the attached Ex. 6 for a depiction of this massive proposed development.
- 2. The historical context for the discussion of cumulative effects in the DEIS at page 3-41 and the DEIS FLU, page 59, is misleading in portraying extremely rapid population growth in Bend between 1995 and 2008, from 29,425 to 81,640 and between 1990 and 2008, from 20,469 to 81,640. A substantial part of that growth was a 1999 annexation of county land into the City. This was not "growth" at all but rather just a mere annexation of people and property into the city limits. Additionally, the population of Bend in 2011 has fallen below the 80,000 population level.
- A list of "current and reasonably foresceable" actions is included in the DEIS at pages 4-4 and 4-6 to 4-7 and the DEIS FLU at Appendix B, Ex. B-2. There are several problems with these lists.
- a. It is just a list with no analysis of the individual and cumulative impacts associated with each item. See Carmel-by-the-Sea v. U.S. Dept. of Transp., v. U.S. Dept. of Transp., 1998 U.S. Dist. LEXIS 21441, where the District Court on remand from the 9<sup>th</sup> Circuit

# 035

- 1 The cumulative impacts analysis in Section 4.1.3 of the Final EIS includes the development of Juniper Ridge, both the initial development of 205 acres projected to occur by 2030 as well as the full 1,500 acre development at some time after 2030. The traffic analysis for the Preferred Alternative includes only those future improvements that are fiscally constrained in planning documents, so only the first 205 acres of development at Juniper Ridge is included. Please see Topic 18 Juniper Ridge and Topic 24 Traffic analysis.
- 2 Section 3.2.2 of the Final EIS and Land Use Technical Report has been revised to incorporate updated population and building permit data.
- 3 Section 4.1.3 of the Final EIS has been revised to update the list of present and reasonably foreseeable actions, and to describe the impacts of those actions. Past actions were described in the historical context portions of Chapter 4 of the Draft EIS and included in the cumulative impacts analysis.

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ruled that a mere listing of development projects in an area was inadequate for a cumulative effects analysis. Instead, what is required is some description of the expected impact of these projects.

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b. The list does not include past actions, just "current and reasonably foreseeable" actions. 40 C.F.R. § 1508.7 requires assessment of "past, present, and reasonably foreseeable future actions." It also requires assessment of these actions "together with the proposed...project." Carmel-by-the-Sea, 123 F3d 1142, 1160 (9<sup>th</sup> Cir. 1997).

# VII. THE DEIS HAS FAILED TO DO AN ADEQUATE MITIGATION ANALYSIS

As part of the DEIS analysis, the NEPA process requires a thorough review of potential and proposed mitigation actions. 42 U.S.C. § 4332 et seq.; and 40 C.F.R. § 1502.14(f), § 1502.16(h) and § 1508.20. Mitigation measures are to be included in the analysis of alternatives, the analysis of environmental consequences and in other components of a DEIS. 40 C.F.R. § 1508.20 defines mitigation as including:

- "(a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments."

The DEIS identification and description of mitigation measures are inadequate for a number of reasons.

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- The DEIS at page 3-31 merely lists mitigation measures for transportation without discussing them in the detail required by NEPA. As the Ninth Circuit stated in *Carmel-by-the-Sea*, 123 F3d at 1154, an EIS cannot omit "a reasonably thorough discussion of mitigation measures."
- Mitigation measures for land use at DEIS page 3-63 are limited to following compensation laws for acquisitions and replacing "landscaping elements to the extent possible."
- 3. Mitigation measures for impacts to farmlands at DEIS, Page 3-63, are limited to:
  - "Stockpile prime soils for other applications."

Such token measures fail to satisfy the requirements of NEPA.

## 036

1 – The mitigation measures listed in Section 3.1.4 of the Draft EIS have been updated in the Final EIS. In addition, Section 3.1.5 was added to the Final EIS to specify commitments incorporated into the Preferred Alternative. Mitigation commitments are explained in the detail that is available at this time.

#### 037

2 and 3 – These comments apply to mitigation for the impacts associated with right of way acquisition and farmland soils. The impacts from right of way acquisition to these soils are greatly reduced with the Preferred Alternative. Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative, discusses how ODOT and FHWA considered the comments submitted on the Draft EIS to identify the Preferred Alternative resulting in overall fewer impacts as disclosed in Chapter 3.2.3 of the Final EIS.

The proposed mitigation and minimization measures listed in the Draft EIS Section 3.2.4 were considered in combination to avoid, minimize, and mitigate impacts to land use. As described in Section 3.2.3 of the Final EIS, the Preferred Alternative will have minimal impacts to farmlands, and the mitigation commitments incorporated into the Preferred Alternative (Section 3.2.5 of the Final EIS) are commensurate with the level of impacts disclosed in Section 3.2.3 of the Final EIS. Please also see Topic 30 – Right of way acquisition.

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# VIII, CONCLUSION

038

Due to the short limeframe allowed for comment, we have been able to adequately review only a fraction of the DEIS and its supporting documentation. Our request for an extension of the comment period was unjustifiably denied.

Nevertheless, what we have been able to examine reveals fundamental flaws in the DEIS requiring amendments before a FEIS can be done. 40 C.F.R. § 1502,9 provides:

"The draft statement must fulfill and satisfy to the fullest extent possible the requirements established for final statements....If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and evaluate a revised draft of the appropriate portion."

Please inform us of any decision or developments on this proposal.

Very truly yours,

PAUL DEWEY

PD:ao

cc: Bruce and Susan Levin

## 038

Please see Topic 2 – Request for extension of Draft EIS comment period and Topic 34 – Supplemental Draft EIS.

# US 97: Bend North Corridor Steering Team Work Session August 2, 2010

# Draft Environmental Impact Statement (DEIS) Update

- We have successfully completed the DEIS review and concurrence with FHWA, and it was published in the Federal Register on Friday. July 29, which signals the start of the 45 day public comment period,
- 6 Copies of the DEIS are available through CD, Website. Piper, etc for the public, advance notice and opportunity to request copies sent to interested parties last month.
- Public Comment Period will last 45 days, ending on September 12, 2010 and we will be having a public hearing on August 24 at the Riverhouse Convention Center, from 5:30 to 8:30. More details at the end of today's meeting.

# DEIS overview - (information reviewed with ACC list week)

Operations - Geo traffic operations map 1)

Overall both alternatives achieve similar Operations on US97 and US20, and operate MUCH better than the No Build alternative. There are some notable differences from a interchange type / location (see map) and local road network perspective:

- East DS1 3<sup>rd</sup> St extends approximately 1.2 miles north from Cooley Road (just north of Bowery Lane) and connects with US97 through a full diamond interchange.
- East DS2 3<sup>rd</sup> St extends approximately 4 miles north from Cooley Road (just south of cemetery) and connects with US97 through a directional partial interchange
- 5. Local Road Operations East DS1 operates somewhat better than East DS2 from an overall local roadway network standpoint, which is a direct result of the providing better access and connections at the north interchange, as more out of direction trips are necessary for East DS2. Examples from the Design Year traffic analysis:

Operational Measure	East DS1	East DS2
Overall Network Speed (mph)	18	15
Overall Network Delay (hr)	1550	2140
Overall Network stops tunvels - 7mph)	47,900	56,300
Overall Network travel time (ln)	2.630	3,190

with qualternatives work very well jurisy).

# Connectivity/Travel Corridors -

Overall, similar to Operations, East DS1 generally provides is better than East DS2 for connections and travel corridors, because of the interchange type and the additional travel options that it provides.

#### Access/Lucal Connections for residents -

 East DSI – adds FOUR connections to existing local network via US97 and 3rd St interchange that provide more direct travel patterns. The four connections from US97 also provide additional connections for an expanded local street grid system.

isce travel route map 20)

- East DS2 adds TWO connections to existing local network via US97 and 3<sup>rd</sup> St interchange and requires a "serpentine" access routes for residences north of Cooley Rd. especially neighborhoods between US97 and RR tracks.
  - Does not have potential for connections from US97 to an expanded local street grid system (however, does not preclude them).
  - Overall has a larger increase in traffic volumes on county roads north of Cooley Road.

# Access/Local Connectivity to existing commercial areas (see more none none 20, 20)

- a East DS1 provides TWO MORE connections and options for travel patterns compared to East DS2, due to the north interchange type.
- East DS2 interchange location makes its two connections closer to the commercial areas than East DSI.

# Access/Local Connectivity for Emergency Services - review of six corridors

- East DSI FOUR corridors are improved and TWO corridors do not improve and show slight decline over No-Build alternative.
- East DS2 TWO corridors are improved and FOUR corridors do not improve and show stight decline over No-Build alternative.

# Community Context/Environmental Elements ove Community context Staps) East DS2 has FEWER impacts to rural lands and rural residential displacements than

does East DS1, due to the location and type of the north interchange,

Measure	East DS1	Fast DS2
Land Use Goal Exceptions	2	2
Differences in Local Road length (miles)	Additional .8 miles	Minimal
Impacts to View Shed	Additional .8 miles	Minimal
Rural lands (acres)	134	92
Residential Displacements	19	13
Business Displacements	43	5)
Noise Impacts above threshold	23 sites (w/53 residents and 5 business impacts)	26 sites (w/63 residents and 5 business impacts)
Cost	\$200-\$210 M	\$190-\$205 M

## Paul Dewey

From: Crail, Matthew [matthew crail@state.or us]
Sent: Wednesday, September 07, 2011 5:38 PM

To: Undisclosed recipients:

Subject: Update on TPR amendments

Attachments: Draft\_for\_RAC\_Sept12 doc, TPR\_RAC\_Agenda\_Sept12v2.pdf

The Rulemaking Advisory Committee (RAC) on the Transportation Planning Rule (TPR) has scheduled an additional meeting for September 12. The Agenda and draft amendments to the TPR are attached. The next regularly scheduled meeting of the RAC will be September 26.

This email is being sent to everyone who has participated or expressed interest in the TPR rulemaking. Please forward to others who may be interested. If this was forwarded to you and you wish to be added to the list for future announcements, or wish to be removed, please email matthew.crail@state.or.us.

#### -Matt

Matt Crall | Land Use & Transportation Planner Transportation & Growth Management Program Oregon Dept of Land Conservation & Development 635 Capitol Street NE, Suite 150 | Salem OR 97301-2540 Office 503-373-0050 ext. 272 | Cell. 503-971-2401 matthew.crall@state.orus | www.oregon.gs/files/Tickl



#### Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 Salem, Oregon 97301-2540 503-373-0050 www.oregon.gov/LCD

Rules Advisory Committee on the Transportation Planning Rule

# Agenda for September 12, 2011

2:00 PM - 4:00 PM

This meeting will be held by telephone and online.

Telephone: 1-888-394-8197 Passcode: 556239

Online (view documents being discussed): <a href="https://oregon.llinc.com/join/fmtxwmc">https://oregon.llinc.com/join/fmtxwmc</a>
The link below should be used prior to the meeting to install and test iUnc: <a href="https://oregon.llinc.com/perl/illinc/lms/systest.pl">https://oregon.llinc.com/perl/illinc/lms/systest.pl</a>

In person: DLCD Basement Hearing Room 635 Capitol Street NE, Salem, Oregon

2:00 PM Introductions

2:10 PM Status Update: Oregon Highway Plan Mobility Standards

2:20 PM Review Draft Amendments to TPR 0060

3:45 PM Other issues or suggestions from RAC members

4:00 PM Adjourn

## **Public Meeting**

All meetings of the committee are open to the public, however, this meeting will not include a hearing for public testimony.

# Committee Staff

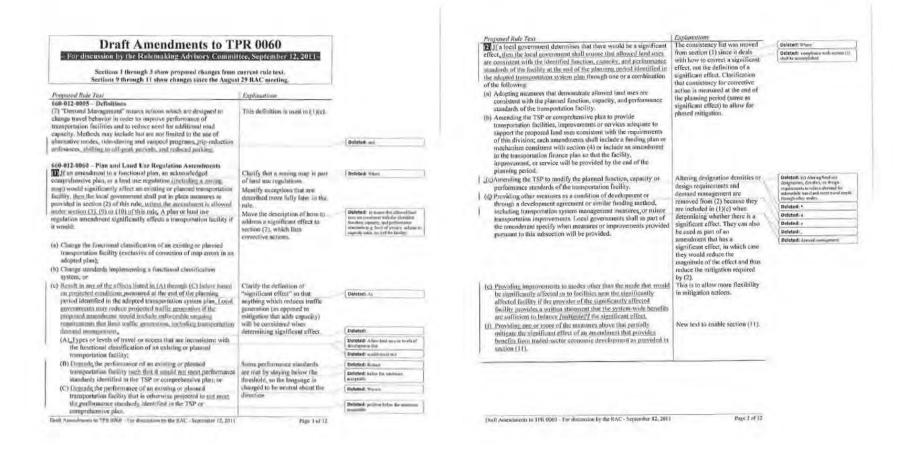
For further information or to submit written testimony, contact Matt Grall: matthew.crall@state.or.us 635 Capitol St NE, Suite 150 503-373-0050 ext. 272 Salem OR 97301-2564

Version 2 - September 7

De 2. 12

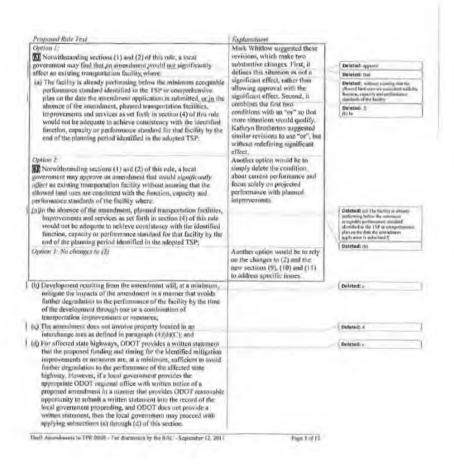
60 B p 1

9/8/20) [



Ex. 2. 10 1

De 2, 11 7



(4) Determinations under sections (1)-(3) of this rule shall be No changes proposed within coordinated with affected transportation facility and service providers (4), Included here for context. and other affected local governments. (a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(e) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below. (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services: (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider. (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to find the improvement have been adopted. (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan. (D) improvements to state highways that are included as planned improvements in a regional or local transportation system planor comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period. (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or immsportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning (c) Within interstate interchange areas, the improvements included in Draft Amendments to TPR 0060 - For discussion by the RAC - September 12, 2011 Page 4 of 12

Proposed Rule Text

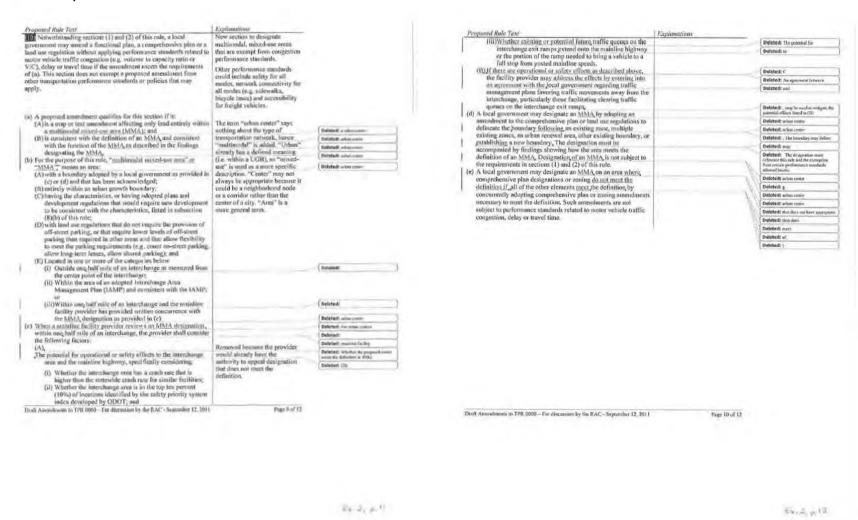
Sec. 3. p. 5.

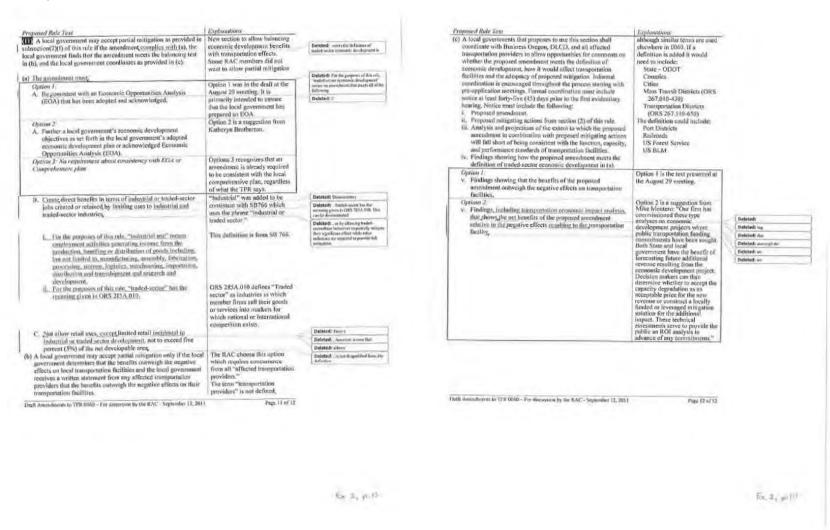
Proposed Rule Text	Explanations	Proposed Rule Text	Explanations
(b)(A)-(C) are considered planned facilities, improvements and services, except where:  (A) ODO'T provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant calverse impact on the interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or  (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.  (d) As used in this section and section (3):  (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;  (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and  (C) Interstate interchange area means:  (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or  (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.  (c) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service is a planned transportation facilities, improvement or service is a planned transportation facilities, improvement and services is dentified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).		specified in available published estimates, such as those provided by the Institute of Transportation Engineers (TTE) Trap Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;  (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);  (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit support that the provision of on-site bike and pedestrian connectivity and access to transit support that the provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and  (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use, centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-us	
(5) [Transportation facility not a basis for an exception on rural lands]		given general information about the expected effects of mixed- use, pedestrian-friendly development and its intent to encourage	
In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrianficiently centers, and neighborhoods as provided in (a)-(d) below;  (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits or mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 1096 fewer daily and peak hour trips than are	No changes proposed within (6). Included here for context.	changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.  (7) [Special provisions for cities without a TSP amending to affect 2 acres of commercial land]	
Unaft Amendments to TPR-0050 – For discussion by the RAC - September 12, 2011	Page 5 of 12	A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:	No changes proposed within (8), included here for context.

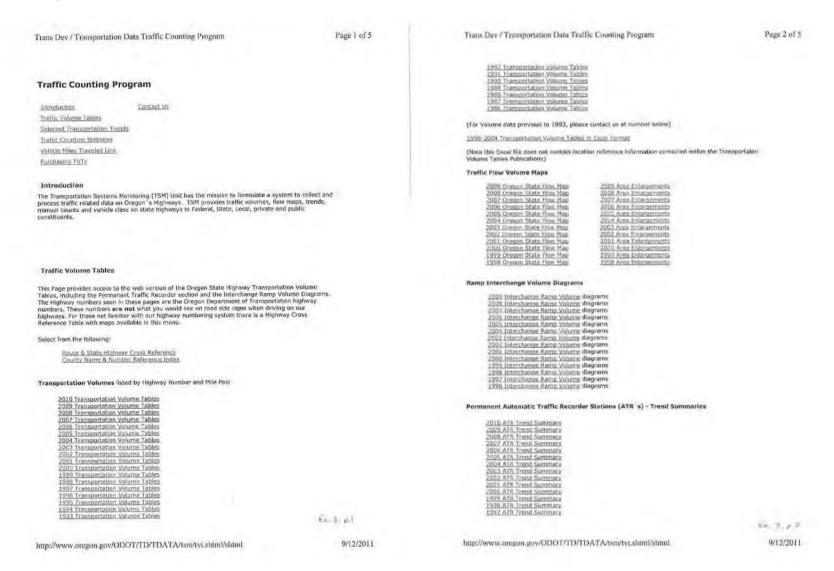
Draft Amondments to TPR 0060 - For discussion by the RAC - September 12, 2011

Page 6 of 12

	Explanations	Proposed Rule Text	Dysmatemer	
Any one of the following:  (A) An existing central business district or downtown;  (B) An area designated as a central city, regional center, town		The house from the property of the state of the property of the	New section to execute man map accordanced consistent with commodenance plan map alonguation	Delished of Delished or produced on the produced of the produced of the produced on the produc
center or main street in the Portland Metro 2040 Regional Growth Concept;  (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or  (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.  An area other than those listed in (a) which includes or is planned to include the following characteristics:  (A) A concentration of a variety of land uses in a well-defined area, including the following:  (i) Medium to high density residential development (12 or more units per acre);  (ii) Offices or office buildings;  (iii) Retail stores and services;  (iv) Restaurants; and  (v) Public open space or private open space which is available for public use, such as a park or plaza.  (B) Generally include civic or cultural uses;  (C) A core commercial area where multi-story buildings are permitted;  (D) Buildings and building entrances oriented to streets;  (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;  (F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;		Channe J.  (a) The propused rening is contributed with the animing conspections between plan may designation and the animatorial does not change the comprehensive plan objet.  (b) The local government has an ak-howledged TSP.  Option 2.  (c) The propused commit is condition; with the TSP assumptions about development of the uses of the proposed animations, it may be made the many than the conspection of the uses of the proposed animations, it may be made the contributed that the same plan one part of the many animation of the contributed that the same plan of the contributed animation of the contributed planning before, or I'll an animation of the contributed throughout the planning before, or I'll animation of the contributed throughout the planning before, or I'll a animation of the contributed for the planning before, or I'll a animation of the contributed for the planning before, or I'll an animation of the contributed for the planning before, or I'll an animation of the contributed for the planning before, or I'll an animation of the contributed for the planning before, or I'll an animation of the contributed for the planning before, or I'll an animation of the contributed for the contr	A magnity of the RAC apposed a "bright lim" test than there were a "bright lim" test that there were a country to the secondary of the RAC apposed as "bright lim" test than there were a country of the RAC apposed as the secondary of the RAC apposed as the secondary of the RAC apposed as the secondary of the RAC apposed as weak as an extended in the secondary of the RAC apposed as weak as a secondary of the RAC apposed as the secondary of the RAC apposed to the RAC apposed to the secondary of the RAC apposed to the RAC apposed t	Debrieft incloses  Detected the an executive one of the property of the proper
<ul> <li>(G) One or more transit stops (in urban areas with fixed route transit service); and</li> <li>(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.</li> </ul>		( helt Assendances in TPS State - the Gramma by the SAC - September 12, 2011	Perfect	
				20.50







Trans Dev / Transportation Data Traffic Counting Program	Page 3 of 5	Trans Dev / Transportation Data Traffic Counting Program	Page 4 of 5
1996 ATR Transf Summury 1998 ATR Transf Summury 1993 ATR Transf Summury 1993 ATR Transf Summury 1993 ATR Transf Summury 1993 ATR Transf Summury 1990 ATR Transf Summury 1990 ATR Transf Summury 1998 ATR Transf Summury 1998 ATR Transf Summury 1998 ATR Transf Summury 1997 ATR Transf Summury 1997 ATR Transf Summury		months, Also a vehicle classification breakdown is shown by percent of ADT, Classification counts were obtained for 16, 24, or 48 hour periods.  (For ATR data previous to 1995, please contact us at 503-986-4147)	•
The TSM Unit currently only publishes vehicle classification breakdowns at the Permanent Traffic Recorder Stations (ATR). We publish vehicle states/fication date according to the FF 12 vehicle guidelines plus an additional 14th class for triple traffer trucks. Etrick vehicle 5 Definitions.	IWA Scheme-F	Selected Transportation Trends  The Selected Transportation Trends report is published monthly by the Transportation Systems Monitoring Unit (TSM). This report contains selected Trend information from several Sections within ODOT.	
Please see the next section for additional classification information on State Highways.  State Highway Vehicle Classification Data  http://finalmay.odd.state.or.an/rf/moharerrooms.traffe_panns.tfm		The TSM Unit provides volume, peak hour and peak day data from our Automatic Recorder Stations (ATR 's). Motor Fuel Consumption reports are provided by the <u>Financial Services</u> Branch, Fuel Tay Section. Monthly fatality reports are provided by the Crash Analysis Reporting Section (CARS).  2009 Mentilly Trends	
The TSM Unit collects classification data on all state highways. We classify vehicles according to the Commercial vehicle guidalines, PUMA Vehicle Chassification Deficilition. This protest data differs from the Volume Tables in that it is presented by range rather than location, point shown is not where the count was taken, but rather the Depriming of the range the considered to represent. The data presented in the classification report also includes the hour factor and ton mileage factor.  For additional classification information on a State Highway, please contact the Traffic Mc Coordinator, Trick Tanner rugs, Lanner Bods Late on the Coordinator of Coordinator above the Coordinator of	ntation of the The mile count is AADT, design	1008 Monthly Trands 2007 Monthly Trands 2008 Monthly Trands 2008 Monthly Trands 2008 Monthly Trands 2004 Monthly Trands 2004 Monthly Trands 2004 Monthly Trands 2004 Monthly Trands 2002 Monthly Trands 2007 Monthly Trands	
Permanent Automatic Traffic Recorder Stations - Location Maps			
2009 Area Enlangements 2009 Area State ATR, Mas 2009 Area Enlangements 2007 Areas State ATR, Mas 2001 Area State ATR, Mas 2005 Area State ATR, Mas 2004 Area State ATR, Mas 2005 Area State ATR, Mas 2005 Area State ATR, Mas 2005 Area State ATR, Mas 2009 Octoor State ATR, Mas 2009 Octoor State ATR, Mas 2009 Area State ATR,	of ADT. troffic	Traffic Counting Websites  Many times people are interested in traffic counts inside of cities or particular counties. Most of our focus is on the state highway system so we have a limited amount of information on some of these specific volumes. Here is a list of county and city websites in Oregon that might be able to give you more helpful information if you cannot find what you are looking for here.  Counties  Clackannas Describes Clackanna Manon Millionish Washington Cities  Geavetton Bentt Sugens Gresham Hillionis Lugens Gresham Hillionis Lugens Gresham Hillionis Lake Osweep Mediord Greson City Portland Salem	
The ATR data commiss of both the Average Weekday Traffic (AWD) and Average Dally Tra		Sprinsfield	W-W-W
The second secon	16.3, p.3	CANADITY STEED ATT A BOOK A LANGE AND A LONG	ausmail
http://www.negon.gov/ODOT/TD/TDATA/tsm/tvt.shiml/shiml	9/12/2011	http://www.oregon.gov/ODOT/TD/TDATA/tsm/tvt.shtml/shtml	9/12/2011

Trans Dev / Transportation Data Traffic Counting Program	Page 5 of 5			15.
Thurst Per / Thursportation Data Trainic Comming Program	10000			
		Milepaint	2004 AADT All Vehicles	Location Description
Dhim		200		THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)
				SOUTHBOUND - ONE-WAY TRAFFIC
Prettand State University Washington				On 6th Street
Linho		121,49	18000	0.01 mile north of McKenzie Highway (OH 126)
		361.43	10000	NORTHBOUND - ONE-WAY TRAFFIC
				On 5th Street
		120,49 N	13100	0.09 mile south of Jack Pine Avenue
Vehicle Miles Traveled Link		120.63 N		0.01 mile north of Greenwood Avenue
Venicle Allies Traveleg: (VMT) Link		121.00 N		0.01 mile north of Antier Avenue
		121.02 N		0.01 mile south of Antier Avenue
Vehicle Miles of Travel (VM1) is the sum of distances traveled by all motor vehicles in a specified system of highways for a given period of time.		121,29 N		0.02 mile north of Evergreen Averue
Sheriner skormi or rediginate on a flagar barrow in muse		121,32N 121,50 N		0.01 mile south of Evergreen Avenue 0.01 mile north of McKenzie Highway (OR 126) and Ochoco Highway (OR 126).
		121,0074	THOMAS	RESUME TWO-WAY TRAFFIC
		121.72	31900	0.15 mile south of S. Canal Boulevard
		123,30	28300	0.30 mile north of Yew Avenue Interchange
Purchasing TVTs		124.40	28600	* Redmond Automatic Traffic Recorder, Std. 09-020, 0.80 mile south of Yew Avenue
Oregon Transportation Volume Tables		126.20	26900	Interchange, 0.63 mile south of south city limits of Redmond 0.01 mile north of S.W. Quarry Road
		128.22	27800	0.01 mile south of S.W. Quarry Road
The Transportation Volume Tables is an annual publication devoted to the prior year's Transportati	on	130.17	25900	0.01 mile north of Bend-Deschutes Market Fload
Volumes and is generally available for purchase by June of each year.		130.19	27000	0.01 mile south of Bend Deschutes Market Road
If you would like a copy of the Transportation Volume Table annial publication the cost is \$16.00.	tt	134.70	34800	0.05 mile north of Nels Anderson Place and entrance to Mt. View Mall 0.01 mile north of Empire Boulevard Interchange
you would like a copy of the Transportation Volume Table on computer CD the cost is \$5.00. If you would like a state or Oregon traffic flow map the cost is \$5.00. Sond a request letter along with a	1	134.95	30200 41300	Bond-Empire Automatic Traffic Recorder, Sta 09-007, 0.36 mile north of Butler Road
return address to the address below indicating which of these you would like and include a check m	iade-	100.50		Interchange
payable to the Gregon Department of Transportation for the proper interest.		136.77	36500	<ul> <li>U,46 mile south of Butter Fload</li> <li>Bend-Rovere Automatic Traffic Recorder, Sta. 09-009, 0.04 mile South of Revere Avenue</li> </ul>
		197.36	38600	Interchange
Attn: Traffic Monitoring Coordinator		138,30	38400	0.01 mile south of Calerado Interchange, (Hwy 372)
ODOT Transportation Data Section		139.41	31400	0,01 mile south of Reed Market Ro. Interchange
Mill Creek Office Building SSS 13th St. NE, Suite 2		140.12	23000 18600	0.01 mile south of Powers Rd, Interchange 0.01 mile south of Pinebrook Boulevard
Salem, Oregon 9/301-4178		140.08	10000	Equation: MP 141.12 BK = MP 141.78AH
For more information call (503) 986-4147 Or email: Excurt teamer height allow units or		142.41	22100	* Lave Butte Automatic Traffic Recorder, Sta. 09-003, 0.17 mile south of China Hal Road
grotetien, a har yey Brodel, state, or as		143.47	16100	0.01 mile south of Galen Baker Road
		153.09	10500	0.01 mile south of South Century Drive
		155.51	9000	0.01 mile south of Vandeven Road
		161.76	8300	0.01 mile south of Paulina Lake Road
		167.49 169.67	7600	0.01 mile north of 1st Street at La Pine 0.01 mile north of Fremont Highway (OR 31)
Contact Us		169.88	5700	0.20 mile south of Fremont Highway (OR 31)
If you have any questions about our (vebsite or if we can finip you in any way please contact us at		183.84	5100	0.20 mile north of Sunsat Drive at Bilchrist
(503) 986-4147.		165.57	8400	Crescort Post Office
Or you can princil.		194.75 195.55	4600 5100	0.40 mile north of Willamette Highway (OR 58) 0.40 mile south of Willamette Highway (OR 58)
tapin (Asaron, adat state of the be		204.66	5000	* Chemili Automatic Traffic Recorder, Sta. 18-006, 1,45 miles south of Chemilit
referchen a harvey Build Late Ar.		212,79	4900	0.30 mile north of East Diamond Lake Highway (OR 138)
		213.29	4100	0,20 mile south of East Diamond Lake Highway (OR 138)
		231.02	3800	0.01 mile north of Fuego Road
				44
				40

http://www.orcgon.gov/ODOT/TD/TDATA/tsm/tvt.shtml/shtml

9/12/2011

10-3-64

Ex. 3, p. 6.

Milmo	2005 AADT	Location Description	****	2006 AADT All Vehicles	Location Description
Minob	oint. Mi Yanicias		Milepoint	All Venides	
		THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)			THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)
		NORTHBOUND - ONE-WAY TRAFFIC	124.40	31300	* Redmond Automatic Traffic Recorder, Sta. 09-029, 1.40 miles south of Yey Avenue
		On the blood	126.19	30800	0.01 role north of S.W. Quarry Avenue
		On 5th Street	126.21	29600	C O1 mile south of S.W. Quarry Avenue
	49 N 14800	0.00 mile south of Jack Pine Avenue	130,17	29200	0.01 mile north of Band-Deschilles Market Road
	63 N 14900	0.01 mile north of Greenwood Avenue	130.19	27500	C 01 reile south of Bend-Deschutes Market Fload  C.05 raile north of Nels Anderson Place and antranco to Mt. View Nati.
	00 N 16200	0.01 mile north of Antier Avenue	134.70	37800	0.30 mile north of Propine Avenue Interchange
	02 N 14000	0.01 mile south of Antier Avenue	135.16	46100	* Bend Empre Automatic Traffic Recorder, Sta. 09-007, 0.49 mile south of Empre Avenue
	29 N 16900	0.02 mile north of Evergreen Avenue	135.20	40100	Q 19 mile south of Bullar Market Road tronchange
	32 N 15100	0.01 mile south of Evergreen Avenue	136.62	41000	0.51 mile north of Revere Avenus interchange
121	50 N 14300	0.01 mile north of McKenzie Highway (OR 126) and Ochoco Highway (OR 126)	137.38	42200	* Bend-Revere Automatic Traffic Recorder, Sta. 09-009, 0.23 mile south of Rovers Avenue
		RESUME TWO-WAY TRAFFIC	137,00	42200	Interchange
121	72 33000	0.15 mile south of S. Canel Boulevard	137.69	41900	6 15 role couth of NW Lateyette Avenue
123		0.30 mile north of Yew Avenue interchange	138.00	41100	0.08 mile north of Colorado Interchange
124		* Redmond Automatic Traffic Recorder, Sta. 09-020, 0.80 mile south of Yew Avenue	158.60	33400	0.15 mile moth of SE Thirmen Avenue
16.	10 20000	interchange, 0.63 mile south of south city limits of Redmond	138,90	33000	0.27 mile north of Reed Market Road Interchange
126	10 29300	0.01 mile north of S.W. Quarry Avenue	139,61	24900	9.44 mile south of Reed Market Read Interchange
126		0.01 mile south of 8.W. Quarry Avenue	139,80	24500	0,17 mile north of Powers Road Interchange
130		0.01 mile north of Bend-Deschutes Market Road	140.22	21100	0.06 mile north of Badger Florid
130		0.01 mile south of Bend-Deschutes Market Road	140.42	20100	0.10 mile north of Pinetrook Houlevard
134		0.05 mile north of Nels Anderson Place and entrance to Mt. View Milli	140.65	17300	3.13 mile south of Pinabrook Boulevard
134		0.01 mile north of Empire Boulevard Interchange			Equation: MP 141.12 BK = MP 141.78 AH
135		* Bend-Empire Automatic Traffic Recorder, Sta 09 007, 0.36 mile north of Buller Road	142.41	22200	* Lava Butte Automatic Traffic Recorder, Sta. 09-003, 0.17 mile south of China Hall Road
	7.000	Interchange	143.40	17100	0.01 min sexits of Galen Baker Road
136	77 37900	0.46 mile south of Butter Road	153.00	11500	0.01 mile south of South Century Drive
137	36 39700	* Band-Revers Automatic Traffic Recorder, Sta. 09-009, 0.04 mile South of Revere Avenue	155.51	10100	0.01 mile gouth of Vandevert Road
		Interchange	161,75	9400	0.01 mile south of Paulina Lake Road
138		0.01 mile north of Colorado Interchange, (Hwy 372)	167.49	9570	0.01 mile much of 1st Sweet in La Pine Incorporation
139		0.01 mile north of Reed Market Rd. Interchange	169.67	7500	0.01 mile runth of Fremont Highway (OR31)
140.		0.01 mile north of Powers.Rd. Interchange	169.88	5800	0.20 mile assults of Fremont Highway (OR31)
140.	63 19600	0.01 mile north of Pinebrook Boulevard	183.84	5200	0,20 mile narth of Mississippi Drive at Glichrist
		Equation: MP 141.12 BK = MP 141.78AH	185.57	6500	Crescent Post Office
142	1 21900	* Lava Bulte Automatic Traffic Recorder, Sta. 09-003, 0.17 mile south of China Hat Read	194.75	4000	0.40 mile north of Willemetts Highway (OR55)
143	1.0	0.01 mile south of Galen Baker Road	195,55	4700 4600	0.40 mile south of Wikimiette Highway (OR58)     Chemut Automatic Vehicle Classifier, Sta. 16:006, 0.40 mile south of Chemuti Dump Road
153	4.000	0.01 mile south of South Cerdury Drive	204.65	4300	0.30 mile north of North Unippus Highway (OH138)
156		0.01 mile south of Vandevert Road	213.29	3700	0.30 mile abuth of North Uniquia Highway (OR138)
161		0.01 mile south of Poulica Lake Road	231.92	3600	0.01 mile north of Fuego Road
167		0.01 mile north of 1st Street at La Pine	244.08	4200	0.01 rate north of road to Coller State Park Museum
169		0.01 mile north of Fremont Highway (OR 31)	247,44	4400	0.10 mile north of Chiloguin Highway (north jurictimi)
169		0.20 mile south at Frement Highway (OR 31)	248.98	4600	0.10 mile north of Chiloquin Highway (south junction)
183		0.20 mile north of Mississippi Drive at Glichrist	249,18	5500	0.10 mile south of Chiloquin Highway (south junction)
185		Crescent Post Office	254.30	6200	* Modes Point Automatic Traffic Recorder, Sta. 18-022, 3:53 miles north of Modes Point Road
104		0.40 mile north of Willemetto Highway (OR 58)	258.03	8300	0.20 mile south of Clid Modoc Point Road
195		0.40 mile south of Willamette Highway (OR 58)	265.76	5300	0.10 mile south of Algorial Rivest
204		Chemult Automatic Venicle Classifier, Sta. 18-006, 1.45 miles south of Chemult	269.00	6500	0.10 mile south of Shedy Pine Road
212		0.30 mile north of Nurth Limpqua Highway (CIR 138)	271.26	7700	0.01 mile south of Wocus Road
213		0.20 mile abuth of North Umpque Highway (OR 138)	272.28	10200	0.30 mile north of Klamath Falls-Malin Highway (OR30-US97Bus) (Kill Carson Way)
231.		0.01 mile north of Fungo Road	272.94	6500	D 36 mile south of Klamath Falls-Malin Highway (OR39-US97 Bue) (Kil Carson Way)
244		0.01 mile north of road to Collier State Park Museum	273.92	7300	0.30 mile south of Nevada Avenue Interchange
247		0.10 mile north of Chiloquin Highway (north junction)	276.48	9300	0.40 mile north of Green Springs Highway (CR66) and S. Klamutti Falls Highway (OR140)
248		0.10 mile north of Chiloguin Highway (south junction)			

34

0.10 mile south of Chiloquin Highway (south junction)

C+ 5 1-9

	2007 AADT	0.00000000	Milepoint	AADT	Location Description
Milepoint	All Vehicles	Location Description		Alf	
		THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)		Vehicles	
126.19	30900	(LD) mile north of S.W. Quarry Avenue			
126.21	29800	0.01 mile soull of S.W. Querry Averus			THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)
130.17	29400	0.01 mile north of Bend-Deschutes Market Road	117.00	350	0.17 mile north of Sherman Highway (US97)
130,19	27700	0.01 mile south of Bend-Deschutes Market Road	67.18	2300	0.07 mile south of Sherman Highway (US97)
134.70	35900	0.05 mile north of Nets Anderson Place and enligance to Mt. View Matt.	87.00	3300	0.02 mile south of Clis Highway (USW)
135.16	38200	0.30 mile north of Empire Avenue Interchange	87.76	3400	0.50 milit south of N.E. Eim Leno
135.05	46600	* Bend Empire Automatic Traffic Recorder, Sta. 09-007, 0.49 mile south of Empire Average	89.64	3500	0.01 mile north of N.E. Cherry Lane
136.20	40600	0.19 mile south of Buller Markel Road Interchange	91.21	4800	0.00 mile north of N.E. Meadowlark Lane
136.62	41500	0.51 mile north of Revere Avenue liferchange	91.44	6600	North city limits of Madras, 0.04 mile south of N.E. Loucks Road
137.36	42800	<ul> <li>Bend-Revere Automatic Traffic Recorder, Sta. 99-009, 0.23 mile south of Revere Avenue interchange</li> </ul>	91.08	6700	0.10 mile north of Warm Springs Highway (US26)
137.69	42500	0.16 mile south of NW Lafayette Avenue			SOUTHBOUND - ONE-WAY TRAFFIC
138.00	41700	0.06 mile north of Colorado Interchange			On 4th Street
138.60	33900	0.15 min north of SE Truman Avenue	92.14	8000	0.01 mile north of Pine Street
138.90	33500	0.27 mile north of fleed Market Road Interchange	92.45	10000	0.01 mile right of Culver Highway
139.61	25400	0.44 mile south of Reed Market Resel Interchange	92.77	9000	0.01 mile north of "G" Street
139.80	24900	Q.17 mile north of Powers Road Interchange	93.05	9200	0.01 mile south of "J" Street, south city limits of Madras
140.22	21400	0.08 mile north of Bedger Road	****	2475	
140.42	20400	0.10 mile north of Pinebrook Boulevard 0.13 mile south of Pinebrook Boulevard			NORTHBOUND - ONE-WAY TRAFFIC
140.85	17700				On 5th Street
		Equation: MP 141.12 BK = MP 141.78 AH	92.13	8500	0.01 mile horth of Prive Sireud
142.41	22500	* Lava Botte Automatic Traffic Recorder, Sta. 09-003, 0.17 mile south of Crims Hall Hoad	92.44	10500	0.01 mile north of Culver Highway
143.46	17400	0.01 mile south of Galen Baker Road	02.46	10000	0.01 mile south of Culver Highway
153.00	11700	0.01 mile south of South Century Drive	02.77	10800	0.01 mile north of Bull Street
155.51	10200	0.01 mile south of Vandevert Road	63.05	9700	0.01 mile south of "J" Street, south oly limits of Madras.
161.75	9600	0.01 mla south of Paulina Lake Road			RESUME TWO-WAY TRAFFIC
167,49	7800	0.01 mile north of that Street in Lis Piner			Equation: MP 93.12 BK = MP 96.04 AH
189.67	6000	0.01 mile north of Fremont Highway (OR31) 0.20 mile south of Fremont Highway (OR31)	96.46	16400	0.02 mile north of S.W. Falrgrounds Road
169.88	5300	0.20 mile north of Mississippi Drive at Gilchrist	90.92	12300	* Madras Automatic Traffic Recorder, Sta. 16-002, 0.37 mile north of Madras
185.57	6700	Crescent Prot Office	10.00	12000	Principle Highway No. 360 (US26)
194.75	4100	0.40 mile north of Willamette Highway (CR58)	97.30	11500	0.01 mile south of Medras-Prinsville Highway (US26)
195.65	4800	0.40 mile south of Williamette Highwity (OR58)	103.62	8300	0.01 mile north of S.W. I/m Lane
204.65	4900	* Chansult Automatic Vehicle Classifier, Sta. 18-005, 0.40 mile south of Chemuit Dump Road	105 72	10300	0.01 mile north of Culver Highway
212.79	4400	D.30 mile north of North Umpqua Highway (OR138)	105.74	12000	0.01 mlin south of Culver Highway
213.29	3600	0.20 mile south of North Umpgua Highway (OR138)	112.60	12500	Jefferson-Deschutes County Line
231.92	3600	0.01 mile renth of Fuege Road	115.87	16600	0.01 mile north of "A" Avenue at Toneborne
243.22	4200	Chiloguis Automatic Vehicle Classifler, Sta. 18-023, 4:32 miles north of Chiloguin Highway	11851	18500	0,01 mile north of O'Mill Highway
247.44	4500	0.10 mile north of Chiloquin Highway (north junction)	119.09	17600	0,57 mile south of O'Nell Highway
248.98	4500	0,10 mile north of Chiloquin Highway (south junction)			Equation: MP 119.14 BK = Z118.96 AH
249.18	5500	0.10 mile south of Chiloquin Highway (south junction)	120.04	15600	0.02 mile north of S.W. Antier Avenue
254.30	6100	<ul> <li>Modoc Point Automatic Traffic Recorder, Str., 18-022, 3.53 miles north of Modoc Point Road</li> </ul>	121.00	13000	0.10 mile south of S.W. Artiller Avenue
258.03	6200	0.20 mile south of Clid Modoc Point Road	121.31	14000	0.10 mile south of S.W. Evergreen Avenue
265.76	5200	0.10 mile south of Algoria Road	121.58	75000	0.10 mile south of S.W. Clacier Avenue
209.00	6400	0.10 mile south of Sharty Pine Road	122.08	30000	0.10 mile south of 5.W. Veterans Way
271.26	7800	0.01 mile south of Wocus Road	123.30	28000	0.30 mile north of Yew Avenue Interchange
272.28	10100	© 30 mile conti of Mamath Falls-Malin Highway (OR36-U8078us) (GL Carson Way)	124.40	28000	Redmond Automatic Traffic Recorder, Sta. 09-020, 1.40 miles south of Yew
272.94	8800	0.35 mile south of Klamath Falls-Melin Highway (OR39-US97 Bus) (Fill Carson Way)	200	7.00	Avenue
273.92	7300	5.30 mile south of Nevada Avenue Interchange	126.21	25800	0.01 mile south of S.W. Quarry Avenue
278,48	9200	0.40 mile north of Green Springs Highway (OR88) and S. Klamath Fulls Highway (OR140)	130.10	25500	0.01 mile south of Band-Deschules Market Row
277.18	4800	0.30 mile south of Green Springs Highway (OR66) and S. Klamath Frats Highway (OR140).	134.70	32000	0.05 mile north of Nels Anderson Place and entrance to Mr. View Mall
			135.10	33600	0.30 mile north of Empire Avenue Intercharge

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	43400 38100 38300 39200	* Bend-Empire Avenue B.19 mue seu	.ES-CALIFORNIA HIGHWAY NO. 4 (Continued)		All Vehicles	
130 20 130 62 137 36	38100 38300	* Bend-Empire Avenue B.19 mue seu	ES-CALIFORNIA HIGHWAY NO. 4 (Continued)			
130 20 130 62 137 36	38100 38300	* Bend-Empire Avenue B.19 mue seu	ES-CALIFORNIA HIGHWAY NO. 4 (Continued)			THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)
130 20 130 62 137 36	38100 38300	Avenue B.19 mue seu	사람이 교육 경화 (적) 시간이 아름이었다면서 맞아다면서 가장 다 생활하다면서 가장 하나 없는데,	93.05	9300	0.01 mile south of "J" Street, south city limits of Madras  NORTHBOUND - ONE-WAY TRAFFIC
138.62 137.36	38300		Automatic Traffic Recorder, Sta. 09-007, 0.4% main south of Empire			On 5th Street
157.36			II) of thatler Market Road Interchange	92.13	8600	
	39200		in of Revere Avenue interchange	92.44	10600	0.01 rolle north of Pine Street
157.69			Automatic Traffic Recorder, Sta. 08-000, 0 23 mile south of Revere	92.46	10100	0.01 mile north of Culver Highway 0.01 mile south of Culver Highway
	38800	Averuse Inters	th of NW Lafayette Avenue	92.77	11000	0.01 mile north of Buff Street
136.00	37900		th of Colgrado Interchange	93.05	9800	D.01 mile south of "J" Street, south city limits of Madras
128.60	31700		Ivof SE Trumin Averue	3.00	33.65	
138.00	31000		Dr of Reed Market Road Interchange			RESUME TWO-WAY TRAFFIC
139.61	22900		In of Read Market Road Interchange			Equation: MP 93.12 BK = MP 96.04 AH
159.80	22300		h of Powers Road Interchange	96,46	16600	0.02 mile north of S.W. Fairgrounds Road
140.27	17800		h of Berger Road	96,92	12400	* Madras Automatic Traffic Recorder, Stu. 16-002, 0.37 mile north of Madras
140.42	17000		h of Pinetrook Boulevard			Prineville Highway No. 360 (US25)
140.05	14900		th of Pinebrook Boulevard	97.30	11700	0.01 mile south of Madras-Prineville Highway (US26)
		Fountion: A	MP 141.12 BK = MP 141.78 AH	103.62	8100	0.01 mile north of S.W. Iris Lane
142.41	20500	100 Tests 100 Tests		105.72	10000	0.01 mile north of Culver Highway
742.41	20000	Hat Road	demaic Traffic Recorder, Sta. 99-003, 0.17 mile south of Chine	105.74	11700	0.01 mile south of Culver Highway
143.45	16500		er of Cales Baser Road	112.86	12200	Jefferson-Deschutes County Line
163.09	12000		It of South Century Drive	115.87	16100	0.01 mile north of "A" Avenue at Torrebonne
165.51	10000		It of Vangevert Road	118.51	15000	0.01 mile north of O'Neil Highway
101.75	9000		Prof Paulina Lake Road	119.09	18300	<ul> <li>North Redmond Automatic Traffic Recorder, Sta. 09-023, 0.57 mits south of</li> </ul>
167,49	9300		n of tal Street in Lit Pine			O'Net Highway
169.67	7500	0.01 mile nort	h of Francist Highway (OR31)			Equation: MP 118.96 BK = MP Z119.14 AH
169.88	6000	0.20 mile soul	In of Fremont Highway (OR31)	120 94	17000	Reamond-Herriock Automatic Traffic Recorder, Sta. 09-022, 0.02 mile north of
183.84	5300	0.20 mile nort	h of Mississippi Drive at Gilchrist	100.00	362.3	Antier Avenue
185 57	5400	Crescent Pos	Office	121.00	12600	0.10 mile south of Antier Avenue
104.70	3900	0.40 trile not	h of Willametto Highway (OR58)	121.31	13500	0.10 mile south of S.W. Evergreen Avenue
105,05	3900	0.40 mile soul	th of Williamste Highway (OR58)	121.56 122.08	14600 29100	0.10 mile south of S.W. Glader Avenue
204.65	4400		medic Vehicle Classifier, Sta. 18-006, 0.40 mile south of Chemials	123.30	27200	0.10 mile south of S.W. Veterans Way
212.79	inte	Dump Road		123.30	27200	0.30 mile north of Yew Avenue Interchange
210.20	4200		n of North Umpqua Hydway (OR136)	124.40	2/200	<ul> <li>Redmond Automatic Traffic Recorder, Sta. 69-020, 1.40 miles south of Yew Avenue</li> </ul>
231.92	3600		h of North Umpque Highway (OR138)	126.21	25100	0.01 mite south of S.W. Quarry Avenue
243.22	3400		h of Fuego Road.	130,19	24800	0.01 mile north of Bend-Deschutes Market Road
240.46	3400	Chiloguin High	ornatic Venicle Classifier, Sta. 18-623, 4-32 miles north of	134.70	31100	0.05 mile north of Nels Anderson Place and entrance to Mt. View Mati
247.44	3700		n of Catopuir Highway (north junction)	135.16	32700	0.30 mile north of Empire Avenue Interchange
248.58	3900		h of Chiloguin Highway (south junction)	135.95	42200	* Bond Empire Automatic Traffic Recorder, Sta. 09-007, 0.49 mile south of Empi
249.18	4900		h of Chiloguin Highway (nouth junction)			Avenue
254.30	5300		lutomatic Traffic Recorder, Sta. 18-022, 3.53 miles north of Modes.	136.20	37100	0.19 mile south of Butler Market Road Interchange.
		Point Road		136,62	37200	0.51 mile north of Revere Avenue Interchange
258,03	5500		h of Old Modec Peint Road	137,36	38100	<ul> <li>Bend-Revers Automatic Traffic Recorder, Sta. 09-009, 0.23 mile south of Rever</li> </ul>
265.76	560/3		h of Algoma Road	107.00	OTTOO.	Avenue Interchange
269.00	5700		h of Sharly Pine Road	137,69	37700 36800	0.16 mile south of N.W. Lafayotte Avenue
271.26	6900		h of Wocus Road	138.00	30900	0.08 mile north of Colorade Interchange
279.28	9100	0.30 mile norti Way)	of Klimath Falls-Mailin Highway (OR39-US97Bus) (Kit Carson	138.90	30200	0.15 mile north of S.E. Truman Avenue
272.04	5200		h of Klamath Falls-Malin Highway (OR39-US97 Bus) (OR Carson	139.61	22200	0.27 mile north of Reed Market Road Interchange
	5165	Way)	or common to make small to the say (Concave Day) (Cit Consent	139.80	21700	0.44 mile south of Reed Market Road Interchange
273.92	6000		h of Neveda Avenue interchance	140.22	17300	0.17 mile north of Powers Road Interchange 0.08 mile north of Badger Road
278.48	8300		of Green Serings Highway (ORSE) and S. Kurnally Falls Frencher	140.42	1650G	100 P. J. 100 L. 100 P. J. 100 P. 100
		(OR140)	the second second live and are so company and talk and	140.65	14500	0.10 mile north of Pinebrook Boulevard 0.13 mile south of Pinebrook Boulevard

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Ext. pll

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Ex 3. 1

Milepoint	2010 AADT All Vehicles		Location Description
			THE DALLES-CALIFORNIA HIGHWAY NO. 4 (Continued)
02.47	10200		0.02 mile south of Culver Highway
92.73	11100		0.02 mile north of "G" Street
90.00	9900		0.02 mile south of "J" Street
			RESUME TWO-WAY TRAFFIC
			Equation: MP 93.12 BK = MP 98.04 AH
\$6.46	16700		0.02 mile north of S.W. Fairgrounds Road
07.11	12600	*	Madras Automatic Traffic Recorder, Sta. 16-002, 0.15 mill month of Madras-Printvillal Highway No. 360 (US26)
47.31	11800		0.02 mile south of Medras-Prineville Highway (US26)
100.01	8200		0.02 mile north of S.W. tris Lane
105.63	10100		0.10 mile north of Culver Highway
106.83	11800		0.10 mile south of Culver Highway
112 83	12300		Jefferson Deschutes County Una
115.86	16300		0.02 mile north of "A" Avenue at Terrebonne
118.50	18200		0.02 mile north of O'Nell Highway No. 370
119.09	18400	•	North Redmand Automatic Traffic Recorder, Sta. 99-023, 0.57 mile south of Cines Highway No. 370
			Equation: MP 118,96 BK = MP 2119.14 AH
120.92	18500		Redmond-Hamlock Automatic Trailio Recorder, Sta. 08-022, 0.04 mile north of 8,W. Antier Avenue
121.06	12700		0.10 mile south of S.W. Antier Avenue
121.31	13700		0.10 Invite abuth of S.W. Evergreen Avenue
121.56	14600		0.10 mile south of S.W. Glacier Avenue
122.08	29300		0.10 mile south of S.W. Voterans Way
123.30	27300		0.30 mile north of Yew Avenue Interchange
13(4.3)9	27400		Redmond Automatic Traffic Recorder, Sta. 09-920, 0.79 mile south of Yew Avenue
120.22	25200		0.02 mile south of S.W. Quarry Avenue
130.28	24900		9.10 mile south of Bend-Deschules Miliket Road
134.70	31200		D 05 mile north of Nels Anderson Place and entrance to Mr. Visiv Mall
135.16	32500	-0	0.30 mon north of Empire Avenue Interchange
135.95	41300		Bend-Empire Automatic Traffic Recorder, Sta. 59-507, 0.49 mile south of Empire Avenue
136.20	38400		0.19 mile south of Butler Market Read Interchange
136,62	36900	-	0.51 mile north of Revere Avenue interchange
137.30	38500	17.5	Bend-Revere Automatic Traffic Recorder, Sta. 09-009, 0.23 mile south of Revere Avenue
137.69	38100		0.18 mile south of N.W. Lafayette Avenue
108.00	37300		0.08 mile north of Colorado Interchange
138.60	31500		0.15 mile north of S.E. Truman Avenue
136.90	30900		0.27 min north of Roed Market Front Interchange
139.61	23100		0.44 mile south of Reed Market Road Interchange
2 40100			0.17 mile north of Powers Road Interchange
140.22	18300		0.08 mile north of Bacgor Road
140.45	17500		Bend-Pinebrook Automatic Traffic Recorder, Sta. 09-025, 0.07 mile north of Pinebrook Boulevard
140.65	14500		0.13 mile south of Pinebrook Boulevilled
2000	minute.		Equation: MP 141,12 BK = MP 141,86 AH
142.41	20300		Lava Bullin Automatic Traffic Recorder, Sta. 00 000, 9.17 mile south of China Hill Rest
144.20	16100		0,75 mile south of Galen Baker Road
153.63	9800		0.75 mile south of South Century Drive
161.64	8800		0.10 mile south of Vandevert Road  0.10 mile south of Paulina Lake Road
167.48	9100		0.02 mile north of tst Street in La Pine
169.53	7400		Caracteristics of the control of the
169.88	5900		0.10 into north of Fremont Highway (OR31) 0.20 mile south of Fremont Highway (OR31)
100.00	3900		WAS LINE BOWL OF A SERVICE LIBERTAL FOLIA CI

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# Commercial outlook

Retail vacancy down, but office, industrial up; active year anticipated

By Tim Doran

end's retail vacancy rate fell for nearly the sixth straight quarter at the end of 2010, while office and industrial rates rose slightly over the previous year, according to a quarterly market survey.

Compass Commercial Real Estate Services' survey, Points, showed the city's overall retail vacancy rate at 9.7 percent for the quarter that ended Dec. 31

The rate has steadily declined since the third quarter of 2009, except for two quarters last year when it remained unchanged. The rate for the fourth quarter also hit the lowest level since at least the third quarter of 2008, according to the surveys. The commercial market overall has become quite active for Compass since Dec. 1, said Gardner Williams, past president and partner.

"We feel 2011 is going to turn around dramatically," he said.

Contributing to the activity: a deal involving northeast Bend industrial property listed for \$7.1 million and housing several marquee companies, IdaTech, Entre Prises climbing walls and U.S. Allegiance, a Reensed merchandise producer, All have leases, which provide steady income and would be attractive to a buyer, Williams said.

Known as the Empire East Business Park, the three tax lots on Northeast 18th Street near Empire Avenue went through foreclosure and hit the market about four or five months ago, he said. A cash deal is in escrow.

"We're starting to see pretty big money taking advantage of some pretty good deals," Williams said.

Retail leasing began Jumping after the holidays, according to the "Q4 2010" survey, mostly in smaller spaces. But larger national retailers have started to show an interest, according to the survey, although none was named.

See Commercial / G3

# Bend's commercial vacancy rates



THE BULLETIN . Sunday, February 20, 2011 G3

# Commercial

#### Continued from G1

Of the seven geographic areas that make up Bend's retail market, the Old Mill District had the lighest occupancy levels, followed by downtown, according to the survey.

Restaurant turnover has been high. Williams said, but if one closes, another is ready to take over the location.

"A fully equipped restaurant is something that's always in demand," he suid.

In Bend's office market, much of the increased vacancy stems from LifeWise Health Plan of Oregen closing its office on Southwest Bond Street in December. It left \$5,000 square feet on the market, according to the survey.

It also pushed the vacancy rate to 22.1 percent at year's end, more than 3 percentage points higher than the third quarter and 1.8 points higher year over year.

Of the three geographic areas that make up Bend's office market, downtown had the lowest vacancy rate, and the U.S. Highway 97/Third Street corridor had the highest.

Most tenants negotiated rents between 90 cents and \$1.35 a square foot, according to the survey. Compass predicts the vacancy rate to drop this year with rents remaining about the same.

Office buildings sold for \$85 to \$161 a square foot in 2010, according to the survey, with about a half dezen sales. A bank sold one, and private parties sold the rest.

Similarly, in the industrial market, six buildings in Bend skewed the vacancy rate, according to the survey, Combined, they total about 242,500 square feet of space, making up 34 percent of the total vacancy.

With the buildings, the industrial vacancy rate citywide ended the year at 17.8 percent. Without them, the rate drops to 11.8 percent.

For industrial space less than 3,000 square feet, the vacancy rate drops below 10 percent, according to the survey.

Compass predicts rental rates for those smaller spots will inarease this year, and leave rates appear to reflect the demand.

Larger industrial space rents for as low as 20 cents a square foot per month, white smaller locations go for 30 to 40 cents.

More than a flozen industrial buildings sold last year, according to the survey, about half of them were bank owned properties. Business owners buying for their own use represented about 75 percent of the buyers, paying between \$40 and \$93 per square foot according to the survey.

For some buildings, the prices are nearly 50 percent of what it would cost to build them new, Williams said,

In Redmond, the addistrial vacancy rate reached 27.1 percent in the fourth quarter, an increase of 1.5 percentage points from the previous quarter, according to the survey.

For those with plenty of patience, Williams said, the greatest opportunity can be found in commercial land—at a range of prices.

A nearly 37-acre bank-owned parcel just outside the urban growth boundary in southeast Bend can be had for 43 cents a square foot, or \$18,534 per acce.

Or. a 2,19-acre spot on the considations at Reed Market Road near the Athletic Club of Bend Is available for \$18.08 a square foot, or roughly \$787,600 per acre.

For a buyer wanting to develop a potential 88-lot subdivision, a 30-acre parcel east of Southeast 27th Street and south of Hear Creek Road is on the market for 81.23 a square foot, \$53,459 an acre. It has 2.75 acres within the city, with the real in the UGB.

"(Land) went up further and faster than anything during the boom years," Williams said. "It came down the same way — like a rocket that ran out of fuel."

Tim Doran van be reached ut 541-383-0360 or at Idoran@ bendbulletin.com.

## INTERGOVERNMENTAL AGREEMENT TO SUPPORT ZONE CHANGE FOR EMPLOYMENT SUB-DISTRICT OF JUNIPER RIDGE

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement" or "IGA") is between the STATE OF OREGON, acting by and through its Department of Transportation, ("ODOT") and the CITY OF BEND ("City").

## A. Rooltals

- By the authority granted in ORS 190.110 state agencies may enter into agreements with units of local governments to cooperate for the performance of any lawful purpose.
- 2. In 2009, City created the Juniper Ridge Overlay Zone as a Special Plan Area and amended Chapter 2.7 of its Development Code to provide special provisions for development within the Overlay Zone. Chapter 2.7 was amended in 2010 by Ordinance No. 2152 to Include a Vehicle Trip Limit and implementing provisions within the 306-acre Employment Sub-District of the Juniper Ridge Overlay Zone. The Ordinance referencing the Vehicle Trip Limit provision is attached as Exhibit "A" and is incorporated into this Agreement.
- Within the Employment Sub-District, City proposes to rezone 256.2 acres of land (including 252.9 acres owned by City and 3.3 acres owned by others) from Urban Area Reserve (UAR) to Light Industrial (IL) (PZ 10-195), as shown on the Juniper Ridge Zone Change Map, attached as Exhibit "B" and incorporated into this Agreement.
- City has developed a Traffic Impact Analysis, (TIA) dated July 2010 which concludes that the proposed zone change will have a significant effect upon planned and existing transportation facilities as defined by OAR 660-012-0080(1).
- 5. Where there is a finding of a significant effect, OAR 660-012-0080(2)(b) provides that a local government can comply with OAR 660-012-0060 by adopting measures to demonstrate that allowed land uses are consistent with the plannad function, capacity and performance standards of the transportation system and/or by amending its TSP or comprehensive plan to provide planned transportation facilities and improvements adequate to support the proposed land uses at the end of the planning period.
- City and ODOT have developed a comprehensive mitigation strategy that includes land use measures, transportation domand measures and transportation improvements to local and state highway facilities that will mitigate the significant effect of the proposed zone change.
- City and ODOT have agreed to a strategy to develop and fund identified transportation improvements to ensure that the improvements will reasonably likely beprovided by the end of the planning period. ODOT's funding commitment is subject to

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Ev. 5, p. 1

Oregon Transportation Commission approval of the Statewide Transportation Improvement Program (STIP) in the future.

- Improvements to state facilities are considered to be planned facilities only when ODOT issues a written letter stating that the improvements are reasonably likely to be provided by the end of the planning period. OAR 660-012-0080(4)(b)(D).
- 9. This agreement is intended to memorialize the terms, conditions and funding agreements between City and ODOT required to mitigate the significant effect to transportation facilities and to provide a factual basis so ODOT can issue a letter to the City stating that the identified improvements to the state highway system will reasonably likely be provided by the end of the planning period consistent with OAR 660-012-0050(4)(b)(D).

#### B. Agroomont

- ODOT and the City agree that the proposed zone change will be subject to the Vehicle Trip Limit that will finit pout hour trips generated from the Employment Subdistrict to 2,220 peak hour trips, consistent with Exhibit "A." The peak hour is the time between 4:00 P.M. and 6:00 P.M.
- ODOT and the City agree that transportation improvements Identified in the Schedule below are needed to mitigate the effect of the 2,220 peak hour trips associated with the proposed zone change.
- ODOT and the City agree that the identified transportation improvements can be developed in phases and agree to the phasing sequence identified in Table 1 below.
- 4. ODOT and the City agree that the estimated cost for those improvements in 2010 is \$53,360,000. The parties agree that these costs are estimates and could increase or decrease between 2010 and the time the projects are constructed. The parties agree to share any increased or decreased costs in proportion to the percentage contributed in Table 1.
- ODOT and the City agree to share the cost of making these transportation improvements in the manner described in Table 1 below subject to further refinement of specific responsibilities as defined in subsequent Cooperative Improvement Agreements.

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Ex 5, 0.2

TABLE 1

PHASE	PRARC HOUR TRIFA	PROJECT/ th	MITIGATION IMPROVEMENT	TOTAL	US-97	GOCAL	YOROY
			Biophy Avenue J 18th Street Reundsborit	\$4,000,000	50	\$4,000,000	30
	700	n	Harpire / US-97 Northbound Ramp Terminal	\$1,600,008	\$1,600,000	50	
		С	Replie / US-97 Southboard Rang Terminal Third Street to US-92	\$3,600,000	\$3,600,000	\$0	30
	1	D	UL-97 / Cooley Rend Deprovements	\$35,900,000	\$11,385,000	10	\$18,615,000
1	600	п	1/5-97 / Bobs! Rend Improvement	\$1,300,000	\$492,000	50	\$1,007,400
			175-97 Italyed Median - Neis Anderson Place	\$10,000	\$3,284	\$0	\$6,716
1	360	a	18th Street Corridor Improvements Cooley to Himpire – J Innes	\$4,400,000	\$0	\$4,400,000	50
	6.4	H.	115-07-50 Analtiny Law - Empire Avenue to Bullet Muket Rend	\$3,250,000	\$1,316,230	56	\$1,933,750
4	340	)	Poycell Street Extension - Cooley to Yearnes	\$5,000,000	50	\$5,000,000	\$0

Table 1 Notes:

A trip is a net-new motor vehicle trip generated by the site that would access the transportation system during a weeksiny PM peak hour (i.e. the highest hour of volume between 4:00 PM and 0:00 PM). Not now trips are trips added to the site that do not include "pass-by" trips as defined in the ITE Trip Deparation.

The phasing analysis and modeling is found in the Junipar Ridge Transportation Study Phasing Analysis Memorandum for Employment Sub District (ESD) 2010.

Project Costs were developed by the City from the following sources:

- Empire and 16<sup>th</sup> Roundabout: Empire Avenue Extension Preliminary Design Report 2006
- Empire Northbound Ramp Terminal: Juniper Ridge Transportation Study, DKS, 2010 and City of Bend SDC project int estimates, 2010
- Southbound Ramp Terminal: Juniper Ridge Transportation Study, DKS, 2010 and City of Bend SDC project list estimates, 2010
- US-97 / Cooley Road and Robal Road: City of Bend US 97/Cooley Rd Intersection Mid-Term Improvement, 2008
- . US 97 Raised Median Nels Anderson: City of Bond typical estimate
- 10<sup>th</sup> Street Conidor improvements: City of Bend BDC project list estimates, 2010
- US -97 SB Auxiliary Lance: Juniper Ridge Transportation Stody, DR9, 2010 and City of Bund SDC project list, 2010
- . Purcell Streat Externion: City of Gond SDC project list estimates, 2010.

The City cost estimate share that is proportional for the projects located on the ODOT system is derived from the City of Band Transportation 3DC growth analysis methodology, 2010 and the City of Band Code Section 4.7 "pro-rate" calculations.

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Ex 6,03

#### C. City Obligations

- City will implement the Vehicle Trip Limit in a manner consistent with Table 1 and Exhibit "A."
- City will construct or require construction of the local facilities "A," "G" and "I" in
  accordance to the sequence identified in Table 1 and will not approve development
  proposals in subsequent phases until those identified local improvements in a preceding
  phase have been completed.
- 3. City will contribute funds estimated in Table 1 thet are necessary to make the identified improvements to State transportation facilities, subject to any modifications made by the parties under Section (B)(4) of this Agreement. Detailed funding commitments, project schedules and project scope for each project will be set forth in a Cooperative improvement Agreement that is agreed to by City and ODOT. City will not approve development proposals in subsequent phases until a Cooperative improvement Agreement to construct the identified improvements to state highway facilities in the preceding phase has been agreed to in writing by ODOT and the City.
- City will maintain a ledger documenting the number of peak hour vehicle trips assigned to development proposals and provide ODOT with an annual report.
- 5. City will require that all TIAs he developed in accordance with the City of Bend and ODOT standards for ODOT facilities including transportation demand management measures consistent with the Juniper Ridge Transportation Management Association (TMA) program. City shall require that each TIA consider feasible transportation demand management (TDM) measures to minimize peak hour vehicle trips generated by proposed development.
- City agrees to meet with ODOT Region 4 annually to discuss the annual peak hour trip allocation report, TDM monitoring reports, and project schedules, funding and phasing schedules.
- 7. The City shall not grant site plan approval for any development proposal that exceeds a cumulative site total of 2,050 peak hour trips until all Phase 4 mitigation improvements identified in the schodule are constructed or agreed to be constructed in Cooperative Improvement Agreement(s) or Development Agreement(s).

## D. ODOT Obligations

- ODOT will Issue a letter to the City indicating that the identified miligation improvements to state highway facilities are reasonably likely to be provided by the end of the planning period as required by OAR 660-012-0060(4)(b)(D).
- ODOT will act in good faith to timely enter into Cooperative Improvement Agreements with City to construct identified Improvements to State highway facilities.

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Detailed funding commitments, project schedules and project scope for each state highway project will be set forth in a mutually agreed upon Cooperative Improvement Agreement.

ODOT agrees to meet with City annually to discuss the annual peak hour trip allocation report, TDM monitoring reports and project schedules, funding and phasing schedules.

#### E. General Provisions

- 1. Term. This Agreement shall be binding and in effect from the Effective Date through June 30, 2030. This Agreement does not modify but does provide implementing and more detailed provisions evidencing the Parties Intent related to the Vehicle Trip Limit and Schedule adopted by the City by Ordinance No. NS-2152 which is attached as Exhibit "A" and associated with the proposed zone change for the Employment Sub-District.
- 2. Termination. This Agreement will be terminated if the City does not approve the zone change for the subject parcel. This Agreement may also be terminated by mutue written consent of both periles. Any termination of the Agreement shall not prejudice any rights or obligations accrued to the periles prior to termination and does not affect the Vehicle Trip Limit adopted by the City in Ordinance No. NS-2152 as identified in Exhibit "A" that is associated with the proposed zone change for the Employment Sub-District.
- 3. Access to Applicable Records. Each party acknowledges and agrees that the other party, the Secretary of State's Office of the State of Oregon, and their duly authorized representatives shall have access to the books, documents, papers, and records of the other party which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts during the course of this agreement. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by either party.
- 4. Entire Agreement. This Agreement and attached exhibits constitute the entire agreement between the parities on the subject matter of this agreement. There are no understandings, agreements, or representations, oral or written, not specified in this Agreement regarding this Agreement.
- 5. Amondments to IGA. The terms of this Agreement may be amended by mutual written consent of the Parties so long as such amendments are consistent with Vehicle Trip Limit dentified in the Ordinance. If City amends the Vehicle Trip Limit set forth in Ordinance No. NS-2152 the IGA can be amended by mutual written consent to be gonsistent with the amended ordinance.
- No Partnerable. Neither party is, by virtue of this Agreement, a partner or joint venture with the other in connection with activities carried out under this Agreement.

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and neither party shall have any obligation with respect to the other's debts or any other flabilities of any kind or nature except as specifically provided in this IGA.

- Assignment. This Agreement shall not be assigned by either party to the Agreement, except by written consent of the other party, which consent shall not be unreasonably withheld.
- 8. Dispute Resolution/Venue. The parties intend that, in an impasse or disagreement should occur on issues pertaining to this Agreement, a collaborative process will be initiated to resolve the difference. In the event of any issue in controversy under this Agreement, the parties will first pursue Alternative Dispute Resolution procedures to voluntarily resolve those issues, including but not limited to conciliation, facilitation, mediation and fact finding. In the event that Alternative Dispute Resolution is unsuccessful, this IGA shall be governed by Oregon Law, and if a suit is filled to enforce its terms, venue shall be in Deschules County.

#### 9. Contacts.

City of Bend Attn: Transportation Engineering Manager 710 NW Wall Street PO Box 431 Bend, OR 97709 Fax No.: 641-389-2246 State of Oregon Department of Transportation Attr. Region 4 Manager 63085 N. Highway 97, Ste. 101 Bend, OR 97701 Fax No.: 541-388-6025

#### F. Authority to Sign

The Parties represent that this Agreement is signed by personnel who have been authorized to do so by their respective agencies.

## G. Effective Date

This fully executed Agreement shall become effective on the date that Ordinance No. is effective.

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals as of the day and year written below.

The Oregon Transportation Commission adopted Delegation Order No. # 2, on December 29, 2008, which grants authority to the Executive Director to approve and execute agreements involving day-to-day activities.

Approved by the Bend City Council and execution by City Manager authorized at Bend City Council meeting on November 3, 2010.

## SIGNATURES ON NEXT PAGE

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CITY OF BEND

Erle King, Cily Mapager

Date 11/19/10

Approved us to forms

Mary Winters) City Attorney

Date 11 - 14 - 20/6

Exhibit "A" Ordinance No. NS-2152 Exhibit "B" Map STATE OF OREGON, by and through its Department of Transportation

Röbert W. Bryant, Region | Manager

Dato 11.24. 10

Approved as to Form

Assistant Attorney General

Date //// //

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#### Exhibit A

11. Vehicle Trip Limit. Development within the Employment Sub-District shall be limited to a maximum of 2,220 PM peak-hour vehicles trips that will be allocated consistent with the terms of Intergovernmental Agreement No. 27115 and phased in accordance with the following Miligation Table:

Table 2.7.2030.B Mitigation Improvements

PHASE	PAIN TOUR TRIPS	MERCANDON MERCANDES	
		Empire Avanua / 18 <sup>th</sup> Sircei Roundabant	
2	700	Empire Avenue / US-97 Northbound Ramp Terminal	
		Peoples Avenue / US-97 Southbound Remp Terminal Third Street to US-97	
2	600	1/5-97 Improvements between Note Anderson and Bowery Lane	
3	580	18 <sup>th</sup> Street Corridor Improvements Cooley Reed to Umpire Avenue	
4	US-97 Southboard Improvent Empire Avenue to Butter Marke		
	340	Purcell Sucet Entention Cooley Read to Youman Read	

- 1. The Vehicle Trip Limit shall be the considered the Employment Sub-District Transportation Mitigation Plan and shall apply to all find use applications that propose development that will generate peak hour vehicle trips. A PM Peak Hour trip is defined as a trip occurring between 4:00 PM and 6:00 PM, as further defined by the Institute of Transportation Engineers Trip Generation Manual.
- 2. No land use application shall be deemed complete unless it includes a Traffic Impact Analysis (TIA) that complies with the City of Bend standards for preparing a TIA identified in Chapter 4.7, and includes an evaluation of Transportation Demand Management Measures (TDM) that will minimize peak hom vehicle trips generated by the proposed development.
- The City shall provide written notification to ODOT when a land use application to deemed complete at least 20 days before a decision is issued.

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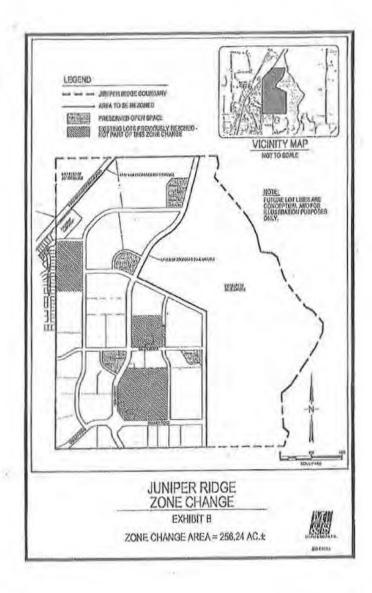
- Peak hour vehicle trip allocations are committed upon City approval of the proposed land use action and will expire consistent with Section 4.1.1310B of this Code.
- 5. Land use applications in any phase that propose development that will generate peak hour trips that (I) exceed the peak hour trip thresholds identified in Table 2.7.2030.B Mitigation Improvements prior to the construction of local street improvements, or (II) prior to the execution of a Cooperative improvement Agreement for the construction of improvements on state highway facilities, or (III) exceed the cumulative total vested peak hour vehicle trips for the phase in which this application is submitted, may be approved only if they meet the requirements of OAR 660-012-0060.
- 6. The City shall not grant site plan approval for any development proposal that exceeds a cumulative site total of 2,050 peak hour trips until all Phase 4 midigation improvements identified in the above Table 2.7.2030.B Midigation Improvements are constructed or agreed to be constructed in Cooperative Improvement Agreement(s) or Development Agreement(s).

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Ex 5, p. 1



#### MASTER PLAN OVERVIEW

#### General

Judger Hilge represents the community's vision for community, surfamilies, and respectified greets. Bend is the initial feature, guesting not republika rates in the School-States materials on DS Crimos Barrem entiantes influence in September 1900. The population has proxy quantity feet inter 180s, initialing it the men population style in Contral Gaugers with altum 7,500 concludes.

Jumper Hidge will be a vitered addition to the City of Heral, providing a technical must and articular to technic

- large areas for landments to locals and grow, creating diversified family sange employment.
- a university compas with research and development (R&D) capabilities;
- a variety of basising types attractive to a mapp of some,
   a wide variety of parks, preserves and inals for outdoor reconstion, and
- a new retail, slowing and entertainment more extending the Covere Oregon Performing Arts Center;
- all is a mixed-use, will also environment that commission afternatives to private automore.

Localed on 1,000 cares at City-control land, the Master Pito indicates possible applications on abilitaria adjacent lands, tousdoot generally by US-91 to US-incent, Coolige Pitol to the count. Discretizes Market Road to the cent. And the Turouko Road intervehange with UE-91 to the cents local the Basterian global may page 130. Employment had a repredendantly incented in the western said of Jamper Pilago and before in 15-91 and the RNSP militaria virial revolution of approximation of the country of the center of the plant. A mixed on Time Desire to located in the centery local of the Center of the country to the center of the

#### Process

The Master Phirabellists upon yours of work by the City of Broad, its neurolitates, and interested citizens. A form of computation, by by Coda, I.e., developed a Campup Planto 2005 that loans presend public lapse citizet in legal substitution where the experiment of many contributions and design workshops. The resulting Phase 2 Concept Plantocomputer of Justice and Associated we concerned on the desired language Ridge, including job receiving a wave-only receiving computer, as indeed on the contribution was a formed as a range of devaluation.

The City insued a Request for Qualification in May (200) and subsected Justices (Ind. Planters I.I.G. as Monter Distributed Section 2006) and a six amid by period from Dismributed 2006 in Alany 2007, Corpect Hobsetton & Partners has led the master plan offers, supported by JT Athies & Company hardscape mediately and ARUP (resespectation, infrastructure, and austimability engineers and other specially consultants.

This jinuming offert Included remainly spacines with the Bord Chy Chanell and a series of librory middle open human. These series remains remained the form to less the ChyChanell and public alloyed of a series for finding and plan evolution, this shortly supposes and remain from Chanellers and persons offers allow thinsigh conventations, a quantizative and persons caused and for the control of the control of



#### Planning Principles

The planning principles that have guided the Juniper Reign Marker Plan finder pheermaking and the creation of traditional magnetic model, with a rost of most that are predominan friendly, Basilde we dumpt and austicitable over 1 time.

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Piecewsking to the evention of soft, attractive and memorable settings for duly articities. Decimal primarily on the public medium—Le, where No., Frontagues, purion and planta phemorables alone to remain a conditional and describingly varied high-populary environment. For dady articities. The result to the regulation of a rich workly of observabiling discounter working, vinegation, than strong and recomment great plants for bring.

### Trediversi Nelghlovivoda

Amigur Ridge et versprived of a investy of traditional mightion/mails, some of which figure on a range of compleyment, mess or higher education invitations with oftens which a range of homes, write, diving and intertainment own.

A routh mean neighborhood has a neumon of fauther with a recognitude or metter prof. edge— (spaintly, mithin a in mainter unit, of each other ser neum (14 mile. A transitional resighteerhood consists of a me, of uses met a range of insiding types even if one use, such as essistated, professioners. A transitional resighteerhood is expansed by a system of linear source of the service of places and expanses are the service or unitarised in one, according several places in a neighborhood order one is used to expanse the linear service places and the service of the service. The different policy and the service of the producted of their service, but his global and one make, by regional open special or in the service, to the places and expanses of the linear service, and the places and expanses of the linear services.

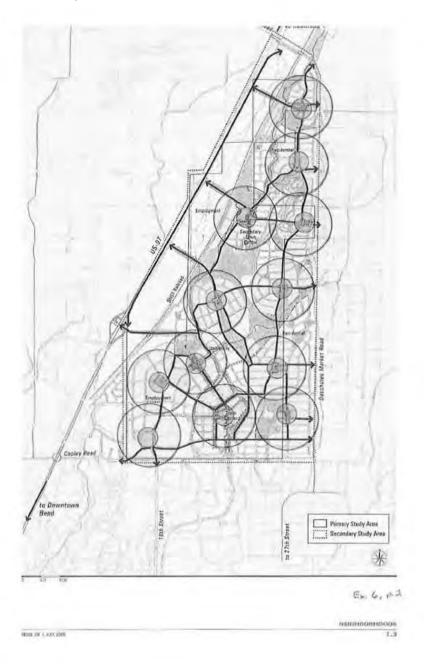
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JUNIPER BIDGE MASTER IT AL

Ex 5, p.10



#### Miles History

A resource tile community builades a mage of som and lathling types. The most believed urban place account fits most desirals at mage of ones and building types, typically on the mass alreed or in the same neighborhoot. The Fort District in Particult and Queen Area Hill in Sentite each contains a size of shape, measurement, military and worthdays alreed with a set of residential same. Less obtained with a deciral of each entire of the Nanisolas and Manterey possion of each first building types check by joint with commercial, recall and thang subdishments. Each electronic commercials are the model for neighborhood commercials as

Within resplayment dilutricus, key differences between on office parts and a discretizen instale the shiftly to write to ware an pleasant discreasiles with the ability to pleas up to account superior side and exploy a lote in a parts or plana. Ohe can explay all those brings in a discretizen and generally cann of them in an office parts. A docurries in a transitional could believe to notifice parts is real,

Similarly, a resonantile residential oxighborhood includes parks and dates recreational areas for all ages as well as a correst state of arease care jets up mile, a load of farmed, and other singles. A producted asset that does not have these recovered explaines more farquent and oxigo to reset the dialy ments of its enclosions.

#### Pertention Disortation

Partings the most fundamental aspect of the 'best-forced' places described since is satisfy in write to meal activities. The pedestriative shower pass of travella revealed while a wardly of redes, relative, high total stante. Deductrians occusion of locus on find and in rotes, draws, fusions—and shower, bestering noted bands and shared are managing paths. Conditivation, studed subsection, presented from me enting vehicles thy physical bardens such as fever or parked easy, link to different and open exposes through a subsection of valuabelycitive fields.

Easily in the master plant process, the design term distributed a quarticular to the specificacy attraction is gauge litted residents. "Milligence to suits." The results series clear and investpoints, process in Teral men to be able to with to slope, point, restaurable, their interest of plants from their terms, we hapters and related. The masses of their is described to pelicine that a high-quilty solution and within neighbourhood is valued by children of Central Origina.

As upper Ridge is planned to executing malking, systing, transit and other alternatives to private car use for daily activities.

#### Churchilly

Ar other key compensed of heat heavel places in their shifty to grow out earlier through their vibbant being their shrotine or charmone. The key elements allow this, a well dismod public resists and flexible planning. Flexibile planning technical middle is simplementary range of two out a given purved in seri, as designing blacks that have dissertaints adoptate to the renge of units allowed, Justice Hilling has been placed with a well-firmed public reads and black discretions that enable flexibility in tree.

#### Moster Plan Diagrom

Junipor Hidgo is an interconnected system of traditional religibisticade argundari about a community—this open space and primary vehicle extensive—one page 1.6. The open open system (that her shorehold in Chapter 3) is a continuous autoric of parks, equates, provinces and after analocage features. This system this neighboritode to one needler and often provincies in its contex providing both on open space from and a definable boundary.

List 97, the BNNP uniform, and Developes Mariest Road will continue to define the edge of Jusquer Ridge in the future. The authention of Couley Read to Describes Mariest Road and the ingenide to the Thursde Brood Interchange will desprove access both into and though the community. An eventual additional interchange on US 97 will food to a primary roads through Jusquer Bldge that provides key organization to the plan.

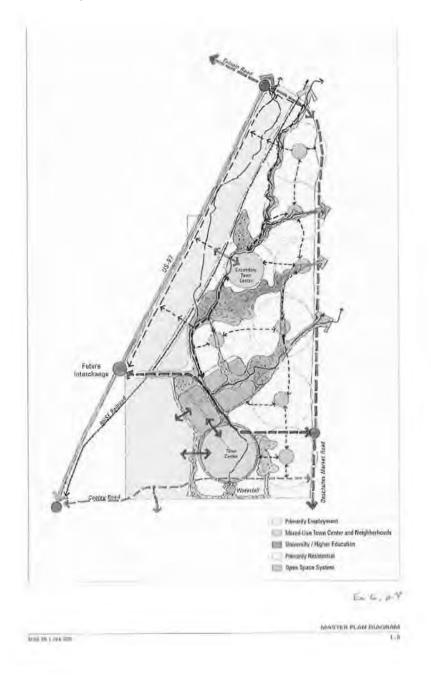
Bons of the neighborhoods are primarily employment areas, generally boosted in the southwest and between the rathroad and US-07. Two of the neighborhoods are enviational as miscolarum. There Canters—a singler one in the coath and a secondary one to the coath—that he had a recordary one to the coath—that he had a recordary one to the ground those of main streets with commercial and residential same on upper floors and inflicent streets.

The serverity district, which includes a variety of higher-educationvalued uses complementary to the whole of Jurique Rings, also at the boot of the community. A sember of primarily residential mightactoock curround and connect to each of those area.

Ex 4, p. 3

MARTEN PLAN DYERVIEW

JUNIPAN RIDGE MARTIN PLAN



#### DESIGN PRINCIPLES

Design Principles establish criteria about how the community should look and feel and my libe back for all future disagn and development decisions. Juniper Ridge's Design Principles worn generated and refliced as a specific response to the site, the context, and imput from City officials and private rithins.

- Juniper Ridge in a distinctive extension of Bend's community fabric.
- 2 The community should be comprised of a collection of maintable neighborhoods through a collected system of interconnected streets trails, and open spaces.
- Uper shall be inland or borded more such other in a manuser to facilitate padedeins and should directlotion as a viable alternative to automobiles.
- The most directs were should be located in the term centre in moute a vibrant area that will characterize Juniper Ridge in the region and attinuclate job creation through its recovants uncless.
- The university should be located to connect to and write post components of the community.
- Important buildings and open space should be tocated in special place c:
  - · On squares or parks
  - . At the termination of vistue
  - . At special intersections
- Regional open space nystems should be located to corridors to facilitate a discover big-habitat for existing from and furna, to preserve existing low ridges and band forms, and to be a community wide resource.
- Howing of varying types and densities should be provided to serve a range of lifest yies and budgets in order to promote Averaity within the community.
- Open space should be composed of a range of landscape characters.
- Architecture and landscape character should be rooted in the leaditions of Cented Ocegon and the American Northwest.
- The phanning of land uses, transportation, infrastructure and distributionalities designs should embrace restricted withouts and practices.
- 18. In order for Jurilyer Ridge to matrix lang-term raine, it must be exceeding featible, but the ability to be placed, and be flexible to adopt user time to changing markets and lifestyles.

#### Guiding Principles

The May 2006 HFQ included ten Guiding Principles for development at Juniper Hilley. These principles focus as performance characteristics sought by the creation of the new Juniper Hidge community.

- Development of Jumper Ridge must be of the highest quality that matrices the project's impostance to Bend and Central Oregon.
- Juniper Ridge will attract clean RND and compatible businesses that will provide living wage jobs into the future.
- 2. Industrial land uses will be prioritized for valuetrial witure targeted through the seein targetting process:
- The university and Regional Education Consortium will be a model of innerection that responds to the community and Central Oregon words while serving the needs of business.
- The university shall be closely integrated with businesses at Juniper Ridge, providing apportunities for interaction both inside and outside the classroom.
- Design, construction and operations will follow the best practices
  of autoimable and green development.
- Inniper Batge should be a model of energy conservation, with a payment huilding energy cost 25 percent to 60 percent lower than traditional buildings.
- Land use planning for Jumper Ridge will provide for pidestrians bicycles, transit and the officient was of automobiles
- Open spaces will be integrated throughout the project, connected by Iroths, while processing the numb important matural features of Juniper Ridge
- Only hard uses that tree compatible with these features should be located in the South Scotor of Jumper Ridge.



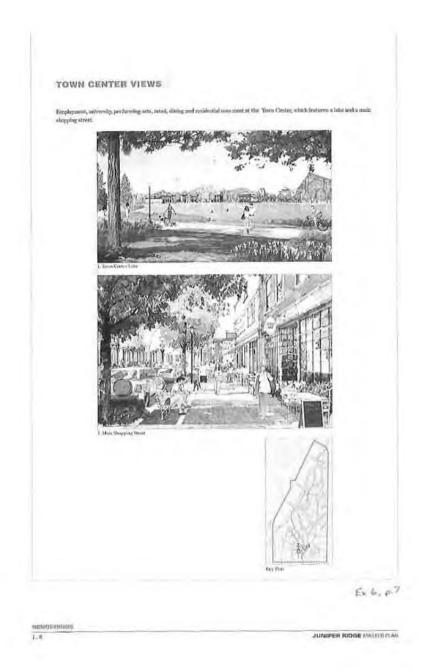
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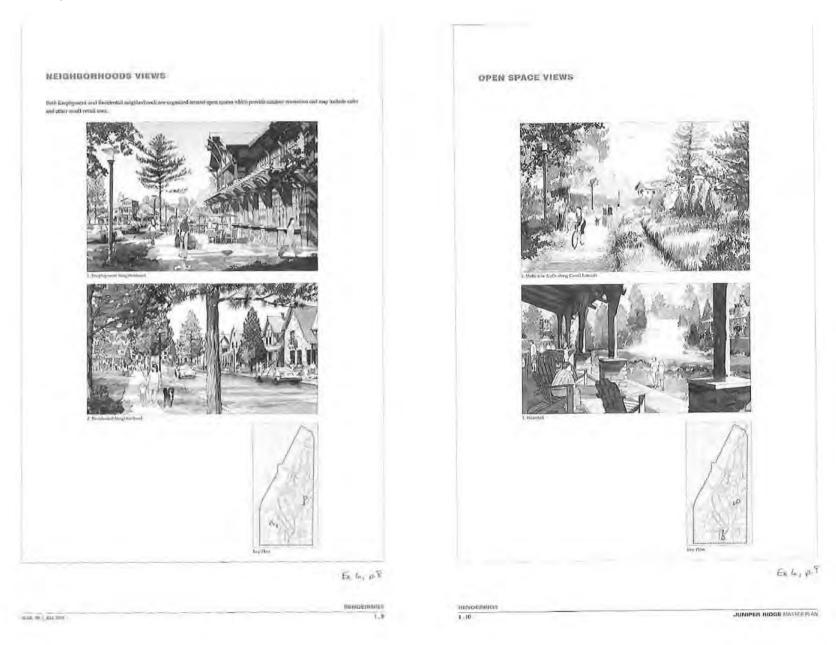
DESIGN PRINCIPLES

1.0

JUNIPER RIDGE MASTER PLAN









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Daniel C. Re Christopher D. Hatfield Elizabeth A. Dickson Gary R. Johnson Brian J. MacRitchie Ryan P. Correa Robert A. Stoot

James V. Hurley

Comments begin on next page.

Retired

September 12, 2011

Ms. Amy Pfeiffer Environmental Project Manager Oregon Department of Transportation 63030 O.B. Riley Road Bend, Oregon 97701

Delivered by hand and email Email: Amy.L. Pfeiffer@odot.state.or.us

Bend North Corridor Project / Highway 97 Oregon Department of Transportation's Draft Environmental Impact Statement Comments of Bend Associates, LLC

Dear Ms. Pfeiffer:

Our offices represent Bend Associates, LLC ("Bend Associates"), owner and developer of the Bend Center adjacent to Highway 97 in the north end of Bend. Target, Home Depot, and Olive Garden Restaurant, among other businesses, are located in the Bend Center. Bend Associates has actively participated in all phases of regional transportation planning, including the August 2006 Oregon Transportation Commission ("OTC") meeting to consider the first proposed changes to the intersection of Highway 97 and Cooley Road, and the many meetings, committees, hearings, and workshops that followed as the community worked together to find the best solution to the congestion issues evolving in the sector. Hend Associates hired its own transportation engineer, Robert Bernstein of Seattle, to evaluate plans and formulate modifications to better meet needs of all parties. Bend Associates has now reviewed the Draft Environmental Impact Statement ("DEIS") proposed by ODOT's local staff as the latest phase of this community problem solving process, and files these comments in response to that document.

There are two proposals evaluated in the DEIS: East DS1 and East DS2. They are largely similar, except for the design connecting the north end of the through highway with the local street network. Bend Associates' comments will address both proposals together, unless otherwise stated.

Bend Associates' Comments to DEIS September 12, 2011 Page 2

#### 1. The Principal Purpose of the Project is Misstated

ODOT's staff undertook to improve US 97 because the roadway traffic's interaction with local functions was causing local and through traffic to slow. Private and public transportation engineers worked for four years on various solutions to address the following original needs:

- Hwy 20 and Hwy 97 connectivity, to facilitate transfer between highways.
- Stacking on US 97 at Cooley Road during at-grade train crossings on Cooley, east of the highway. (Reason for denial of Wal-Mart's application at NW corner of Hwy 97 and Cooley.)
- Access to and from triangular commercial area (the "triangle") via Hwy 20 and Hwy 97.
- Access to and from the newly constructed Bend Parkway for local and through traffic.
- . Through traffic mobility for Hwy 20 and Hwy 97 travelers, including trucks.

The OTC, at its 2006 meeting, instructed the City of Bend and ODOT local staff to find solutions for these intermingled issues, and come back when they had a plan that would solve these problems. The City of Bend and ODOT have gone back to the OTC with updates since 2006, but have not yet returned to the Commission with a solution.

Formulation of a plan to integrate the region's transportation needs is admittedly hard. However, ODOT elected to eliminate all non-highway concerns from the Purpose and Need Statement, and even eliminated Hwy 20 concerns from the set goals. "The purpose of the proposed action is to improve safety and mobility for trucks and automobiles on US 97." (DEIS, ES-2). This simplification of the Purpose and Need Statement may satisfy one of ODOT's goals, but it does not satisfy the public it is charged to serve.

ODOT goes on to state Performance Objectives as subsets of the Purpose for this project, including "incremental improvements" to reduce delay, congestion and crashes on US 97; and reducing delay and congestion on US 97 as an "expressway." These are both objectives that benefit Hwy 97 only, without consideration for the relationship with the rest of the grid to which it is inextricably connected.

The last of the three stated Performance Objectives of the Purpose states,

"Supports economic development consistent with local agency plans; minimizes impacts to existing and planned local economic base; and provides for existing and planned local connectivity within the long-term planning period." (DEIS, ES-3).

#### 001

Please see Topic 35 – Purpose and need; goals and objectives and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

Improvements to US 20 have been considered in the development of the Preferred Alternative. The Preferred Alternative includes improvements to the intersections of US 20/Cooley Road and US 20/Robal Road, as well as improvements where US 20 and US 97 meet. Section 2.1.2 in the Final EIS provides additional description of improvements to US 20 included with the Preferred Alternative.

Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts for a description of how traffic will access this area under the Preferred Alternative.

Bend Associates' Comments to DEIS September 12, 2011 Page 3

001 Cont

It is this last statement that is all that remains of the original needs. Hwy 20 has been dropped as a principal concern. Stacking at Cooley is a key issue of transportation function, but is not addressed in ODOT's Purpose as targeted. Access to the triangle area is a very low priority to ODOT, though one of the highest priorities to the public as demonstrated by traffic counts. Parkway access is made worse by this low prioritization in the Purpose. Only US 97 mobility is served adequately, and at the expense of the other original needs. Thus, the Purpose of the Project is too narrow, and thus misstates the Purpose of the Project.

### 2. The Project Purpose is Not Met

The Project Purpose's third Performance Objective, though concentrated and simplified from four of the five original needs, still is not solved by either of the proposals in the DEIS. The Objective requires that this plan,

"Supports economic development consistent with local agency plans; minimizes impacts to existing and planned local economic base; and provides for existing and planned local connectivity within the long-term planning period." (DEIS, ES-3).

Analysis of the three concepts in this Objective is required to fully understand the fact that they have not been sufficiently addressed:

#### A. Supports economic development consistent with local agency plans;

Economic Development in the region relies on a two-pronged approach: Support and enhancement of existing business, and attraction and development of new business. The two strategies are connected. New business looks to existing business vitality, including profitability, growth, and the administrative and tax environment provided to strengthen that business community. Local government's trustworthiness is an important part of that analysis. Does local government keep its promises once a new business makes the commitment to relocate in reliance on those promises?

Bend Associates was the first developer to invest in the triangular area between Highway 20, Highway 97, and Cooley Road at the encouragement of Deschutes County. In the early 1990's, Deschutes County offered this "triangle" as optimal for long-term commercial development. The County forecasted population and economic growth in the region and the opportunity that would provide for profits for businesses and jobs for County residents. Bend Associates accepted this offer and the representations of the County, and invested in the area to capitalize on the access the triangle would provide. Bend Associates constructed Hunnell Road, Robal Road, traffic-signaled intersections, and sewer uplift stations as needed to develop the area as the first developer in the triangle. These improvements were completed less than 15 years ago.

The triangle has since been moved from County to City jurisdiction, now within Bend's Urban Growth Boundary. However, the promises made to Bend Associates are best kept, if not for reasons of integrity, then for reasons of attracting new business to the area. Bend Associates was promised access from both Hwy 97 and Hwy 20 to the triangle. Access from US 97 would be

#### 002

The East DS1 and East DS2 Alternatives studied in the Draft EIS, as well as the Preferred Alternative described in the Final EIS, meet the purpose and need including the performance objectives, as described in Sections 1.2 and 1.3 of the Draft EIS and Final EIS. As described in Section 2.2 of the Final EIS, these alternatives all passed the purpose and need screening conducted for the project. Please see Topic 35 – Purpose and need; goals and objectives.

ODOT did not make any promises regarding specific access points from US 97 and US 20. As participating agencies in the NEPA process, Deschutes County and the City of Bend were involved throughout the project's alternatives development process. The project's alternatives development and screening process is described in Chapter 2 of the Final EIS. Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

The Preferred Alternative continues to provide access from the Bend Center (including Target, Home Depot, etc.) to future 3rd Street (existing US 97). The Preferred Alternative will not close the existing driveways to the Bend Center. Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

Bend Associates' Comments to DEIS September 12, 2011 Page 4

cut off by ODOT's DEIS proposals, forcing drivers to either divert to local streets long before the mall area is in view, or long after it has been passed. These proposals do not support 002 Cont. economic development, because they do not support existing businesses, and they do not encourage new businesses to invest.

> For these reasons and others, none of the local agency plans propose or support separation of Hwy 97 from local traffic. ODOT's own U.S. Highway 97 Corridor Strategy, issued by ODOT in November 1995 and attached as Exhibit A ("ODOT Strategy"), notes that the divisiveness of Hwy 97 through Central Oregon communities of La Pine, Bend, Redmond, and Madras is a significant problem and needs to be addressed in future planning. This Strategy is the foundation for planning in the corridor. It was prepared by Mark DeVoney, Project Manager for ODOT. It is still in force and should serve as a principal guide for the present process as an agency plan. The overall goal for the U.S. 97 corridor is:

> "To promote commerce by efficiently distributing goods and services, while enhancing travel safety, maintaining environmental integrity and preserving regional quality of life." (ODOT Strategy, Page 5, Exhibit A, attached.)

It was decided that the planning process would be carried out in three phases:

Phase 1 - Development of corridor strategy

Phase 2 - Development of transportation improvement and management elements to test strategies and alternatives, estimate costs, establish priorities

Phase 3 - Development of refinement plans and resolution of environmental, land use or access management issues

The corridor was divided by areas of common interest. Segment 2 studied mileposts 118.5 to 142.2, from above Redmond to below Bend. This local agency plan was compiled after taking testimony of local officials from the cities of Bend, Redmond and Sisters, as well as county planning and public works directors from Deschutes and Jefferson counties, and state and federal agency representatives from DLCD, ODFW, Deschutes National Forest, and BLM. (ODOT Strategy, Pages 59-60).

This process constituted the most extensive study of this corridor since its construction, and to the present day. As such, it is the best source of information available to guide development of the region's highway system. It also noted the critical importance of balancing needs of accommodating local mobility needs while maintaining through travel needs. At Page 46, Section C, it states,

#### 003

All applicable planning documents were consulted and considered carefully while developing the project's range of alternatives. Section 3.2.3 of the Final EIS and Exhibit 3-27 FEIS summarize the project's consistency with local plans. Since the Draft EIS was published Deschutes County determined that the project's Preferred Alternative was already included in their transportation system plan (TSP). In addition, the Bend Metropolitan Planning Organization (MPO) has amended their Metropolitan Transportation Plan (MTP) and the City of Bend has amended their TSP to include the Preferred Alternative. All of these local agency plans support the separation of US 97 from local traffic.

The 1995 Revised Draft Final version of the US Highway 97 Corridor Strategy referenced in your comment and attached to your letter was never adopted by the Oregon Transportation Commission (OTC) and, therefore, it does not provide the foundation for planning in this corridor. The US Highway 97 Corridor Plan Corridor Strategy that was adopted August 21, 1997, sets forth the objectives for the operation, preservation and improvement of transportation facilities within the US Highway 97 Corridor between Madras and the California border. As described in Section 3.2.3 of the Final EIS and Exhibit 3-27 FEIS the Preferred Alternative is consistent with this plan.

This project is being reviewed through the National Environmental Policy Act (NEPA). The NEPA process includes formulation of a purpose and need statement for the project. See Final EIS Section 1.2 for the project's purpose and Section 1.3 for a discussion of the project needs. The Preferred Alternative meets the project's purpose and need. Please also see Topic 35 – Purpose and need; goals and objectives.

Section 3.5.3 of the Final EIS describes how the Preferred Alternative will promote commerce by efficiently distributing goods and services and preserve the regional quality of life. The Preferred Alternative will reduce congestion and improve safety on US 97, which improves the regional and statewide movement of goods and benefits the regional quality of life. For information on how access would be provided to the commercial triangle that includes Target and Home Depot among others, please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

Bend Associates' Comments to DEIS September 12, 2011 Page 5

### Highway Congestion, Facility Management and Roadway Conditions

It is the policy of the state of Oregon to define minimum levels of service and assure balanced, multi-modal accessibility to existing and new development within urban areas to achieve the state goal of compact, highly livable urban areas. It is also the policy of the state of Oregon to provide interurban mobility through and near urban areas in a manner, which minimizes adverse effects on land use and urban travel patterns. (OTP Policies 2B and 2C).

The ODOT Strategy goes on to note the importance of balancing local and through needs:

003 Cont

The Corridor goal is to address overall congestion by working with local governments to accommodate local mobility needs while maintaining through travel needs, using Transportation Demand Management (TDM) programs, multimodal facilities and other strategies, in addition to highway capital improvements. [Emphasis added.]

Most importantly, the ODOT Strategy identifies the key problem the highway poses for local land use:

The tendency of Highway 97 to act as a linear barrier to east-west movement of people, goods and wildlife needs to be reduced, or at least should be minimized by careful design and improved facilities management. [Emphasis added.]

Objective C1 was the result of this analysis: "Establishing minimum level of service (LOS) standards are important for maintaining the quality of life of residents in the Corridor and effectively moving commerce throughout the state." [Emphasis added.]

The DEIS's stated Purpose has deviated from this objective as set out in the ODOT regional corridor plan. As noted above, ODOT identified that the highway was acting as a linear barrier, and that needed to be reduced or minimized. The proposals studied in this DEIS do not meet that overarching objective, in place for 16 years.

004

The DEIS's stated Purpose has also deviated from this objective by abandoning the balance between resident quality of life and movement of commerce. Under the DEIS proposals, mobility of trucks is the primary objective. The simplification of the objective does streamline the evaluation process, but also pares the recommended proposals beyond the point of meeting local agency plans, including ODOT's own strategy.

#### B. Minimizes impacts to existing and planned local economic base;

00

The Project Purpose of the DEIS is also not met because it does not minimize impacts as noted here. Existing development in the region will be wiped out on the east side of existing Hwy 97 across from the mall area to accommodate a new, separate highway for through traffic only. This plan does not balance impacts. It prioritizes truck mobility over local businesses. West of

#### 004

While a planning document may identify a "purpose" this is not equivalent to the purpose and need provided in a NEPA document. While the language used to describe the purpose and need for the US 97 Bend North Corridor project is not identical to planning documents published 16 years ago, the spirit of those planning documents is carried forward into the US 97 Bend North Corridor project in both the purpose and need and the identified goals and objectives, included in Section 1.5 of the Final EIS. These goals reflect a balance between transportation system needs, quality of life for residents, and movement of commerce. Please also see Topic 35 – Purpose and need; goals and objectives and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

Mobility of trucks is not the primary objective of the East DS1 and East DS2 Alternatives considered in the Draft EIS or the Preferred Alternative identified in the Final EIS.

### 005

The Purpose and Need for the project is stated in Sections 1.2 and 1.3 of the Final EIS. The range of alternatives studied in the Draft EIS and the Preferred Alternative meet the purpose and need for the project. Please also see Topic 35 – Purpose and need; goals and objectives and the response to comment P108-002.

Access to the commercial triangle, which includes the existing Cascade Village Shopping Center, Bend Center and the Lowe's property and the site for a potential future Walmart store, will not be lost. Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts and Topic 18 – Juniper Ridge.

As stated in Chapter 1 of the EIS, along its entire length US 97 is classified as a statewide facility and is a designated freight route on the National Highway System. US 97 is also designated as an expressway from the City of Redmond through Bend. The 1999 Oregon Highway Plan defines the primary function of an expressway for interurban travel and connections to ports and major recreation areas with minimal interruptions. In the project area the current US 97 facility does not meet these standards.

Bend Associates' Comments to DEIS September 12, 2011 Page 6

Hwy 97, three large business areas exist: Cascade Village Shopping Center, Bend Center, and the Lowe's property. All three of these business areas will lose their primary points of access, forcing potential customers to drive through local streets and the attendant stoppages that result from grid travel. This plan does not balance impacts to these business centers, organized by local planners to use the highway as primary access. This plan prioritizes through traffic, and in so doing is detrimental to the existing local economic base.

005 Cont

Planned economic improvement, such as the proposed Wal-Mart store, is preempted by this plan. The site will no longer have the required access from the highway at Cooley Road. The City of Bend's Juniper Ridge, a long term mixed-use development planned for 1600 acres north and east of the Hwy 97 Cooley intersection, will not be provided access by either plan, but rather forces the City to build its own access off the highway, over the railroad tracks, into the future development. The DEIS proposals do not minimize impact to this local economic base. They remove local trips off the highway in the interest of promoting freight mobility, without compromising freight mobility in the least. This is not balancing. This is unilateral preference for freight mobility at the expense of the existing and planned local economic base. As such, the proposals put forth by the DEIS do not meet its own stated Performance Objectives.

### C. Provides for existing and planned local connectivity within the long-term planning period.

This third part of the Performance Objective also comes up short. The goal is not met by the plans proposed. Interestingly, local connectivity is also identified as a key goal in the ODOT Strategy as noted above. It is clearly a critical part of a functioning system in the region. Yet local connectivity is not assured by the proposals. It is not even planned. This is the single most concerning part of the proposals.

006

Present accesses all along Hwy 97 are closed under both alternatives. See "x's" in the diagrams at DEIS ES-7, ES-8. These are existing points of ingress and egress which must be closed under the proposals. The proposals do not completely provide for alternate methods of access to and over the highway, in that the proposals do not identify funding for new facilities. Such diversions also place significant traffic loads on local county roads not designed to accommodate such traffic loads. No funds are identified to mitigate these impacts.

Emergency service routes are also truncated by these proposals. Existing access to sites is already challenged by the linear division of Hwy 97 as noted in the ODOT Strategy report cited above. Addition of a new, wider, less accessible highway exacerbates the problem. These proposals do not make local connectivity better. These proposals make matters worse.

#### 3. Conclusion

007

Bend Associates is not in support of the DEIS as drafted. It misstates the goal, as stated by the OTC, ODOT itself, and the work of the community for the past five years. It does not solve the problem stated, by providing an imbalanced set of proposals that solve only part of the problem, and in so doing, make the rest of the problem worse. Bend Associates finds that this document,

#### 006

The Preferred Alternative meets the purpose and need including the performance objectives. Please see Topic 35 – Purpose and need; goals and objectives. The goals and objectives were considered in the identification of the Preferred Alternative. The Preferred Alternative provides for local connectivity; 3rd Street will be extended north and will connect to US 97 with a new signalized intersection. Please see Topic 35 – Purpose and need; goals and objectives.

The East DS1 and East DS2 Alternatives evaluated in the Draft EIS (shown on page ES-7 and ES-8 of the Draft EIS) included the closure of several driveways onto US 97 north of the Deschutes Memorial Gardens. These driveway closures will not occur with the Preferred Alternative, as shown in Exhibit ES-5A FEIS. Where the Preferred Alternative will close access points onto US 97 other access to the local street network is already provided or the Preferred Alternative will include local road improvements and access to provide connectivity to the local street network. Property that is land-locked as a result of the Preferred Alternative will be purchased through ODOT's right of way acquisition process. For more information on the right of way acquisition process please see Topic 30 – Right of way acquisition. The Preferred Alternative will not create transportation system deficiencies.

The Preferred Alternative includes local road improvements that were needed to provide connectivity and improve the local street network and to accommodate the anticipated traffic. For example, to provide better local connectivity across US 97 the Preferred Alternative includes a proposed Cooley Road undercrossing of US 97 and the BNSF Railway. For other commitments that ODOT is making as part of the Preferred Alternative to address transportation impacts see Section 3.1.5 of the Final EIS. The traffic analysis for the Preferred Alternative included analysis of these local road connections and improvements and the analysis showed that the Preferred Alternative will not place significant traffic loads on local county roads that are not designed to accommodate the load.

ODOT has coordinated with the local emergency service providers and has incorporated improvements into the Preferred Alternative based on this coordination. To provide improved emergency service access to the project area from the Public Safety Complex the Preferred Alternative preserves the right out from Xanthippe Lane onto southbound US 20 for emergency service vehicles and also extends Britta Street to connect to Robal Road. As discussed in Section 3.5.3 of the Final EIS for the travel times that were modeled most response times for emergency service providers will decrease under the Preferred Alternative (2036) compared to the No Build Alternative (2036). Due to additional congestion, travel times to US 20 at Robal Road will increase with the Preferred Alternative (2036)

Bend Associates' Comments to DEIS September 12, 2011

Page 7

as drafted, is insufficient to meet the needs as stated both within the document and in the larger context of local agency planning, which should govern such proposals. It is inadequate and unacceptable as drafted.

Sincerely,

Elizabeth A. Dickson

EAD/hoh

Encl. Exhibit A: U.S. Highway 97 Corridor Strategy (Madras - California Border) ODOT Nov. 1995

compared to the No Build Alternative (2036).

As funding for phases of the Preferred Alternative is identified these local road improvements and connections will be constructed.

#### 007

While we appreciate your comment, we disagree with your assessment of the Draft EIS. Please see Section 2.2.2 and Exhibit FEIS 2-18 in Chapter 2 of the Draft EIS which describes how the alternatives considered meet the purpose and need. Please also see Section 2.2.2 and Exhibit 2-18 FEIS in Chapter 2 of the Final EIS which describes how the Preferred Alternative meets the purpose and need for the project. The project team carefully considered all previous planning efforts that included the area in which this project will be constructed. Please see Topic 35 – Purpose and need; goals and objectives.

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# Revised Draft Final

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# U.S. Highway 97 Corridor Strategy

(Madras - California Border)

Oregon Department of Transportation



November 1995

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## **Executive Summary**

U.S. Highway 97 Corridor Strategy

### Introduction

The Oregon Department of Transportation (ODOT) has embarked upon a new approach to identify projects for the Oregon State Transportation Improvement Program. This new approach, named Corridor Planning, is intended to implement the goals and policies set forth by the 1992 Oregon Transportation Plan (OTP), the 1991 Highway Plan and the recent modal plans for rail, freight, bike/pedestrian, acronautics and transit.

The OTP, Oregon Highway Plan and modal plans provide statewide transportation goals and policies, and identify transportation corridors and facilities of statewide importance. Corridor plans are intended to build upon this multimodal, statewide planning framework by focusing on long-term planning and development of all modes within specific transportation corridors. Transportation corridors are identified as major or high volume routes for moving people, goods and services from one point to another. Since transportation corridors transcend jurisdictional boundaries, corridor planning also builds upon local transportation and land use policies and plans, including the comprehensive plans of Jefferson, Deschutes and Klamath Counties and the cities of Madras, Redwond, Bend and Klamath Falls.

Over the next six years, ODOT intends to complete corridor plans for 31 transportation corridors throughout Oregon, including the U.S. Highway 97 Corridor, which follows Highway 97, as illustrated in Figure 1. Generally, each corridor plan will:

- involve local jurisdictions, stakeholders and citizens;
- · translate the policies of the OTP into specific actions;
- describe the functions of each transportation mode, consider trade offs, and show how they will be managed;
- · identify and prioritize improvements for all modes of travel,
- · work with local jurisdictions to identify opportunities for partnering;
- indicate where improvements should be made;
- · resolve any conflicts with local land use ordinances and plans; and
- Establish guidelines for how transportation plans will be implemented.

## Executive Summary U.S. Highway 97 Corridor Strategy

Figure 1 US 97 Corridor Plan

Segments 1-4

# Madras - California Border



Segments 4-10

Segments 1-4	ALC MINE TO A PROPERTY OF THE PARTY OF THE P
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Segments (a)	Segment 6
Segment 2 Segment 3	Segment 7 Segment 7 Segment 7 Segment 8 Segment 8 Segment 8
Segment 3 Segment 4	Segment 9

Segment Number	Segment Milepoints	Segment	Begin Begment	Segment .
134007-1	P1.0 - 119.5	262	Junction US 25 (Madras)	US 07 and OR 370 (Prineville)
2	116.5 - 142.2	23.0	US 97 and OR 370 (Prinavilla)	China Hat Road (Bend)
3	142.2 - 169.7	24.2	China Hat Road (Band)	Jet US 07 & OR21 (La Pine)
4	169.7 - 195.2	26.5	Jot. US 97 & ORST (La Pine)	Junotion OR 58 -
	195.2 - 213.5	162	Junetion OR 58	Junction OR 138
6	213.5 - 242.5	29.5	Junetion OR 138	Spring Hill
7	242.5 - 257.63	16.23	Spring Hill	Modoc Point
8	257.83 - 271.0	13.17	Modos Point	N. Klumath Falls UGB
9	271.0 - 278.0	0.61	N. Klameth Falls UGB	S. Klameth Falls UGB
10	278.0 - 251.73	13.7	S. Klamath Fatls UGB	California border

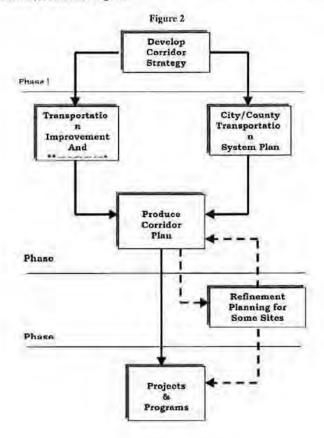
## **Executive Summary**

U.S. Highway 97 Corridor Strategy

## Executive Summary U.S. Highway 97 Corridor Strategy

Corridor Planning Process

The corridor planning process recognizes that different segments of the U.S. 97 Corridor require different levels of study to develop a corridor-wide, long-range plan. Thus, corridor planning proceeds from general to specific in a three-phased approach towards project development and construction, as illustrated in Figure 2.



This corridor strategy document is the outcome of the initial Strategy Development phase of Corridor Planning. The Corridor Strategy is intended to set the stage for more detailed analysis of modal trade offs and improvement priorities. The Corridor Strategy evaluates long-term transportation requirements, multimodal issues and recommends general improvement objectives to address corridor-wide requirements.

The second phase of corridor planning will specifically address the objectives set forth in the Corridor Strategy. During this phase, specific transportation improvements will be identified and prioritized as two types of transportation plans: general plans for counties and systems plans for cities.

The third and final phase of corridor planning leads to project development through refinement planning for specific projects to resolve any outstanding environmental, land use and design issues.

### Corridor Description

The U.S. 97 Corridor stretches 199.8 miles from the Highway 26 intersection in north Madras to the Oregon/California border. Within the Corridor, Highway 97 provides important interstate, regional and local transportation linkages. In addition to serving local needs, the highway is used as a major truck route for the Western United States providing relatively shorter, more direct access for goods moving between California, the Willamette Valley, Central Oregon, east central Washington, northern Idaho and points east. Highway 97 also serves as an "alternative- to 1-5 for people and goods moving between California and Washington.

Highway 97 is the primary transportation facility in the Corridor, serving automobile, truck, public transportation, bicycle and pedestrian modes. As indicated in Figure 1, Segments 1-3 extend from the Highway 97/U.S. 26 intersection in Madras to the Deschutes/Klamath County border, serving the rapidly growing communities of Madras, Bend, Redmond, Sunriver and La Pine, Segments 4-10 extend from the Klamath County border to California, linking small and medium-size communities, such as Crescent, Chemult, Chiloquin, Algoma and Klamath Falls.

The Corridor is served by a variety of transportation modes. The rail freight system in the Corridor is comprised of the Southern Pacific Cascade Line, the Burlington Northern Bend Branch and Bieber Lines, and the City of Principal Railway.

Amtrak's Coast Starlight train, which runs between Seattle and Ws Angeles, stops daily in Chemult and Klamath Falls. Greyhound provides one daily northbound and southbound bus between Madras, Redmond, Bend, Chemult and Klamath Falls.

The Redmond Municipal Airport and the Klamath Falls International Airport provide scheduled passenger service. Pacific Gas Transmission Company's gas line also generally follows the Corridor.

## **Executive Summary**

U.S. Highway 97 Corridor Strategy

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### Findings and Conclusions

Key findings and conclusions that were identified during strategy development include:

- . The Corridor's economy is primarily based on timber, tourism and agriculture.
- Many recreational destinations along the Corridor draw large volumes of in-state and out-ofstate visitors year round while generating high volumes of peak-season recreational traffic.
- The mix of through and local traffic along Highway 97 has created vehicular, bike, pedestrian
  and truck/RV conflicts and safety concerns.
- Population and employment is projected to grow rapidly, particularly in Corridor Segments I, 2 and J (Madras through La Pine); expecting to result in increased traffic and congestion over the next 20 years.
- Highway 97 currently affects the habitat of a variety of wild plants and animals; functions as
  a barrier to biotic movements and is a source of physical, chemical and biological
  contaminants.

### Corridor Strategy Goal and Themes

The strategy development process for the U.S. 97 Corridor included surveys and interviews with stakeholders, several public meetings and workshops where corridor issues, concerns and opportunities were discussed. Based on the input received from these meetings and relevant technical information on transportation trends, congestion, travel time and safety, the overall goal for the U.S. 97 Corridor is:

To promote commerce by efficiently distributing good and services, while enhancing travel safety, maintaining environmental integrity and preserving regional quality of life.

The following six underlying corridor strategy (home were identified during the strategy development process:

- · Enhancing Safety
- · Facilities Management and Improvement
- · Intermodal Connections
- Interpretive Opportunities and Preservation of Environmental Quality
- · Economic Development
- Pattnering

The Corridor Strategy goal and themes form the basis for the objectives contained in this Corridor Strategy document.

### Purpose of the U.S. 97 Corridor Strategy

Development of the United States (U.S.) Highway 97 Corridor Strategy is the first step in the corridor plauning process for the Madras to California section of this multimodal transportation corridor. The purpose of this document is to set forth objectives for the operation, preservation and improvement of transportation facilities within the Corridor. This document describes the role the Corridor plays within the region, identifies significant issues, and helps to distinguish this corridor from other corridors within the state of Oregon.

This document is intended to apply the general transportation policies and requirements established by the federal Intermodal Surface Transportation Efficiency Act (ISTEA) legislation, Oregon Transportation Plan (OTP) and other state policies to the U.S. 97 Corridor, Attention is placed on determining relevant policies and applying them to the unique corridor conditions. Corridor objectives attempt to balance various modes of transportation with the needs, issues and unique features of the Corridor.

The Corridor Objectives identified in the Strategy represent the course of action for corridor planning and management as recommended by corridor stakeholders. The objectives provide direction for future transportation system planning, general planning, refinement planning, and project programming and development.

### Overview of Corridor Planning

In response to federal and state directives, the Oregon Department of Transportation (ODOT) has adopted a new comprehensive approach to transportation planning. While many modes of transportation and specific transportation facilities are not owned or operated by the state (railroads, bus systems, port facilities), the state has a special interest in the performance of these facilities given their interaction with ODOT facilities and their collective importance to the entire transportation system.

This new approach to transportation planning seeks to integrate statewide planning for all transportation modes with long-term planning for specific communities within Oregon. QDOT is developing statewide management systems and modal plans for modes including automobile, truck, passenger and freight rail, aviation, bicycle and pedestrian, and intermodal facilities. Concurrently, QDOT is conducting corridor planning to focus on the multimodal performance and impacts of specific transportation corridors, facilities and systems of statewide significance.

Together, modal and corridor plans will be the basis for update of the State Transportation Improvement Program (STIP) and the development of specific transportation improvement projects.

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Additional benefits of corridor planning melede:

Resolution of Major Planning Issues Prior to the Initiation of Project Programming and Development — Early agreement on project purpose, need, and general parameters is essential to successful, timely, and cost-effective project development.

Preservation of Transportation Rights-of-Way — Preservation of existing and future transportation rights-of-way requires proactive planning. In high growth areas, transportation facility requirement increases while at the same time property values escalates and new development occupies needed rights-of-way. As available and environmentally suitable land diminishes, transportation improvements are often forced into stream corridors or wetland areas. Under these circumstances, development costs and environmental impacts can be reduced by preserving transportation corridors.

Protection of Transportation Investments — To avoid premature obsolescence of highways and other transportation facilities, corridor planning focuses on means to accommodate transportation needs with and without expital-intensive improvements. Advantages of access management, utilization of parallel local streets, reconfigured land use patterns, and demand management programs (rideshare, public transportation, flex-time) should be considered in lieu of, and/or in addition to, major capital improvements.

In the context of corridor planning, corridors are defined as broad geographic areas through which various transportation systems provide important connections between regions of the state for passengers, goods and services. Facilities are defined as individual modal or multimodal terminals that are considered to be of a statewide level of importance. Systems are defined as a network of transportation links, services and facilities that collectively have a statewide level of importance, even though individual corridors, facilities or services that make up the system may not be of statewide significance.

A corridor plan is a long-range (20-year) plan for managing and improving transportation facilities and systems to meet needs for transporting people, goods and services within a specified corridor. Corridor plans are currently being developed for 31 corridors of statewide significance identified in the OTP. The corridor planning area includes statewide transportation facilities, systems, and land area that affect transportation performance.

### Planning Requirements

Corridor plans will be developed to implement the general policies and planning directions of new federal and state planning directives and guidance documents, including:

Federal Intermodal Surface Transportation Efficiency Act (ISTEA) — ISTEA sets new standards and guidelines for transportation planning nationwide. To qualify for federal funding, states must show state and local plans that balance automobiles with other transportation modes, show cooperation among various units of government, and provide meaningful public input.

Oregon Transportation Plan (OTP) — The OTP provides a general context for transportation planning in Oregon with a philosophy, vision and broad policies.

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Oregon Transportation Planning Rule (TPR) — The TPR requires stronger ties between transportation and land use planning.

State Agency Coordination Program (SAC) — The SAC Agreement between ODOT and the Department of Land Conservation and Development defines how these agencies will coordinate their efforts.

Modal Plans — These plans include the Oregon Highway Plan, Oregon Rail Freight Plan, Oregon Rail Passenger Policy and Plan, Transportation Safety Action Plan, Intermodal Facilities and Connections Plan, Oregon Bicycle/Pedestrian Plan, Oregon Public Transportation Plan (in process), and the Oregon Aviation Systems Plan.

In addition to meeting statewide planning directives, the corridor planning process is intended to help local governments fulfill their planning obligations under the TPR. The TPR requires that regional and local transportation systems plans be consistent with adopted ODOT plans. Corridor planning provides a mechanism for ODOT and local governments to cooperatively determine how the OTP and other ODOT plans impact their jurisdiction.

Corridor planning will build upon and balance the policies identified in the previously mentioned documents. General policies will be translated into more specific plans for future improvements and management actions within each corridor. As such, corridor planning will guide the development of the Statewide Transportation Improvement Program (STIP) and the prioritization of project development. Corridor planning will become the means to implement the broad policies of the OTP and the individual modal plans.

Corridor Planning Process, Products and Participants

Corridor planning is being carried out in three phases that progress from general to specific recommendations as shown in Figure 2.

Phase I involves the development of a corridor strategy that identifies a set of general transportation goal, policies and objectives for each corridor. Phase 2 involves development of a corridor transportation improvement and management element (TIME) to test corridor strategy objectives, analyze alternatives, provide general cost estimates, establish priorities and set the stage for refinement plans and project development. Transportation Systems Plans (TSPs) will also be developed for cities within each corridor. The TSPs and the TIME will link corridor strategy objectives to city and county comprehensive plans.

The bulk of the corridor planning effort will be allotted to the formulation of the TIME and the TSPs during Phase 2. Some decisions identified in Phase 2 will require refinement plans to be developed during Phase 3 of corridor planning. Refinement plans will be used to resolve particular environmental, land use or necess management issues that require more detailed information and analysis.

Corridor planning entails significant public and agency involvement. A Corridor Planning Management Team (CPMT) consisting of ODOT, county, city and service district representatives

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manages most corridor plans. The CPMT reviews and approves the corridor planning work scope, reviews interim products, and recommends the acceptance of final planning documents by the Oregon Transportation Commission (OTC), tribal councils, and city and county leadership.

Federal and state agencies, tribal representatives, and transportation service providers have been invited to participate in a statewide agency coordinating committee overseeing corridor planning, those interested in a specific corridor will participate in corridor planning through involvement on the CPMT and/or through meeting and corresponding with the corridor planning team.

Public involvement in corridor planning is being managed statewide by a public involvement team and includes input from a statewide stakeholders group. The stakeholders group includes representatives of many statewide special interest groups in the transportation, land use, environmental and social service areas. Stakeholders in specific corridors receive notification of planning activities in the corridor and interviews and/or surveys to solicit input. Public open houses and/or workshops are held in corridors at the outset of planning activities and prior to the completion of corridor strategy. TIME and TSP documents.

When appropriate, some corridor planning teams have set up Corridor Advisory Groups (CAGs) or informal local Stakeholder networks to provide additional input. The public also has the opportunity to provide formal testimony regarding plan documents to the OTC and city and county officials during plan acceptance.

### Corridor Planning in the US Highway 97 Corridor

Growth and development within the Highway 97 Corridor has historically been constrained by transportation access encumbered by topography, distance and steep grades. Historically, Highway 97 is composed of three pioneer roads including the Dalles Military Road between Biggs and Shaniko; the Shaniko-Prineville Road, between Shaniko and Redmond; and the Huntington Road, between Redmond and Klamath Falls. Until Highway 97 became a -paved-road in the mid-1930's, auto travel between Shaniko and Bend took two to three days, Hence, passengers and freight moving to and from the region traveled primarily by rail until the late 1930's.

Corridor planning in the U.S. 97 Corridor began with the adoption of the Access Oregon Highway (AOH) program in 1988. This program focused on highway facilities which link major tourist destinations, deep-water ports, and urban areas with the interstate system. At that time, Highway 97 was the first route in Oregon classified as having statewide importance. ODOT released the "Access Oregon Corridor Study11 for Highway 97 in 1988.

With the adoption of the Oregon Transportation Plan came a multimodal approach to corridor planning, focusing first on transportation corridors deemed to be of statewide significance. ODOT Region 4 selected the U.S. 97 Corridor as the first of several corridors to be studied in the central portion of the state. Data collection began in 1993 with corridor inventory, land use and transportation facilities analyses.

Corridor Strategy development, the first phase of corridor planning, was initiated in the fall of 1994 with initial meetings of the CPMTs, a survey of corridor stakeholders and open houses in Redmond and Klamath Falls. Two CPMTs were formed, along with two CAGs to provide focus Introduction

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on corridor issues and objectives. The membership of these groups is provided in the Technical Appendix.

An internal review draft Corridor Strategy was distributed to ODOT modal planners and Region 4 Corridor Management Team members in January 1995.

Based on the comments received, a Public Review Draft Corridor Strategy was distributed in February 1995. A round of CPMT and CAG meetings, workshops and open houses was held in March 1995 in Bend, La Pine, Chiloquin, Chemult and Klamath Falls. Input provided from these meetings, workshops and open houses has been incorporated into this revised Corridor Strategy document. A final Corridor Strategy for Highway 97 should be completed by late 1995.

The corridor objectives that follow take into account the statewide plan requirements described in the OTP, the Oregon Highway Plan and the modal plans, along with the issues identified by CPMT and CAG members and other state and local stakeholders. Supporting technical analysis includes an analysis of the ODOT's Highway Performance Monitoring System (IPMS) and the Sufety Priority Index System (SPIS) databases. Also, the Oregon Department of Fish and Wildlife (ODF&W) provided an environmental audit for segments along the corridor.

The Corridor Strategy assumes implementation of near-term projects within the Corridor that have been previously approved for construction. In addition to standard levels of roadway maintenance and repair, specific capital improvements that are assumed include construction of the Bend Parkway; an additional travel lane and increased shoulder width from Madras to the Crooked River Gorge Bridge; a new bridge over the Crooked River Gorge; and geometric improvements and additional shoulder width from Wapanitia Junction to Maupin. These capital projects are expected to be made in accordance with federal, state and local standards for roadway design and construction.

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### Role Corridor Plays in the Region

Within the state of Orogon, the U.S. 97 Corridor stretches approximately 195 miles from Madras to the California border. Within the Corridor, Highway 97 provides important interstate, regional and local transportation linkages. The highway is used as a major truck route for the Western United States, and provides relatively shorter, more direct access for goods moving between California, the Willamette Valley, Central Oregon, eastern Washington, northern Idaho and points east. It also serves as an alternative to 1-5 for goods moving between California and Washington.

Traffic counts and interviews with trucking companies indicate a high usage of this route by truckers to avoid grade and snow conditions on 1-5 in the Siskiyous. Trucks account for over 40 percent of the total traffic on U.S. 97 at the junction with OR 58. Driving distance is also approximately 10 miles less between northern California (Weed) and Eugene, Oregon when using a combination of U.S. and OR 58, instead of 1-5.

Highway 97 provides the major economic link for Central Oregon cities and counties, and serves as the primary facility for moving people, goods and services in the region. It supports the region's economic base, which primarily consists of timber, tourism and agriculture. There are nearly one dozen lumber mills along the Corridor, and the region is a leader within the state in the production of whear, hay, mint, potatoes, earlie and sheep.

There are several repressional destinations within the Corridor that draw large volumes of in-state and out-of-state visitors to the region year-round. Mr. Bachelor Ski Area, Crater Lake National Park, Deschutes and Winema National Forests and other attractions and amenities are located within or adjacent to this corridor.

The many recreational features and amenities in the area, combined with favorable climatic conditions have led to high growth in Jefferson and Deschutes Counties and moderate growth in Klamath County. The Oregon Parks and Recreation Department has four destination campgrounds within the Corridor, including Collier Memorial (30 miles north of Klamath Falls), La Pine (30 miles south of Bend), Tumalo (seven miles NE of Bend) and Cove Palisades (15 miles SW of Madras). Recreational attractions also generate significant positive economic benefits. A study by Oregon State University concluded that "an estimated 5.9 million non-resident outdoor recreationalists visited the central region in 1993 and spent an estimated \$2,94.6 million"

Population in the Jefferson and Deschutes counties is projected to increase by approximately 47.5 percent between 1990 and 2012. This is significantly higher than the projected statewide population growth rate of 33.8 percent for the same time period. Throughout the Corridor, employment is projected to increase faster than population; as the existing work force adjusts to the changing service-oriented economy. This work force expansion will be accommodated by new workers relocating to the area, and the entrance of new wage earners within existing households. Population and employment projections for selected counties within the Corridor is provided in the Technical Appendix.

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### General Description of Transportation Facilities in the Corridor

Today, there are several important highways, rail lines, airports, public transportation services and other facilities within the Corridor (Figure 3). Highway 97 is the primary north-south transportation facility in the Corridor, serving automobile, truck, public transportation, bicycle and pedestrian modes. East-west access is primarily provided by the highways that intersect with Highway 97, including:

- OR 216 Junction in Grass Valley -connects with several highways to the west
- OR 218 Junction in Shaniko -provides access to eastern Oregon
- · OR 197 Junction -provides links to Maupin and The Dalles
- U.S. 26 function at Madras -provides a vital link to Portland and the Willamette Valley
- . OR 126 function at Redmond -links U.S. 20/OR22 to the west and U.S. 26 to the east
- . U.S. 20 junction in Bend -provides a main east-west arterial branch
- OR 31 Junction south of La Pine -provides access to southeast-central Oregon
- · OR 58 Junction north of Chemalt -provides access over the Cascades to Eugene
- · OR 138 Junction at Diamond Lake -provides access to the northern portion of Crater Lake
- OR 62 Junction near Chiloquin-provides access to the southern portion of Crater Lake
- OR 140 Junction at Klamath Falls -provides east-west access to southern Oregon and points serviced by OR 66 and OR 39

In addition to these U.S, and Oregon routes, there are a number of local arterials that provide linkages to communities to the east and west of the U.S. 97 Corridor.

The Corridor is served by a variety of other transportation modes. The mil freight system is comprised of the Southern Pacific Cascade Line, the Burlington Northern Bend Branch and Bieber Lines and the City of Prineville Railway. Passenger rail service is provided on the Cascade Line by Amtrak's Coast Strifight train, which runs between Seattle and Los Angeles, with daily stops in Chemult and Klamath Falls.

Greyhound provides daily northbound and southbound bus service between Madras, Redmond, Bend, Chemult and Klamath Falls. Greyhound also runs eastbound and westbound bus service between Portland and Bend, CAC Transportation runs daily round trip bus service between Portland and Chemult. Basin Transit District provides regional transit service throughout the Klamath Falls service district. There are also numerous local private and community para-transit providers, as well as taxi service in Madras, Redmond, Bend and Klamath Falls.

The Redmond Municipal Airport and the Klamath Falls International Airport provide scheduled passenger service.

Pacific Gas Transmission Company owns and maintains a gas transmission line that generally follows the Corridor.

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EXISTING TRANSPORTATION SYSTEM Source: Oregon Transportation Plan, 1992

A more detailed description of these modes is provided below:

#### Corridor Characteristics

The transportation modes within the Corridor provide diverse multimodal facilities and services. While each mode plays an important role in moving goods and people through the Corridor, the highway is the predominant transportation facility and the network or linkages among modes can be significantly improved as indicated in the Corridor objectives. The existing conditions of the system and its facilities were analyzed to understand system dynamics. Potential future conditions are presented based on information from ODOT's Highway Performance Monitoring System (HPMS) data and other sources.

The preferred transportation system for the state and Corridor as described by the OTP is portrayed on Figure 4. The primary transportation changes along the U.S. 97 Corridor envisioned by the OTP include establishment of urban public transit service, an intercity passenger terminal and a reload freight facility in the Bend area.

### A. Highway System

The Oregon Department of Transportation (ODOT) maintains and regularly, updates the HPMS database for all highways of statewide significance. HPMS information helps in understanding existing and projected transportation performance, and is useful in comparing state highway corridors and segments within corridors.

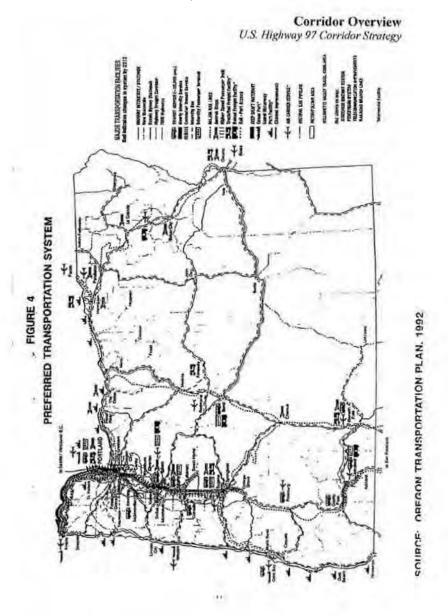
As mentioned previously, Highway 97 provides major north-south linkages within the Corridor. More detailed descriptions of the HPMS database, methodology and analyses of the Corridor are provided in the Technical Appendix. An analysis of traffic volumes, congestion, travel time, safety and cost effectiveness is summarized below. For purposes of this analysis, the U.S. 97 Corridor has been divided into ten segments, as indicated earlier in Figure 1.

#### 1. Volumes

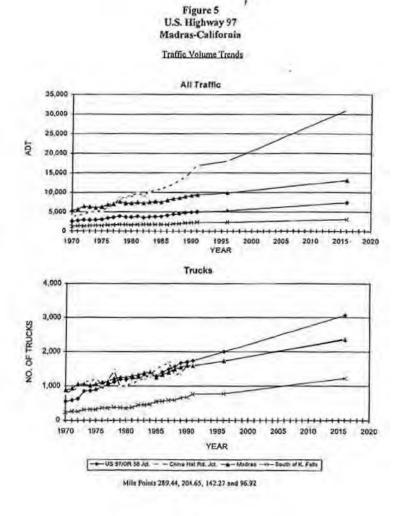
The average daily traffic (ADT) along Highway 97 varies considerably throughout the Corridor. In comparison to all highways of statewide significance, the Corridor experiences relatively high traffic volumes, with a large proportion of truck traffic, As indicated on Figure 5, total ADT currently ranges from approximately 4,000 vehicles at mile point 289.44 (south of the Klamath Falls Urban Growth Boundary) to over 20,000 vehicles at mile point 142,27 near China Hat Road, just south of Bend.

Truck traffic volumes range in ADT from approximately 1,500 trucks at mile point 289.44 south of the Klamath Falls Urban Growth Boundary to 2,100 trucks at mile point 204.65 just south of the OR 58/U.S. 97 intersection. In the Bend, Redmond and Madras urban areas average daily truck traffic on Highway 97 currently ranges from 1,800 to 1,900 trucks per day. Hence, the distribution of truck traffic as a percent of total traffic is much higher south of the OR 58 intersection (41 percent) in Klamath County than it is in the Bend, Redmond and Madras areas (9 to 18 percent).

P108: Elizabeth Dickson, Hurley RE, P.C. on behalf of Bend Associates, LLC



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	Table 1 ic in the U.S. Highway ribution of Corridor Mile	
1992 Traffic Volumes*	Corridor Total	Statewide Average
0-1,999		37%
2,000-4,999	37%	36%
5,000-9,999	41%	16%
10,000-19,999	17%	6%
20,000-29,999	4%	3%
30,000-49,999	1%	2%
>50,000	-	+
1992 Truck Traffic		
0-499	7	52%
500-1,499	63%	41%
1,500-2,999	37%	6%
>3,000	*	1%
1972-1992 Annual Traffic Gr	rowth Rates (%)	
1-1.99	44%	38%
2.00-2.99	35%	46%
3.00-4.00	21%	16%
Source: Oregon Department of Transpor	rtation; compiled by Utah.	
*Average daily traffic for all motorised a	ehicles	

Traffic within the Corridor has generally increased at a much faster pace than the statewide average. Table 1 compares traffic growth in the Corridor to statewide growth rates. More detailed HPMS analysis results and ADT projections are provided in the Technical Appendix.

#### 2. Congestion

The HPMS analytical process measures relative congestion in terms of level of service (LOS), which is derived from a composite analysis of volume/service flow (V/SF) ratios. The lowest congestion is indicated by LOS A, B and C. Moderate congestion is indicated by LOS D. High congestion is indicated by LOS E and F. Figures 6 and 7 indicate congestion by percent distribution of highway miles. Currently, 68 percent of the Madras to California section is classified as low congestion, 27 percent is moderate congestion, and 5 percent is high congestion. According to HPMS projections, areas of high congestion are projected to increase to 26 percent by year 2016 if no roadway improvements are made.

Congestion is fairly concentrated within the urban segments of the highway corridor. This includes segment 1 (Madras), segment 2 (Redmond and Bend), segment 3 (Sunriver to La Pine), and segment 8 (K Iamath Falls). Note, these data do not consider seasonal or peak travel congestion. The general plan for the Corridor will consider, us appropriate, measures to address seasonal fluctuations in congestion.

Figures 7 A and 7B describe congestion by highway segment for the present time period and 2016 forecast scenarios, with high access management and varying levels of geometric and capacity improvements. It is evident that capacity improvements and improved facilities management will be required in the urban segments to address increasing high congestion.

#### 3. Travel Time

The analysis of average travel time is intended to measure the efficiency of vehicular through traffic movement from one end of a section to another. Figure 8 illustrates the projected change in total travel time from beginning to end of the Corridor. Without improvements to the highway, travel time from the beginning to end of the Corridor is expected to increase from 265 to 340 minutes by year 2016. Capacity improvements, such as rondway widening, are projected to result in significant improvement for travel time in comparison to the 2016 No Improvement scenario. Actual travel times are slightly shorter for ears and longer for trucks. Please see the Technical Appendix for more detailed data analysis.

An informal survey was conducted during the first round of public involvement in the Fall/Winter of 1994 to determine whether these projected changes in travel times were acceptable or not. Over 70 interviews were conducted with corridor stakeholders and people who lived or worked Within the Corridor. In general, survey bias resulted in a lack of consensus regarding the change in travel time. In other words, if the projected increase in travel time was expressed in terms of as 75 minutes over 20 years, concern was expressed by most stakeholders. However, when equated to a gradual increase of travel time of 3.75 minutes per year, the change was generally considered to be acceptable. Regardless of projected changes in travel time, it was clearly indicated by many stakeholders that existing travel time in specific segments of the Corridor (i.e., segment 2, Redmond through Bend) is presently unacceptable.

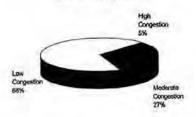
# Corridor Overview U.S. Highway 97 Corridor Strategy

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Figure 6 U.S. Highway 97 Madras - California

Present and Future Highway Congestion

1996 - Existing Condition



2016 - No Improvements

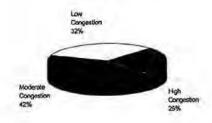
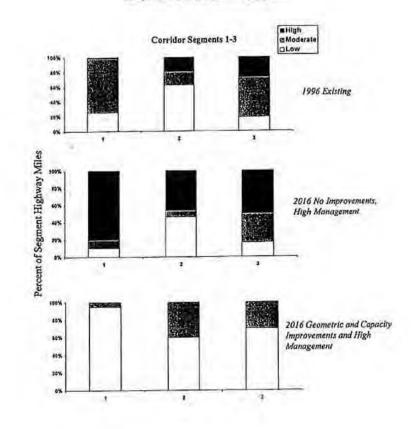


Figure 7A U.S. Highway 97 Madras - La Pine

Analysis of Highway Congestion by Segment



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Figure 7B U.S. Highway 97 La Pine - California

Analysis of Highway Congestion by Segment

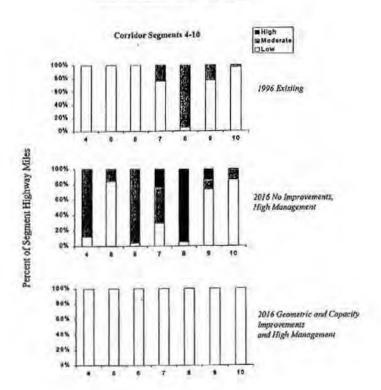
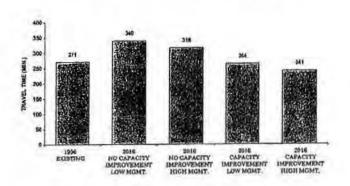


Figure 8 U.S. Highway 97 Madras - California

Effects of Improvement and Facilities Management on Travel Time



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Under the 1996 existing condition scenario, average travel time for cars ranges from 1.1to 1.7 minutes per mile (mpm) and average travel time for trucks ranges from 1.5 to 2.3 mpm (Table 2). This corresponds to average speeds of 35 to 55 miles per hour (mph) for cars and 26 to 40 mph for trucks. Improvements to the roadway are projected to have a moderate positive impact on travel time in segments 1, 2, 3 and 8, but a negligible change in segments 4, 5, 6, 9 and 10.

The analysis of travel time also illustrates the potential benefit of facilities management such as signal timing, driveway consolidation and optimization of parallel local streets. The analysis summarized in Figures 9A and 9B illustrates that high facilities management, if implemented, is expected to generate measurable time savings in urban and urbanizing portions of the Cornidor, but would have negligible impacts on rural sections. The travel timesavings attributed to high facilities management is on an average 6 to 18 seconds per mile in urban sections.

#### 4. Safety

The Safety Priority Index System (SPIS) is a method used by ODOT for identifying and prioritizing locations in need of safety improvements. The SPIS index has three parameters: accident frequency, accident rate and accident severity. For corridor planning, a location with a SPIS number in the top 10 percent of statewide SPIS values is considered to be a "high accident location."

Safety is perhaps the greatest concern among the corridor stakeholders that participated in strategy development. Corridor wide data indicate a higher number of high accident locations in the Corridor (0.73 per mile) than the statewide average of 0.54 per mile.

Another measure of safety is the accident rate or number of accidents per million vehicle miles of travel. While corridor-wide accident rates are below the statewide average (0.76 for the Corridor, compared to 0.83 statewide), accident rates vary considerably by segment. Table 3 summarizes selected safety statistics. Segments 2, 6, 7 and 9 have the highest accident rates in the Corridor and significantly exceed the statewide average for high accident locations per mile and accident rate.

### Corridor Overview

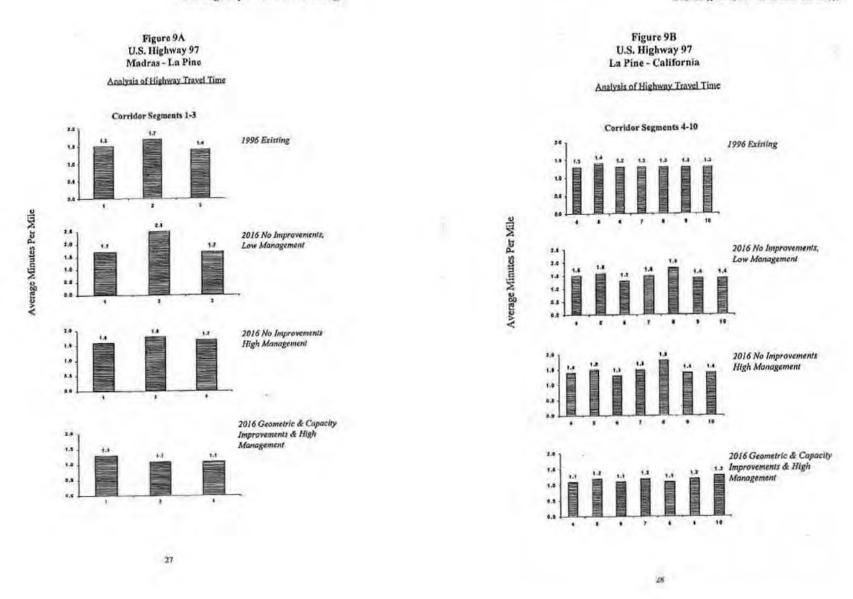
Table 2 Highway Traffic Travel Time in the U.S. 97 Corridor

CAR MINUTES			Sec.							
1996 Existing	1.4	1.7	1.3	1.2	1.3	1.1	1.2	1.2	1.2	1.2
2016 No Improvements, High Management	1.6	1.9	1.6	1.3	1.4	1.2	1.4	1,7	1.3	1.3
2016 No Improvements, Low Management	1.7	2.5	1.7	1.4	1.5	1.2	1.4	1.7	1.3	1.3
2016 Geometric Improvements, High Management	1.6	1.9	1.6	1.3	1.4	1.2	1.4	1.7	1,3	1.3
2016 Capacity Improvements, High Management	1.2	1.7	1.1	1,1	1.1	1.0	1.1	1.1	1,1	1.2
2016 Geometric & Capacity Improvements, High Management	1.2	1.7	1.1	1,1	1.1	1,0	1.1	1,1	1.1	1.2
2016 Geometric & Capacity Improvements, Low Management	1.3	2.2	1.1	1.2	1.2	1,0	1,1	1.1	1.1	1.2

TRUCK MINUTES	Sec.	Sec 10								
1996 Existing	1.9	2.3	1.7	1.6	1.6	1.5	1.6	1.6	1.7	1.5
2016 No Improvements, High Management	2.0	2.5	1.9	1.7	1.7	1.5	1.8	2.0	1.8	1.6
2016 No Improvements, Low Management	2.1	3.1	2.0	1.8	1.8	1.5	1.8	2.0	1.8	1.6
2016 Geometric Improvements, High Management	2.0	2.5	1.9	1.7	1.7	1.5	1.8	2.0	1.8	1.6
2016 Capacity Improvements, High Management	1.7	2.3	1.5	1.4	1.4	1.3	1.5	1.4	1.6	1.5
2016 Geometric & Capacity Improvements, High Management	1.7	2.3	1.6	1.4	1.4	1.3	1.5	1,4	1.6	1.5
2016 Geometric & Capacity Improvements, Low Management	1,8	2.8	1.5	1.6	1.5	1.3	1.5	1.4	1.6	1.5

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ALL MINUTES	Sec.									
1996 Existing	1.5	1.7	1.4	1.3	1.4	1.3	1.3	1.3	1.3	1.3
2016 No Improvements, High Management	1.6	1.9	1.7	1.4	1.5	1.3	1.5	1.8	1.4	1.4
2016 No Improvements, Low Management	1.7	2.5	1.7	1.5	1.6	1.3	1.5	1.8	1.4	1,4
2016 Geometric Improvements, High Management	1.6	1,9	1.7	1.4	1.5	1,3	1.5	1.8	1.4	1,4
2016 Geometric & Capacity Improvements, High Management	1.3	1.8	1.1	1.1	1,2	1.1	1.2	1.1	1.2	1.3
2016 Geometric & Capacity Improvements, High Management	1.3	1.8	1.1	1.1	1.2	LI	1.2	1.1	1.2	1.3
2016 Geometric & Capacity Improvements, Low Management	1.4	2.5	1.2	1.3	1.3	1.1	1,2	1.1	1.2	1.3

Table 3
Safety Analysis of the Corridor

High Accident Locations	Locations per Mile	Total Locations
Corridor Total	0.73	26
Segments 1-3 Madres to La Pine Central Section	1,69	16
Segments 4-10 Klamath County South Section	0.2	10
Statewide Average	9.54	-

Table 3 Safety Analysis of the Corridor, Continued

Accident Rates*		
Corridor Total	0.36	
Segments 1-3 Madras to La Pine Central Section	1.14	
Segments 4-10 Klamath County South Section	0.56	
Statewide Average	0.83	

### 5. Cost Effectiveness Analysis

There are many ways to compare the costs and benefits of major transportation improvements, such as the construction of a new highway or a widened roadway. The cost effectiveness methodology being applied here focuses on the amount of timesavings generated per investment in geometric and capacity improvements to the highway. Timesavings are measured in vehicle hours and investment is measured in dollars. The analysis assumes that vehicle hour savings are positive since it would tend to reduce congestion and vehicle emissions, and enhance air quality.

This type of cost effectiveness analysis is useful in comparing the relative benefit of investing in one corridor versus another. The analysis also provides a ready comparison of the average benefit/cost of all statewide corridors combined. As indicated by Figure 10, of the seven statewide corridors in Region 4, only U.S. 97 (Madras to California) and U.S. 20 (Bend to Vale) exceed the average cost/benefit relationship for all statewide corridors. In this case, a \$10 million investment in transportation improvements is expected to result in annual savings of approximately 2.5 million vehicle hours of travel on U.S. 97, 1.5 million vehicle hours on U.S. 20; and about 500,000 of vehicle hours on OR 126 (Sisters to Vale). This compares to a statewide average of 500,000 vehicle hour savings per \$10 million investment.

Other benefits such as safety and quality of life factors are not included in this analysis. It is also difficult to apply this type of analysis to other transportation modes (e.g., bikeways, passenger rail) since there may not be a direct comparison of all-true costs and benefits for individual modes. However, the specific corridor objectives attempt to take into account all potential benefits, whether they have been quantified or not.

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#### B. Rail Service

#### I. Freight

The Burlington Northern (BN) Bend Branch Line, City of Prineville Railway and Southern Pacific (SP) Cascade Line provides rail service in the Highway 97 Corridor. The following is a summary of each rail line:

Southern Pacific Cascade Line - The Cascade route is the main line of the SP between Eugene, Oregon and Black Butte, California, a distance of 280 miles, including 215 in Oregon. In addition, BN line trackage rights from Chemul1; to Klannath Falls and Amtrak's Coast Starlight uses the route daily with stops in Chemul1 and Klannath Falls. Over 25 million gross tons per mile are transported over the line, which is designated as FRA Class 4. There are, however, speed restrictions between Eugene and Chemult as a result of grades and curvature. Carload weights of up to 315,000 pounds are permitted and there are no dimensional restrictions.

Burlington Northern Bend Branch (BN) -This branch, formerly the Oregon. Trunk Railway diverges from the Burlington Northern (BN) main line in Wishram, Washington and proceeds south to Bend, Oregon, approximately 152 miles, between Oregon Trunk Junction and Bend. Shippers along the line are served by both the BN and Union Pacific Railroad (UP), the latter via trackage rights. Considered a branch line by the UP and a secondary main line by BN, the line has a combined freight density approaching seven million gross tons per year. The maximum speed of operation varies between 40 and 60 mph with segments in the Deschutes River Canyon restricted to 25 mph due to curvature limitations.

The line has no dimensional restrictions and the maximum gross weight of equipment and lading is \$15,000 pounds. Local on-line traffic consists mainly of wood products. In addition, the line corries bridge traffic between the BN's Columbia River mainline and its Bieber Line at Klaunath Palls.

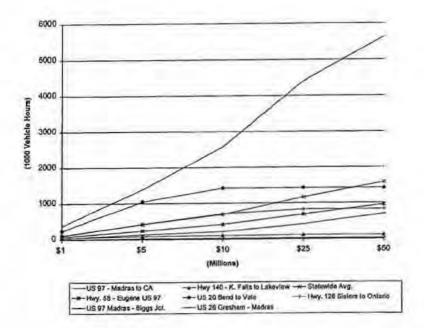
Burlington Northern Bieber Line - Continuing south of Bend to Bieber, California, this line serves as a main line alternative to SP's Cascade Line. The 232-mile line includes 168 miles within Oregon, of which approximately 73 miles between. Chemult and Klamath Falls are trackage rights over the SP line. Freight traffic on this line varies between one and five million gross tons per year of mostly agricultural and timber products. From Bend to Chemult, the track is maintained to FRA Class 4 standards, 315,000 loads are permitted and there are no dimensional restrictions.

City of Prineville Railway (COP) -This Class in carrier diverges from the Bend Branch at Prineville Junction and proceeds east to the community of Prineville, a distance of 18 miles. The City of Prineville built this railroad in 1918 to connect the city with the UP and the Oregon Trunk Railway when the Oregon Trunk Line bypassed Prineville. Construction of the railroad fostered the development of the lumber industry in Prineville and forest products remain the major commodities moving over the line. Traffic density on the line is less than one million gross tons per year and the track is maintained to FRA Class 2 standards, which will permit speeds up to 25 mph with no dimensional restrictions. The maximum load limit is 263,000 pounds. The COP was one of the first milroads to benefit from the federal local Rail Freight Assistance (LRSA) program.

Figure 10

Cost Effectiveness Analysis

Annual Time Saved Per Investment on Selected Corridors



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#### 1. Passenger Ruil

Amtruk's Coast Starlight train runs between Seattle and Los Angeles, along the Cascade Line, with morning northbound and evening southbound stops daily in Chemult and Klamath Falls. Total passenger ridership (on and off) activity at these stations has remained fairly flat, which is consistent with overall statewide Amtrak ridership. In 1992, total annual passenger ridership was 6,823 in Chemult, and 17,041 in Klamath Falls.

#### C. Air Service

There are two commercial airports that provide scheduled passenger service in the Corridor. The Redwind Municipal Airport is located in the southeast portion of Redmond south of OR 126, and provides seven daily non-stop flights to Portland. The Klamath Falls International Airport is located to the south of OR 140 in Klamath Falls and provides four daily non-stop flights to Portland.

The general aviation airports within the Corridor include.

- Wuseo State Airport in Wasco off U.S. 97
- · Madras City/County Airport near U.S. 26 north of Madras
- . Sunriver Airport off U.S. 97 in Sunriver
- . Beaver Marsh State Airport off U.S. 97 north of the Diamond Lake Junction
- Chiloquin State Airport near U.S. 97 at Chiloquin.

#### D. Water

There is no water-based transportation service in the Corndor,

#### E. Public Transportation

Intercity bus stations are located in Bend, Chemult and Klamath Falls. Greyhound provides one daily northbound and southbound bus between Biggs function and California with stops in Biggs, Madras, Redmond, Bend, Chemult and Klamath Falls. Greyhound also runs one daily eastbound and westbound bus between Portland and Bend. The five Greyhound buses that stop in Bend each day serve for the following locations:

- north to Portland via U.S. 26
- north to Portland via Biggs Junction (1-84)
- · south to Klamath Falls
- · west via Highway 20 and Highway 126
- · cast via Highway 20

The four Greyhound buses that serve Klamath Falls are bound for the following locations:

- north to Portland via U.S. 97
- · north to Portland via OR 58
- . south to San Francisco, California

#### · south to Reno, Nevada

CAC Transportation, an intercity bus and charter service, provides one scheduled daily round trip bus between Portland and Chemult Amtrak station, and serves Madras, Terrebonne, Redmond Airport and Warm Springs.

Basin Transit provides regional transit service in the Klamath Falls urban growth area. Approximately 40 percent of its 25,000 to 27,000 monthly riders are elderly or disabled. Eastwest intercity routes are planned between Klamath Falls and Medford through a partnership between Basin Transit and Rogue Valley Transit, as the initial step in creating a "seamless" public transportation link between Lakeview and Grants Pass.

In addition to intercity and regional transit providers, several private and community-based transit entities serve the Corridor, including:

#### Madras / Redmond / Bend Area

- · Central Oregon Council on Aging Dial-A-Ride
- · City of Bend Dial-A-Ride
- Prineville Dial-A-Ride
- Opportunity Center (disabled client transit service)
- All Outdoors (recreational access for disabled clients)
- . Deschutes County Mental Health Dial-A-Ride Service
- Department of Human Resources Transport Service
- . Disabled American Veterans Client Transport Service
- · CAC Transportation (intercity bus and charter service)

#### Klamath Falls Area

- Klamath Basin Senior Center
- Spokes Unlimited Dial-A-Ride (service for elderly and disabled clients)
- Cleo's Children's Community Dial-A-Ride (for disabled children)
- Klamath County Mental Health (client transport service)
- REACH, Inc. (developmentally disabled client transport service)
- Klamath Tribe Bus Ticket Subsidy Program
- Veterans Council Bus Ticket Subsidy Program

#### F. Bicycle

Highway 97 is a designated statewide bicycle route. The Oregon Bicycle Guide rates the Corridor as "most suitable-south of Madras. Despite a "most suitable-bicycle rating, several issues and concerns were identified during strategy development regarding bicycle access in the Corridor. These issues centered on inadequate bikeways along Highway 97, the need for wider shoulders in many locations, and conflicts between bicyclists and truck traffic.

#### G. Pedestrian

Pedestrian activity is concentrated in the urban areas such as Madras, Redmond, Bend and Klamath Falls, as well as recreational attractions along the Corridor. Smaller urbanizing areas including Chemult, Chiloquin, La Pine and Terrebonne have lower pedestrian activity, but

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present important safety issues to mitigate impacts of speeding motorists. Sidewalks and related pedestrian facilities are provided in the larger urban areas but not in smaller urbanizing areas and Rural Development centers along the Corridor.

#### H. Oil and Gas Pipelines

The Pacific Gas Transmission Company owns and maintains a natural gas transmission line that generally follows the Corridor. The line crosses U.S. 97 south of Gilchrist and again near the Williamson River. The Cities of Madras, Redmond, Bend and Klanuth Falls are all provided with natural gas service.

#### Affected Environment

For planning purposes, the Highway 97 Corridor has been divided into ten segments, as indicated previously on Figure 1. A description of each segment follows. Additional information regarding the physical and environmental features, land use patterns, and cultural features along each segment are provided in the Technical Appendix.

### Segment 1 - (Milepost 91.9 to 118.5)

Segment 1 is approximately 26,6 miles in length. It begins at the north junction of U.S. 26 in Madras and ends at the Princeville junction of U.S. 97 and OR 370 (O'Neil Hwy). This segment is distinct because of moderate development, similar land use, and similar landforms throughout. Madras and Terrebonne represent the only communities along this segment, with Metolius and Culver nearby (both to the west of the route).

Aircraft facilities within this segment include a small landing strip to the west at mile 97.8 and the Bisewer Landing Strip to the east at mile 103.3. Important linkages to this route include O'Neil Highway to Prinoville, and OR 26, which runs east to Prineville and west to Portland. The character of the highway in this segment is principally a two-lane road with a number of passing lanes. Greyhound provides bus service with a scheduled stop in Madras.

#### Segment 2 - (Milepost 118.5 to 142.2)

Segment 2 is approximately 23.7 miles long and runs from the Prineville Junction of U.S. 97 and OR 370 (O'Neit Highway) to the route's intersection with China Hat Road south of Bend. This segment is distinct because of its relatively dense development, similar land use, and improved character of highway. This segment includes the cities of Redmond and Bend, and the community of Deschutes.

The Union Pacific and Burlington Northern lines are situated adjacent to the route throughout this agament. The Redmond Airport/Roberts Field (0.7 miles east at mile 123.0), serviced by Horizon Air, represents the only commercial airstrip along this segment. The Bend Airport is a general airstrip along this segment. The Bend Airport is a general airstrip discount facility located within this segment. Greybound and CAC bus service is available through this segment with scheduled stops at Redmond and the bus station in Bend. A number of miscellaneous private and community-based transit providers also serve this segment. Important highway linkages in this segment include OR 126 to Sisters, U.S. 20 west to Sisters/Albany and east to Burns/Idabo, and the Century Highway to M t. Bachelor/Surriver.

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#### Segment3 - (Milepust 142.2 to 169.7)

Segment 3 is approximately 27.5 miles long and runs from the route's intersection with China Hat Road to the junction of U.S. 97 and OR 31 south of La Pine. This segment is distinct because of common land use and similar landforms. This segment includes the communities of Surriver and La Pine.

A major natural gas pipeline, Pacific Gas, runs parallel and to the east of the route throughout the entire segment. A Burlington Northern rail line is situated parallel to the route. There are a number of airstrips including a private landing strip (1.5 miles to the west at mile 143.2), the Sunriver airstrip (2.5 miles to the west at mile 152.7), the Steams landing strip (1.1 miles to the west at mile 154.0), and tile La Pine Airfield (to the west at mile 168.2). Greyhound provides bus service through this segment with scheduled stops near Sunriver and La Pine. Important highway linkages to this route include; Burgess Road to Pringle Falls, Paulina East Lake Road to Paulina and East Lakea, South Century Drive to Sunriver and the Lava Cast Forest, and Finley Butte Road to Finley Butte and points east of La Pine. The character of the highway throughout this segment is principally a 2-lane highway, with occasional passing lanes provided.

#### Segment 4 - (Milepost 169.7 to 195.2)

Beginning north and heading south, segment 4 is approximately 25.5 miles in length. It runs from the junction of OR 31 and U.S. 97 to the route's intersection with OR 58. This segment is distinct because of the significant forestland uses and similar topography. Communities located along this segment include Little River, Gilchrist, Crescent, and Rosadale.

The character of the highway throughout this segment is principally a two-lane route with occasional passing lanes. In addition, this route links several forest service and logging roads. But service is provided by the Greyhound Company with one scheduled stop at Crescent. A major natural gas pipeline belonging to Pacific Gas is situated adjacent to the highway throughout the segment. This line passes underneath the highway at mile point 189.3. The Crown Pacific Railway Company formerly Klamath Northern rail line (to the west at miles 184.5-195.2), and the Burlington Northern rail line (to the east) also parallel the Corridor. The only airport located within this segment is the River West Airport Crescent Lake State Airport (0.8 miles to the east at mile 185.2).

#### Segment 5 - (Milepost195.2 to 213.5)

Segment 5 is approximately 18.3 miles in length and runs from the junction of U.S. 97 and OR 58 to the route's junction with OR 138. This segment is distinct because of the dominant forestland use and similar topography. Chemult is the largest community within this segment.

While this segment is sparsely populated, there exist a number of notable transportation features. Rail lines located in the segment include Burlington Northern and Southern Pacific (to the east at miles 195.2-204.1). The Beaver Marsh Airport (to the west at mile 209.3-210.3) represents the only airstrip in the segment. OR 138 (at mile 213.5) is an important link to Diamond Lake and Crater Lake National Park.

In this segment, Highway 97 is principally two-lanes, with a few passing lanes, In addition, the route provides access to namerous forest service and logging roads. While Greyhound provides

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bus service through this segment, the only scheduled stop is in Chemult. A major natural gas pipeline Pacific Gas is situated near the highway (to the east at miles 195.2-199.1, underneath the highway at miles 199.1, and to the east at miles 199.1-213.5). Major power transmission lines parallel the right side of the route throughout the- entire segment.

#### Segment 6 - (Milepost 213.5 to 242.5)

This aegment covers 29.5 miles and runs from the Oregon Highway 138 Junction to the foot of Spring Hill. This segment is distinct in that it consists of a puruse-covered plain bounded on the north by the divide between the Deschutes and Klamath basins as well as Highway 138, and on the south by a lacoustrine plain. There are no incorporated communities within this segment, but there are three unincorporated communities: Diamond Lake Junction, Mazanus Junction and Sand Creek.

In Segment 6, there is one junction with an Oregon highway: Highway 138 at Diamond Lake Junction. Also, the Southern Pacific Railroad approaches the roadbed on the east side from about mile 230, running alongside until about mile 236.5. A power line crosses the road at mile 241.7.

#### Segment 7- (Milepost 242.5 to 257.83)

This segment covers 15.33 miles and runs from the foot of Spring Hill to the village of Modoc Point. This segment is distinct in that it occupies the Jacustrine plain of old Upper Klamath Lake. There are no incorporated communities along the road in this segment but Chiloquin is adjacent to the east around mile 248 with access roads at mile 247.54 and 249.09. There is also the mincorporated community of Lobert Junction (mile 251.86) built around a highway intersection and a small unmoned community along the Williamson River (mile 253.8). Modoc Point the ending point of this segment is adjacent to the highway on the east.

Following the curve of the Williamson River the Southern Pacific Railroad returns to a position just east of the roadbed at Chiloquin runs parallel, crosses at mile 252.2, then remains immediately to the west until the end of this segment. There is an airport at Chiloquin immediately to the east of the road from mile 248,25-249. A canal system has been constructed that runs on the east side of the road from Chiloquin then crosses at mile 252.35 and runs along the west side of the road north of Modoe Point one-half mile. In Segment 7 there is one junction with an Oregon highway. Highway 62 to Crater Lake.

#### Segment 8- (Milepost 257.83 to 271)

This segment covers 13.17 miles and runs from the village of Modoc Point to the northern Klamath Falls UGH. This segment is distinct in that it is bordered on the north by the lacustrine plain of Old Upper Klamath Lake, and on the south thy a low ridge separating the Upper Klamath Lake lowland from the Klamath Falls urban region. There are no incorporated communities along this segment. But there is one unincorporated community, Wocus at mile 269.25

The junction with the Modoc Point Highway is at the beginning of this segment (mile 257.83). There are no other highway connections. The Southern Pacific Railroad continues to the west of the road between the highway and the lakeshore until the end of the segment.

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#### Segment 9 - (Milepost 271 to 278.59)

This segment covers 7.59 miles and runs between the Klamath Falls northern and southern urban growth boundaries. This segments distinction lies in these cultural boundaries. Klamath Falls (1992-population estimate of 18,085) is the sole incorporated community along this segment.

This is an active traffic area intersecting with Highway 39 southbound. Highway 66 westbound and Highway 140 east and westbound, with a 2.01-mile stretch of unified Highway 97 and 140. There is also a substantial canal system in the Klamath Falls area that repeatedly crosses beneath the roadbed. The Southern Pacific Railroad is on the West Side of the road until it crosses to the east (mile 272.99) and leaves the highway corridor. The Burlington Northern Railroad crosses the roadbed at mile 275.15 and mile 275.73, then runs just to the west of the road, after which it runs about a mile to the east until the end of the segment. There is a milroad crossing at mile 278.59, where a power line also crosses.

#### Segment 10- (Milepost 278.59 to 291.73)

This segment covers 13.14 miles and runs from the southern end of the Klamath Falls UGB limits to the California border. The segment is distinct as the Oregon portion of the Lower Klamath Lake Basin lacustrine plain. There are no incorporated communities along this segment, but there are the unincorporated communities of Midland (mile 282.3) and Worden (mile 288.7).

There are no significant highway junctions in this segment, but the Kingsley Field Airport is some three miles to the east of the highway at about mile 280. The Southern Pacific Railroad intersects the road at mile 279.95 and remains close to the highway until the California border. There are railroad and power line crossings at the very beginning of the segment. The canal system from the previous segment continues to the California border as well, with canals approximately 12' wide running alongside the road on either or both sides of the road from mile 282.9-288.

### Summary of Findings and Conclusions

ODOT, consultant staff, Corridor Planning Management Team (CPMT) and Corridor Advisory Group (CAG) members reviewed existing transportation facilities and services, HPMS data regarding travel in the Corridor, sufety, cost effectiveness of capital investment and facilities management, and environmental features. Meetings and interviews were conducted with local residents, business people, public officials; regional and state agency representatives; representatives of Native American tribes with ceded lands in the Corridor, milroad representatives; and other interested stakeholders to identify transportation issues within the Corridor.

The public involvement process is summarized in the Technical Appendix. While many of the issues that were identified varied considerably, some common themes emerged for the U.S. 97 Corridor. Issues that received the most attention or were mentioned most frequently include:

- · Highway safety, characterized by inadequate roadway/shoulder widths and geometry
- · Lack of slow moving vehicle, passing and turning lanes
- Auto/truck conflicts as they relate to the above safety assues.

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- · Highway congestion, particularly in Bend and Redmond
- Pavement conditions considered below average in certain segments
- Relatively poor existing integration of land use/transportation network, especially in rapidly developing communities such as Bend and Redmond
- . The lack of urban transit service and intracity bike routes in Bend/Redmond
- . Aesthetic impacts of the Corridor, particularly in the Bend area
- · Excessive Speeding and need for additional traffic patrolling and enforcement
- Number of vehicle/deer collisions (road kills), particularly in the southern segments
- Economic development linkages to U.S. 97
- · Inadequate rail/truck reload facilities

### Corridor Strategy Goal and Themes

The purpose of the Oregon Transportation Plan (OTP) is to guide the development of a safe, convenient and efficient transportation system, which promotes economic prosperity and livability for all Oregonians. The OTP establishes four goals for Oregon's future transportation system-Characteristics of the System, Livability, Economic Development and Implementation. To simplify statewide corridor analyses, "Transportation Performance Measures" and "Transportation Impact" categories common to all corridors have been developed by ODOT based on OTP goals and policies.

The strategy development process for the U.S. 97 Corridor included several public meetings and workshops where corridor issues, concerns and opportunities were discussed. Based on the input received from these meetings and relevant technical information on transportation trends, projections and safety, the overall goal for the U.S. 97 Corridor is: to promote commerce by afficiently distributing goods and services, while enhancing travel safety, maintaining environmental integrity, and preserving regional quality of life.

The detailed strategy objectives are intended to embody this overall goal for the Corridor, and to set direction and provide guidance for corridor-wide transportation plans and enhancements. There are six underlying themes of the corridor strategy, which were identified during the strategy development process:

### Key Themes for the U.S. 97 Corridor:

Enhancing Safety - Addressing a wide range of safety issues, including truck and vehicular accidents, vehicle-wildlife collisions, rock-falls, snow and ice removal, and maintenance-related concerns.

Facilities Management and Improvement - Maintaining overall travel times along the Corridor will require careful facilities management, and in some segments, additional capacity improvements. In general, efficient use of existing facilities will be emphasized to the maximum extent practical prior to planning for capacity improvements. Where capacity improvements are warranted due to inadequate level of service and safety issues, the improvements will generally follow a four-phased approach outside urban areas (i.e., Phase 1 – passing lanes at 3-5 mile apacing; Phase 2 - continuous four lane section; Phase 3 - grade separate the higher volume road intersections, and; Phase 4- full access control with median barrier).

For most of the U.S. 97 Corridor south of La Pine, a passing lane strategy (i.e. Phase I level) will probably be adequate for the 20 year planning period. Given the significantly higher traffic volumes in the Madras to La Pine section, improvements beyond a facilities management and passing lane strategy will be needed consistent with the four-phased approach outlined above (note: about one-half this secIr.ion is already four lanes). In smaller rural service centers, such as Terrebonne, La Pine, Chemult and Crescent, the focus will be on slowing traffic to posted speeds using a combination of enforcement, facilities management and traffic calming techniques (extended curbs, landscaping, raised medians, etc.).

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Intermedal Connections - Improving intermedal access and multimedal connectivity between Amtrak and local/resort destinations, and between truck, rail and air service.

Interpretive Opportunities and Preservation of Environmental Quality - Enhancing recognition of and access to aesthetic characteristics along the Corridor through supporting the establishment and enhancement of seenic viewing areas, interpretive signage, seenic loop roads and pathways. Transportation improvements within the Corridor will be sensitive to preserving and/or improving the quality of the Corridor's natural environment, including the physical, cultural, and biotic components.

Economic Development - Assisting local jurisdictions with special economic developmentrelated improvements that embody Corridor goals and objectives, and optimize the integration of transportation and land use.

Partnering — Identifying opportunities for partnerships between ODOT, local jurisdictions, state and federal agencies, and the private sector to achieve the Corridor strategy goals and objectives, and to implement the level and quality of transportation facilities and services that meet the needs of the Corridor.

#### Transportation Performance Measure

Transportation performance objectives relate to transportation balance/intermodal connectivity, regional connectivity, highway congestion, facility management, roadway conditions and safety. State policies, corridor goals and strategy of ojectives for these transportation performance measures are described below:

### A. Transportation Balance/Intermodal Connectivity

It is the policy of the State of Oregon to provide a balanced transportation system. A balanced transportation system is one that provides transportation options at appropriate minimum service standards, reduces reliance on the single-occupant automobile where other modes or choices can be made available, particularly in urban areas, and takes advantage of inherent efficiencies of each mode. The goal for the u.s. 97 Corridor includes maintaining and improving highway 97 to serve auto and truck travel needs as the primary modes in this corridor, while maintaining and encouraging the use and connection of alternative modes, including rail, air and intercity bus service throughout the Corridor, especially in urban, and urbanizing areas. The objectives described for each travel mode are intended to create a more balanced transportation system over time.

#### Objective Al - Automobiles and Trucks

In concert with improving systems and facilities that accommodate alternative modes of travel (e.g., rail, bike, pedestrian), the Highway Plan indicates that Oregon must commit to protecting and improving its highway system or risk losing its economic base and potential economic expansion. As a statewide highway, the management objective for Highway 97, as stated in the Highway Plan is to provide for safe and efficient high-speed continuous flow operation in rural areas and moderate-speed operations of flow in urban and urbanizing areas, and rural

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development centers, Specific performance objectives for the highway are described in Section C, Highway Congestion, Facility Management and Roadway Conditions.

#### Objective A2 - Freight Rail Service

The OTP calls for tail lines, including the Burlington Northern Bend Branch and the Southern Pacific Cascade Line, to be operated at not less than a minimum speed of 25 mph.

- Partner with the Burlington Northern railroad to maintain average operating speeds of 40 to 60 mph with the exception of 25-mph maximum speeds in the Deschutes River Canyon of the Bend Branch line.
- Parmer with the Southern Pacific Railroad to maintain Federal Railroad Administration (FRA) Class 4 standards along the Cascade Line.
- Partner with the City of Princville to consider improvements that are required to maintain
  existing Princville Railway Freight service.

#### Objective A3 - Highway / Rail Freight Connectivity

In addition to minimum level of service standards for highway freight, the OTP calls for intermodal mil/truck reload facilities on mil mainlines with service areas of 150 miles, including Klamath Falls on the Southern Pacific Cascade

- Partner with carriers and receivers to facilitate transfer of highway freight to rail where economically feasible.
- Support long-term improvements in connections to major manufacturing and distribution facilities in Klamath Falls, Princville, Bend, Redmond, Madras and elsewhere as the market demands.

#### Objective A4 - Public Transportation Service

The policy of the OTP is to provide intercity passenger transit service to/from cities or groups of cities with a population of more than 2,500 and located 20 miles or more from the nearest Oregon city with a larger population. The targeted minimum of one round trip per day is currently provided by Greyhound Bus lines.

- Develop a coordinated public transpoortation system over time wit multimodal alternatives and proper facilities.
- Begin to establish a public transportation system in Bend that coordinates the role of special
  needs transportation providers and their services. Initially work with local jurisdictions within
  Deschutes County to establish local bus service for the elderly and transit-dependent
  population with Dial-A-Ride service between the Redmond Municipal Airport, Bend,
  Sunriver, La Pine and Chemult, Eventually expand to hourly service to selected destinations.
- Work with existing intercity bus districts (i.e., Basin Transportation District) and special
  needs transportation operations to maintain or increase bus service frequency, Explore
  rideshare, park and ride and other pilot program for providing amenities and unique services
  that may benefit or supplement public transportation service expansion.

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## Corridor Objectives

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### Objective A5 - Intercity Bus/Passenger Rail Service and Connectivity

Amtrak's Coast Starlight line stops in Chemult and Klamath Falls twice a day, as does the Greybound Bus line. At Amtrak route through Central Oregon was evaluated as part of the Oregon 1992 Passenger Rail Plan. The evaluation concluded that projected ridership would be very low, equivalent to 15 percent of that experienced by the existing Willamette Valley route, and the travel time between Los Angeles and Scattle would be extended by 3.5 hours. In addition, operating a Central Oregon route was projected to require a \$22/rider subsidy.

- In cooperation with local jurisdictions, railroads, and others, explore development of enhanced intercity bus service as a first step to determining the feasibility of intercity passenger rail service from Redmond to Bend (and possibly Chemalt).
- Work with local jurisdictions and Amtrak to plan and implement improvements to the Chemult and Klamath Falls Passenger Rail Station, encourage ridership, and provide improved transit linkages with major recreational destinations. Consider improvements relating to rest rooms, waiting areas and visitor information.
- Partner with local jurisdictions and private transportation providers to ensure that intercity
  bus service and passenger rail service includes efficient and reliable intermodal connections
  (bus, taxi, and rental car) to destinations and activity centers.
- In accordance with the OTP, evaluate the need and feasibility of an unproved intercity transit station in the Bend urban area.

#### Objective A6 - Air Service and Connectivity

The Redmond Municipal Airport and the Klamath Falls International Airport both provide daily scheduled passenger service within the Corridor. Both commercial airports exceed the minimum level of three daily cound-trips identified in the OTP.

- In accordance with Oregon Aviation Plan, provide continued support for airport facilities improvements and highway access management, including the Bend and Redmond Municipal Airport and Chiloquin Airport runway expansion plans.
- Improve modal connections between Redmond, Bend and Madras airports with surrounding
  major destinations and activity centers. Work with the private sector to provide transit
  express bus, taxi and car rental service, as the market demands.
- Partner with the private sector and others to evaluate long-term potential for an international air freight distribution center at Klamath Falls International Airport.

### Objective A7 - Bicycle / Pedestrian Facilities

Developing sufe and convenient walkways, bikeways, and highway crossings are goals of the OTP. In addition, the Transportation Planning Rule advocates the provision of pedestrian and bicycle facilities that allow direct, hazard-free travel, such as sidewalks and bike lanes in urban areas.

 Through all urban areas, as well as La Pine, Chemult, Crescent and Terrebonne, provide sidewalks and hike lanes on both sides as Highway 97 and safe and convenient pedestrian crossings. Improvements should occur primarily in conjunction with new highway projects or major reconstruction. Retrofit projects will be programmed based on need. Corridor Objectives

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- In eases where it is anticipated that there will be little use or sidewalk or a bike lane on the highway and it would be of greater value to pedestriass and/or bicyclists to construct a parallel facility, then the parallel facility may be improved in lieu of the highway improvement.
- All pedestrian facilities and crossings should be accessible to people with disabilities, including hearing, visual mobility and cognitive disabilities.
- Sidewalks should be buffered from the highway with adequate landscaping, shoulders, and/or
  parking, in areas with design speeds of 45 mph or above.
- ODOT will work with USFS, the public, and local jurisdictions to develop, where practical, bicycle facilities between Redmond and La Pine that are parallel to Highway 97 using dedicated easements and right-of-way along gas pipelines, old roads, railroads and irrigation canals. Also, work with local jurisdictions to improve local bike/pedestrian networks in Madras, Redmond, Bend and Klamath Fulls urban areas.
- Cooperate with local jurisdictions to expand the modal share of bicycling and walking tripsto-work within urban areas in the Corridor to at least double the state average.

#### Objective A8 - Pipelines

In order to make alternative fuel widely available and to support regional economic development opportunities, the OTP calls for adequate natural gas to be available every 100 to 150 miles on major transportation corridors, when economically feasible.

 Encourage the Public Utilities Commission (PUC) and Pacific Gas Transmission Company (PGTC) to maintain or improve the natural gas transmission line and the service provided to communities within the Corridor.

#### B. Regional Connectivity

It is the policy of the state of Oregon to identify and develop a statewide transportation system of corridors and facilities that ensures appropriate access to all areas of the state, nation and the world (OTP Policy IE).

The stated overall goal for the Corridor includes promoting commerce through the efficient distribution of goods and services. This will involve coordinating interstate transportation linkages and intra-state services, particularly for the transportation disadvantaged.

#### Objective B1 - Interstate Transportation Connections

Highway 97 provides direct access to Washington and California. In addition, the Burlington Northern, Southern Pacific and Union Pacific railroads and Amtrak Coast Surlight lines all provide freight and passenger service within the Corridor for goods and people moving throughout Oregon and the nation.

 Work with the Washington Department of Transportation and California Department of Transportation to coordinate policies and enhance the connection between the Corridor and Interstate 82 in South Central Washington and Interstate 5 in Northern California for all appropriate modes of travel.

### Corridor Objectives

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- Partner with Burlington Northern, Southern Pacific, and Union Pacific railroads to identify rail freight transportation issues and to facilitate transfer of highway freight to rail.
- Partner with Amtrak, public transportation providers and local jurisdictions to enhance access
  to and ridership (boarding/debarring) at the Chemult and Klamath Falls Amtrak station areas.

#### Objective B2 - Transportation Disadvantaged Services

Transportation disadvantaged populations in the Corridor have their transportation needs met by a variety of service agencies. Coordination of these services could save money and allow for more efficient levels of transit service and reduced reliance on the automobile.

Work with local jurisdictions" public transportation providers, and community-based social service agencies to identify and respond to the needs of the transportation disadvantaged population. Coordinate the services of existing providers to serve all population segments more effectively.

#### C. Highway Congestion, Facility Management and Roadway Conditions

It is the policy of the state of Oregon to define minimum levely of service and assurable balanced, multi-modal accessibility to existing and new development within urban areas to achieve the state goal of compact, highly livable urban areas. It is also the policy of the state of Oregon to provide interurban mobility through and near urban areas in a manner, which minimizes adverse effects on land use and urban travel patterns (OTP Policies 2B and 2C).

Highway congestion is a very important issue, particularly in the rapidly growing central section of the Highway 97 Corridor. The management goal for the Corridor is to provide for safe and efficient high-speed continuous flow operation in rural areas and moderate- to high-speed operations of flow in urban and urbanizing areas, and rural development centers. The Corridor goal is to address overall congestion by working with local governments to accommodate local mobility needs while maintaining through travel needs, using Transportation Demand Management (TDM) programs, multimodal facilities and other strategies, in addition to highway capital improvements. The tendency of Highway 97 to act as a linear barrier to east-west movement of people, goods and wildlife needs to be reduced, or at least should be minimized by careful design and improved facilities management.

#### Objective C1 - Highway Level of Service and Travel Time

Establishing minimum level of service (LOS) standards are important for maintaining the quality of life of residents in the Corridor and effectively moving commerce throughout the state. Capacity improvements are required to reduce existing and projected levels of congestion in rapidly expanding areas of the Corridor. However, alternatives such as access management, development of a good local road system and improved land use planning will be essential for effectively managing congestion and where practical, should be implemented prior to, or in concert with, any needed capacity improvements. It is also important to note that maintaining a high level of service and low travel times can adversely affect other quality of life factors such as wildlife, open Space, etc.

· Maintain existing average overall travel times within highway corridors.

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### Corridor Objectives U.S. Highway 97 Corridor Strategy

Provide highway design-hour LOS B in rural areas and C or better in orban areas, urbanizing
areas and rural development centers. Lower levels of service in selected urbanized segments
may be acceptable, as determined during the systems planning process.

### Objective C2 - Transportation Demand Management/ Rideshare Measures

TDM measures include facilities and services designed to reduce peak period highway congestion and reduce single vehicle occupancy. Measures include park and ride facilities, vanpool, carpool, express bus, local bus system, subsidized transit fares, parking management programs, trip reduction ordinances, flex time, walking and bicycling promotion, telecommuting and impact fees.

- Continue to expand and support TDM and pedestrian-oriented -mixed-use development
  measures in Bend, Redmond, Madras and Klamath Falls urban areas. Build upon the existing
  Rideshare Program in Deschutes County with other TDM measures, such as parking
  management provisions, traffic impact fees, and support for employer-based commute
  options such as vanpools, compressed work weeks/staggered work hours, walking, bicycling
  and telecommuting.
- Step up outreach programs to help facilitate TDM objectives. Programs should focus on informing and educating local residents, employees and employers about available TDM measures, efforts and transportation options.

#### Objective C3 - Transportation System Planning and General Planning Coordination

This objective acknowledges the current statewide requirement set forth by the Transportation Planning Rule (TPR) for all cities and counties that do not qualify for an exemption to the TPR to complete a Transportation System Plan by May 1997.

In cooperation with the cities of Madras, Prineville, Redmond, Bend and Klamath Falls and
counties of Deschutes, Jefferson and Klamath, develop integrated transportation plans for
urban areas and counties that are consistent with the statewide role of the Highway 97
Corridor as set forth by this Corridor Strategy and other state planning policies and goals.

#### Objective C4 - Capacity Improvements

Given the rapid level of population and employment growth and development that has occurred and is projected within the Corridor, specific highway enpacity improvements, such as construction of passing lanes, widened shoulders an grade-separated intersections, will likely be required in addition to enhanced facilities management to address congestion, travel time and safety issues.

- Alternatives such as access management, development of a good local road system and improved land use planning will be essential for effectively managing congestion and where practical, should be implemented prior to, or at least in concert with any capacity improvements.
- Partner with local jurisdictions to plan, design and construct highway improvements along Highway 97 in accordance with volume/capacity, safety, environmental and needs analyses.
- Within rural highway segments (between communities), focus capital improvements on providing high-speed, safe and continuous flow operation. Rural capacity improvements.

### Corridor Objectives

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particularly those near urban areas, should be designed to limit unplanned development and changes in rural land use.

- Cooperate with Bend and Redmond systems planning efforts to evaluate the need and feasibility of bypass routes.
- As funding becomes available, proceed with developing construction projects identified in the statewide Transportation Improvement Program.
- Provide spot safety and capacity improovements, which have favorable cost/benefit ratios, to
  enhance safe access for all modes to and from major destinations.
- For sections of the Corridor south of La Pine that demonstrate substandard levels of congestion and safety performance, provide passing lanes at 3-5 mile spacing, with adequate shoulders to accommodate bioyoles and emergency vehicles.
- In high growth sections of the Corridor between Madras and La Pine that demonstrate substandard levels of service and safety performance, provide roadway widening in accordance with a four-phased approach.

#### Objective C5 - Truck Routes

Work with Jocal jurisdictions to evaluate the need, feasibility, cost and desirability of truck route modifications (such as the North Canal Boulevard option in Redmond). Support implementation where practical.

#### Objective C6 - Facilities Management

Facilities management helps avoid premature obsolescence of highways and related transportation facilities by safely accommodating growth and increased traffic. Examples include regulating the number, type and location of driveways and intersections, and enhanced utilization of parallel local streets. When carefully implemented, these measures can also improve pedestrian and bicycling conditions. The OTP calls for adopting specific access management classifications, ranging from full access control (freeways) to partial control (regional or district highways).

- Work with local jurisdictions to adopt and implement access management policies along the entire corridor that are consistent with the Oregon Highway Plan. Specific access management classifications should be adopted along Highway 97 during the Transportation System Planning and General Planning process.
- ODOT and local jurisdictions should adopt and implement consistent standards regarding left furn lanes, raised medians, driveway spacing, acceleration/deceleration lanes, turn refuges and means to enhance the local street network (e.g., better use of parallel local streets and service roads) to safely handle local traffic, improve pedestrian access and crossings, and relieve congestion in urban and urbanizing areas, and rural development centers along Highway 97.

#### Objective C7 - Interchanges and Grade Separations

Increased through and cross-traffic volumes will generate high levels of congestion and poor safety performance at some intersections. ODOT policy does not allow signalization of intersections in rural 55-mph highway segments. Consequently in rural highway segments, when intersections are projected to meet signal warrants, are on the Safety Priority Index System (SPIS), or are needed to address a strategic element of a more detailed system plan for a high growth area, plan for interchange or simple grade separations. Other alternatives, such as median

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treatments, or local road closure will be considered prior to planning for the grade separation, and if practical, will be implemented. As appropriate, seek cost participation by private developer(s) and/or the county.

#### Objective C8 -Right-of- Way Preservation

In high growth areas such as Deschites and Jefferson counties, transportation requirements increase rapidly along with property values, and new development occupies needed right-of-way. As available and environmentally suitable land diminishes, the cost of transportation improvements rises significantly, and improvements tend to have a greater impact on the character of the natural and man-made environment.

 Where cost-effective, sufficient right-of-way should be preserved for planned transportation improvements. Wherever practical, this step should occur through the local land-use process.

#### Objective C9 - Roadway Conditions

Highway 97 should be designed to meet the Highway Plan's definition of minimum tolerable conditions (MTCs) for statewide highways. This includes upgrading the highway to meet geometric and pavement MTCs over time.

- Focus improvements on segments with above average accident rates" high congestion and a
  favorable cost/benefit ratio.
- Consider new regional partnerships between ODOT and counties to share roadway
  maintenance and funding for capital improvements, particularly in areas experiencing
  economic downturns from reduced timber revenues.
- Provide minimum paved shoulder of six to eight feet, in accordance with design standards, as roadway segments are modernized.
- Develop an aggressive surface preservation program that achieves 88 percent fair or better conditions and reduces the "winter breakup" pavement problem.

#### D. Safety

It is the policy of the state of Oregon to continually improve the safety of all facets of statewide transportation for system users, including operators, passengers, pedestrians, recipients of goods and services and property owners (OTP Policy 1 G). According to the Safety Priority Index System, in 1992 there were 27 high-accident locations along Highway 97 and the accident rale in the section from Madras to La Pine for exceeded the statewide average.

The Corridor goal is to identify and give priority to improving safety conditions along the Highway 97 Corridor through necessary improvements, while addressing problems associated with game crossing areas, speeding through rural centers and congestion in urban areas.

#### Objective D1 - Traffic Calming

In small communities along Highway 97, there is a concern over the existing and projected mix of through traffic, especially trucks, and its impact on local vehicular and non-vehicular (bicycle and pedestrian) traffic.

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In selected small communities (e.g., Madras, Terrebonne, La Pine, Crescent and Chemuit)
consider traffic calming measures (e.g., curb extensions, signage, raised medians), Intelligent
Transportation Systems (i.e., electronic monitoring), and facilities management measures to
help slow traffic to posted speed limits and to improve safety. These measures will be
planued and developed in cooperation with the local community.

### Objective D2 - Vehicle Recovery Zones

Highway 97 is predominantly a two-lane highway with large voluntes of north and southbound through traffic. In the section from La Pine to the California border, head-on accidents accounted for approximately 8 percent of the total accidents recorded in years 1989, 1990 and 1991. There are also more than 400 deer/elk vehicle collisions each year between Bond and Klamath Falls-

- From Surriver to the peak of Spring Creek Hill, plan for separating the northbound and southbound lanes with a wide natural vegetation median, wherever possible. Median vegetation will emphasize plant species that maximize motorist safety while minimizing ecological impacts including wildlife/vehicle collisions, non-invasive species and seithetics.
- Provide free thinning in segments of corridor to reduce sun glare/strobe effect, improve driver visibility, help melt snow/ice and possibly reduce wildlife-vehicle collision, particularly between Bend and Modoc Point.
- · Preserve selected trees and shrubs to improve aesthetics and ecological conditions.

#### Objective D3 - High-Accident Locations

The number of existing and potential accident locations was a major concern expressed by citizens and stakeholders along the Corridor.

- In Cooperation with local officials, identify and develop strategies where warranted to
  provide proper signage and necessary mitigation measures at high-accident locations such as
  sharp curves, areas prone to icing, rock falls, significant wildlife crossings and areas of high
  pedestrian activity.
- During the Corridor Planning process, consider and plan for facilities management improvements such as acceleration/deceleration lanes, left turn laues, and enhanced local attest network and signalization (i.e., blinking yellow lights) to improve safety performance at high-accident intersections.

#### Objective D4 -Vehicle/Wildlife Collisions

In addition to more than 400 vehicle/deer collisions between Bend and Klamath Fulls each year, there are many other impacts on various types of wildlife, such as owls, snakes, and ground squirrels.

- Work with the Oregon Department of Fish and Wildlife during the county Transportation General Planuing process to identify and implement measures to reduce vehicle-wildlife collisions. Consider fencing and passage, seasonally concentrated enforcement, driver education and signage as a means to improve safety to motorists and wildlife.
- Medians in high Collision areas should be designed to allow wildlife movement across the highway.

In regard to the concern expressed by citizens and stakeholders over speeding through-traffic and community safety, an objective addressing traffic enforcement and motorist education was requested.

Objective D5 - Enhanced Traffic Enforcement and Safety Education

- Consider additional traffic enforcement measures such as electronic monitoring in selected small communities (e.g., Madras, Terrebonne, La Pine and Chemult).
- Provide Intelligent Transportation System (ITS) techniques, such as automated signage and advisory radio service to inform motorists about travel conditions (e.g., delays from congestion/accidents, seasonal wildlife migration, in climate weather, forest fires and rock falls).
- Work with local jurisdictions to consider safety improvements related to cross-traffic movements on adjacent roads that are impacted by Highway 97.

#### Objective D6 - Rest Stops and Driving Experience

Although ODOT has difficulty in funding the maintenance for existing rest areas in the state and does not foresee constructing new public rest stops, opportunities to "partner" with commercial establishments, (e.g., gas stations and track stops), local jurisdictions and state or federal agencies will be considered to provide new or enhanced facilities.

- Ensure some type of a rest area, with access to public or private commercial restroom facilities, is provided, and meets federal Americans with Disabilities Act (ADA) standards for motorists, at a spacing consistent with state standards. Consider the placement of seasonal "wildlife migration" signs at the rest area exit lane.
- As sections of Highway 97 are improved or upgraded, attempt to enhance the visual
  experience of the drive to reduce boredom and mitigate accidents, especially between Spring
  Creek Hill and Sunriver. Consider a variety of means to enhance corrider landscape using
  vegetation management, scenic vistas, interpretive signage and vehicle pullouts.
- Given the importance of tourism to the regional economy, as well as the scenic and
  recreational potential of the Corridor, highway improvement design should reflect a high
  level of aesthetic sensitivity. This includes design of transportation facilities that improves
  facility appearance, as well as views from the facilities. This will require balancing additional
  design costs with the functional nature of the improvement, and may require cost
  participation by local developers and/or jurisdictious.

#### Transportation Impacts

#### E. Environmental Impacts

It is the policy of the state of Oregon to provide a transportation system that is environmentally responsible and encourages conservation of natural resources. Also, to protect and enhance the aesthetic value of transportation corridors in order to support economic development and preserve quality of life are also policies of the OTP (OTP Policies, ID and 2H).

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The Corridor goal is to promote the efficient and effective movement of goods, services and passengers and to avoid, whenever possible, impacts to area allocations of environmental and cultural significance, and create opportunities for scenic and interpretive signage, viewpoints, and turnouts, and to assure consistency with local and state agency plans and policies.

#### Objective E1 - Scenic and Cultural Resources

Highway 97 follows the oldest known trail in the Pacific Northwest, including the Modoe -Klamath slave traj I. Historica Ity, Highway 97 is composed of three pioneer roads including the Huntington Road between Redmond and Klamath Falls; the Shaniko-Prineville Road; and The Danes Milliary Road between Biggs and Shaniko. The OTP encourages preservation of significant view sheds along any state highway.

- · Develop scenic and interpretive opportunities throughout the Corridor.
- Utilize programs of educational signage for scenic resources, wild and scenic rivers, state scenic waterways, and other natural features consistent with Scenic Byways Program.
- Encourage land use controls to protect corridor view sheds, (i.e., along mile points 145.6-147.6 and 150.5-159.0).
- Support the development of viewing and educational opportunities for the public, focusing on aenative, threatened and charismatic wildlife (i.e. Swainson's bawks, bald eagles, and antelope), and display the seenic, geologic, and recreational resources.
- In cooperation with federal and state resource agencies, local governments, American Native Indian Tribes, and the public at large, reduce impacts on identified scenic, environmental and cultural resources along the Corridor.
- In cooperation with local jurisdictions, state agencies and Klamath Tribes, consider enhanced recreational access/amenities to Upper Klamath Lake and the Williamson River.
- In cooperation with federal and state resource agencies, local governments, Native American
  Tribes, and the public at large, develop strategies that will educate people about, and provide
  opportunities to enjoy, the natural resource attributes found along highways. Explain how
  agencies are working cooperatively to assure continuance of these natural attributes, and
  explain how those traveling the highways can help conserve these attributes.

#### Objective E2 - Emergency Response, Hazardons Materials Accident and Spill Management

Concerns regarding emergency vehicle access (i.e., forest fire trucks, police, and ambulance) and remediation of accidents involving hazardous materials were raised during meetings with federal and state/local agency staff. Specific objectives regarding facilities and programs to address accidents, fires, hazardous spills and related issues were requested.

- · Provide minimum shoulder width for emergency response vehicles, such as fire trucks.
- Manage shoulder vegetation to reduce wildfire hazard.
- In cooperation with local governments, Native American Tribes, federal/state agencies.
   Southern Pacific and Burlington Northern Railroads, and Pacific Gas Transmission.
   Company, participate in regional emergency response and hazardous materials accident and spill management programs for the Corridor.

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#### Objective E3 - Maintenance Plans for Environmentally and Culturally Sensitive Areas

The Corridor contains several significant cultural and environmental sites, some of which are not readily apparent. Highway and railroad maintenance activities can negatively impact these resources.

- In cooperation with state and federal agencies, develop maintenance plans, including special
  signing and crew training to avoid, minimize or mitigate adverse effects of highway
  maintenance operations on environmentally sensitive portions of Highway 97 Corridor (e.g.,
  scenic resources, federal wild and scenic waterways, state scenic waterways, wetland and
  riparian habitats).
- Encourage Burlington Northern and Southern Pacific Railroads and Pacific Gas Transmission Company to develop and abide by similar plans.

#### Objective E4 - Wildlife Crossing Areas

As mentioned previously in the Safety section, the Corridor contains several high vehicle/wildlife accident locations. Consistent with Oregon statewide policies and planning goats, and Oregon Department of Fish and Wildlife mission statements "to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations," specific objectives were requested to address this issue.

- In cooperation with federal and state resource agencies, local governments, Native American Tribes, and the public at large, develop strategies to allow the safe movement -f wildlife across highways and the maintenance of their forage base and habitats, thus ensuring healthy fish and wildlife communities.
- In cooperation with local officials, Oregon Department of Fish and Wildlife (ODFW) and Oregon State Police (OSP) identify and implement strategies to address high wildlife crossing and accident locations.
- In cooperation with ODFW, identify and reduce "attractive nuisance" aspects of highway developments that might attract and hold wildlife near roadways.
- Work with the Klamath Tribes and the Confederated Tribes of Warm Springs to determine and meet their cultural fish and wildlife needs impacted by highways.

#### Objective E5 - Wildlife Mitigation

In cooperation with ODFW, identify acceptable mitigation for engineering designs that increase wildlife impacts such as population loss or habitat loss. Mitigation measures could include wildlife water developments or habitat improvements (i.e., forage or cover).

#### Objective E6 - Air Quality

Presently, only one community within the Corridor is in non-attainment for meeting the Oregon Department of Environmental Quality (DEQ) air quality standards. Klamath Falls was found to be a non-attainment area for Particulate Matter 10 (PM10). However, Klamath Falls has had no violations for the last three years. Klamath Falls and DEQ anticipate adoption of the Klamath Falls area maintenance plan next year.

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 Work with DEQ, the City of Klamath Fulls and others to assist Klamath Falls area in having their maintenance program adopted by DEQ.

Work with other jurisdictions to maintain their attainment status.

#### F. Social and Land Use

It is the policy of the state of Oregon to develop transportation plans and policies that implement Oregon's Statewide Planning Goal 9, as adopted by the Land Conservation and Development Commission. It is also the policy of the state of Oregon to provide a transportation system consistent with, yet recognizing differences in, local and regional land use and an economic development plan (OTP Policies 2A and 2E).

### Objective F1 - Transportation- Land Use Integration

Planning within the Corridor must attempt to balance the expansion of transportation facilities and enhanced management of local roadway systems, with new development and the protection of social, cultural and environmental resources.

- Work with local jurisdictions to optimize the local street network, utilize access management, and manage land use development patterns.
- Work closely with small communities, such as La Pine and Chenult, to consider refocusing their local comprehensive plans in accordance with an available land and existing/planned transportation infrastructure. Assist communities, as appropriate, in planning for development of commercial centers on parallel or adjoining local roadways.
- Concurrent with local transportation systems and general plans, assist larger urbanized areas
  in amending local comprehensive plans to encourage higher density mixed-use development
  at designated nodes or activity centers, along with pedestrian and transit-oriented design
  features.
- Support patterns of development that avoid or eliminate significant at-grade railroad crossings, whenever possible. Assist local jurisdictions in amending local comprehensive plans to avoid, consolidate and/or eliminate at-grade crossings.
- · Work with local jurisdictions to minimize land use conflicts near airports.
- Rural capacity improvements, particularly those near urban areas, should be designed to limit unplanned development and changes in rural land use.

### Objective F2 - Accommodate Elderly Users

The central section of the Highway 97 Corridor, particularly Deschutes County, has displayed rapid growth in the number of elderly residents. The growth rate for population over the age of 55 is projected to outpace the average overall population growth in the county.

Evaluate needs of elderly transportation users, especially in inban areas where elderly
population is rapidly increasing. Work with local jurisdictions to provide: better lighting and
signage; para-transit service; transit connections to airports and medical facilities, and
enhanced medical emergency response systems.

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### Corridor Objectives U.S. Highway 97 Corridor Strategy

#### Objective F3 - Social, Cultural and Recreational Resources

The existing parks, historic resources and cemeteries that exist within the Corridor should be preserved and protected whenever possible.

- Avoid impacts to cometeries, parks and historic resources including: the Hale Cometery (MP 102.7); Peter Ogden Wayside Park; Robert W. Sawyer State Park; Terrebonne Ladies Pioneer Club (MP 116); Harper School (MP 154); La Pine Commercial Club Building (MP 168); Vendervert Homestead (MP 155.7); Wilson Cemetery (MP 251.9); Collier State Park, and Hegelstein County Park.
- Develop strategy to accommodate livestock crossing, with consideration for wildlife crossing needs.

### G. Energy

It is the policy of the state of Oregon to assure provision if an efficient transportation system (OTP Policy 1B). The Highway 9? Corridor policy is to minimize transportation-related energy consumption through the use of fuel-efficient modes of travel, enhanced vehicle efficiencies, and improved design, construction and operation of transportation facilities.

Implementation of the other corridor objectives regarding transportation balance, highway congestion and safety is expected to improve energy efficiency through the reduction in highway congestion and an increase in alternative mode usage.

#### H, Economic Development

OTP Goal 4 is to promote the expansion and diversity of Oregon's economy through the efficient and effective management of goods, services and passengers in a safe, anergy efficient and environmentally sound manner (OTP Goal 4).

As population within the Highway 97 Corridor increases, and the economic base shifts from timber and agriculture to high-teeth manufacturing, trades and services, the Corridor will become increasingly utilized for recreational trips and local trip distribution. Truck freight through-traffic on Highway 97 is also projected to increase as international trade opportunities emerge. Hence, the national, state and Central Oregon economy will become increasingly dependent on the Highway 97 Corridor for the efficient movement of people, goods and services over the 20-year planning period.

#### Objective HI- Strengthen Business and Industrial Base

The economic base within the Corridor is projected to continue to shift away from traditional forest and agricultural industry to service and other industrial sectors. Several communities and counties within the Corridor will need to identify new resources for financing roadway maintenance as timber receipts decline.

 Continue to work with existing business and industry to identify issues and concerns regarding U.S. 97, while promoting Travel Demand Management (TDM) programs, including telecommunications.

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 Expand tourism by combining traffic calming measures with signs marking amenities and attractions in small communities; providing rest stops/scenic waysides; and developing interpretive sites within the Corridor.

#### Objective H2 - Interpretive Corridor

Highway 97 passes through manerous areas of environmental and cultural importance. Many of these areas have mandates from federal/state agencies and Native American Tribes to protect these resources. The coordination of resources for interpretive facilities could enhance the touring experience and benefit the tourism industry sectors of the local and regional economies.

- Work with federal and state resource agencies, local governments, Native American Tribes, local businesses, and the public to identify scenic, environmental and cultural resources along the Corridor that can be protected, enhanced, and/or restored, while being developed as interpretive sites.
- Consider parinerships with the above-mentioned groups in the development of funding and
  management agreements to develop and enhance interpretive centers and waysides.

#### Objective H3 - Intermodal Reland Facility

Large volumes of rail and highway freight pass through the Corridor, particularly in the south section near Klamath Falls. An intermodal facility would provide an opportunity for the local economy to further tap into this stream of commerce, while helping to reduce highway freight through traffic along the entire Corridor.

- Work with the Burlington Northern and Southern Pacific railroads and Klamath County Economic Development staff, key businesses, and other interested parties to explore new or redevelopment of a rail/truck intermodal facility in the Klamath Falls/Bend/Redmond urban area.
- In accordance with the Oregon Transportation Plan, work with Burlington Northern Railroad, local economic development officials, selected industries and other rail freight roload facilities in the Bend Urban Area.

#### Objective H4 - International Air Freight Facility

The OTP indicates the potential of an international air freight facility being developed at the Klamath Falls International Airport.

Work in cooperation with Klamath County and Klamath Falls jurisdictions and the airport to evaluate long-term potential of developing a new international airfreight facility at the Klamath Falls International Airport.

### Implementation/Next Steps

The Corridor Strategy objectives for the U.S. 97 Corridor are intended to embody the overall goal for the Corridor and to establish direction and provide guidance for corridor-wide transportation plans and enhancements over the next 20 years. Each objective is intended to be predicated upon existing federal, state and local policy, perceived local need, and supporting technical

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# Corridor Objectives

U.S. Highway 97 Corridor Strategy

information. The Corridor Strategy, once endorsed by local jurisdictions and ODOT, will become
the guiding document for detailed transportation system plans and general plans, which establish
corridor improvement priorities for state funding; thereby ensuring that future transportation
facilities and services optimize the needs of Oregon's Corridor stakeholders.

Endorsement of the Corridor Strategy by local jurisdictions and subsequently ODOT is expected to occur during the Fall/Winter of 1995/96. During this time period, all comments and questions pertaining to the Corridor Strategy are welcome, and should be provided in writing and sent to:

Program and Planning Unit
Oregon Department of Transportation, Region 4
63034 OB Riley Rd
Bend, OR 97708

Appendix A U.S. Highway 97 Corridor Strategy

Appendix A U.S. Highway 97 Corridor Strategy

North Section CPMT (Biggs to Madras)	Affiliation
J.C. Yardee, Planning Director	Sherman County
Richard Johnson, Roadmaster	Sherman County
Kim Jacobsen, Planning Director	Wasco County
Dan Boldt, Roadmaster	Wasco County
Dan Durow, Community Devel. Director	City of The Dalles
Roy Talley, Public Works Director	City of Wasco
Goldie Roberts, City Recorder	City of Shaniko
Denise Scoggins, City Recorder	City of Moro
Dan Meter, Planner (Consultant)	City of Moro and Wasco
Sam Wilkins, District Manager	ODOT - District 9
Mike McArthur, Sherman County Judge	Sherman County
Bob Boynton, Sherman County Comm.	Sherman County
John Shadewitz, Sherman Co. Comm.	Sherman County
Central Section CPMT (Madras to La Pine)	Affiliation
Bob Quitmeier, Planning Director	City of Redmond
Bent Lake, Field Representative	DLCD
Chuck Brown, Asst. Forest Engineer	Deschutes National Forest
Chuck McGraw, Planning Director	Jefferson County
Clair Crinkle	ODFW
Dick Johnson	Deschutes County Public Works
Don Wood, Public Works Director	Jefferson County
Gary Frazee, Public Works Director	City of Sisters
George Reed, Comm. Devel. Director	Deschutes County
Gerald Breazeale, Public Works Director	City of Madras

Central Section CPMT, cont. (Madras to La Pine)	Affiliation
Neil Thompson, Planning Director	City of Sisters
Pat Sorenson, City Administrator	City of Madras
John Hossick, Planning Director	City of Bend
Larry Rice, Public Works Director	Deschutes County
Larry Thomas, Environ. Protect Spec.	BLM-Prineville District
Mary Meloy, Public Works Director	City of Redmond
Myron Blank, Asst. Plning, Staff Officer	Mt. Hood National Forest
Pat Creedican, District Manager	ODOT - District 10
Pat Wheeland, Sunriver Public Works	Sunriver Public Works
Rick Root, City of Bend Planning Dept.	City of Bend
Roy Tidwell	BLM - Prineville District
Glen Ardt	ODFW
Steve Jorgenson	Deschutes County
Tom Gellner, Public Works Director	City of Bend
South Section CPMT (La Pine to California)	Affiliation
Bill Nebeker	Klamath Falls Planning
Jim Anderson, Forest Planning Specialist	Klamath National Forest
Carl Shuck, Planning Director	Klamath County
Christina Lilienthal, Landscape Architect	Winema National Forest
Don Callaghan, Roadmaster	Lake County
Earl Kessler, Public Works Director	Klamath County Public Works
Ernie Palmer, General Manager	Klamath Basin Transit District
Gordon Thompson, Bus. And Eco. Devel.	Klamath Tribes
Jim Platt, Engineer	BLM - Lakeview District
Joe Riker, Comm. Devel. Director	City of Klamath Falls

# Appendix A U.S. Highway 97 Corridor Strategy

Appendix A U.S. Highway 97 Corridor Strategy

South Section CPMT, cont. (La Pine to California)	Affiliation
Jon Hicks, District Manager	ODOT - District 11
Beth Waterberry	ODFW
Ray Simms, Planning Director	Lake County
Ron Wilkie, Public Works Director	City of Lakeview
Sherry Lander, Town Recorder	City of Lakeview
Steven Harper, Executive Vice President	Klamath Co. Chamber

People listed in the proceeding tables participated at some point during the US 97 Corridor Strategy development.\*

Corridor Advisory Group (CAG)*	
Central Section CAG (Madras to La Pine)	Affiliation
Carol Woodard	Central Oregon Econ, Dev.
Dennis Conley	Senior & Disabled Services
Detective Johnson	Deschutes County
Donn Kerr	High Desert Museum
Gary Capps	Bend Chamber
John Schubert	Transportation Options
Keith Nastuik	Bend Trans. Committee
Michelle McKay	COEC
Mike Weber	Central Oregon Feed
Ray Ringila	Confederated Tribes of Warm Springs
Sgt. John Diehl	Deschutes County Sheriff

South Section CAG (La Pine to California)	Affiliation
Allen Eberlein	Southtown Commercial
Dave Henzel	Klamath County
Gary Weldon	Chemult Ranger Station
Jerry Zimmer	Klamath Falls Airport
Mike Bigby	Klamath Falls Ambulance
Pat McMillan	Klamath County Museum
Steve Carson	Bear Cat, Inc.
Steve Lewis	Eco. Sys. Restor. Office
Terrance O'Conner	Klameth Tribes

copie listed in the proceeding table participated at some point during the US 97 Corridor Strategy development."

Oregon Department of Transportation (ODOT) Region 4 Internal Review Team	
Dale Allen, Region Manager	Randy Bednar, District 11 Mngr. (Interim)
Steve Macnab, Technical Services Manager	Steve Wilson, Traffic Engineer
Pat Creedican, District 10 Manager	Brian Burleigh, Personnel Manager
Sam Wilkins, District 9 Manager	Mark DeVoney, Region Planner/Proj. Mngr.

People listed in the proceeding table participated at some point during the US 97 Corridor Strategy development.

Appendix A U.S. Highway 97 Corridor Strategy

ODOT Transportation Devel	opment Branch Review Team
Ron Schaadt, Planning Manager	Ed Lee, Corridor/General Planning Mngr.
Dick Reynolds, Corridor/General Planning Mngr.	Peter Russell, Corridor/General Planning Mngr.
Del Huntington, Corridor/General Planning Mngr.	Carolyn Gassaway, Corridor/General Planning Mngr.
Barbara Fraser, Statewide Mobility Mngr.	Ed Immel, Rail Planner
Erik Esst, HS Rail Planner	Bob Krebs, Intercity Transit
Lee LaFontaine, Public Transit Management System	Bob Sherman, TDM Planner
Steve Kale, Intermodal Management System	June Ross, Safety Management System
Gary Viehdorfer, Aeronautics Planner	Pat Moran, Scenic/Visual Resource Management
John Kelly, Transportation Growth Management	Von Hemmert / Mel Holmes, System Studies Manager
Mark Ford, Strategic Planning Manager	Dave Bishop, OTP / Willamette Valley Strategy
Lloyd Henion, Auto/Truck Section	Betsy Johnson, Aeronautics
Joni Reid, Public Transit	Ed Marges, Traffic Safety
ODOT Transportation Sys	tems Branch Review Team
Cam Gilmour, Program Section	Jay McRae, Reengineering
Bill Geibel, Roadway Design	Michael Ronkin, Bicycle / Pedestrian
Brant Williams, Traffic Engineering	Brian Gregor, Congestion Management System
Lucy Moore, Pavement Management System	Martha Sartain, Bridge Management System
ODOT Environmental	Section Review Team
Bonnie Heitsch	Rose Hayden
Dwight Smith	Mike Shippey

People listed in the proceeding tables participated at some point during the US 97 Corridor Strategy development."

Appendix A U.S. Highway 97 Corridor Strategy

Attorn	ey General	
Dale Hormann	Lucinda Moyano	
Interstate Coo	rdination Members	
Mary Legree, Washington Dept. of Transportation Southwest District	Cary Grant, Washington Dept. of Transportation South Central District	
Gene Murtey, California Department of Transportation District 2	Fred Drose, Nevada Department of Transportation	
Consu	ltant Team	
Otak, Inc.	Pacific Rim Resources, Inc.	
Roger Millar, Principal-in-Charge	Sumner Sharpe, Public Involvement Mngr.	
Todd Chase, Project Manager	Margaret Strachan, Public Involvement Asst.	
Barrow Emerson, Senior Planner	Stephanie Lawson, Public Involvement Asst.	
Lori Pavey, Project Assistant		

# Appendix B

U.S. Highway 97 Corridor Strategy

### PACIFIC RIM RESOURCES

Public Affairs and Communications

### Public Involvement Summary US 97 Corridor

#### Objectives and Purpose

The objectives of the Corridor Strategy public involvement effort are to work with local citizens and stakeholders to explain the corridor planning process, to identify issues related to the US 97 Corridor, obtain feedback and comments on the draft strategy for the corridor, and to develop cooperatively with local governments a consensus and support for the Corridor Strategy. In addition, the public involvement process complies with mandates from both the State of Orogon<sup>1</sup> and the Federal Intermodal Surface Transportation Efficiency Act (ISTEA)<sup>2</sup>.

### Approaches to Community Outreach

The US 97 Corridor runs north-south across the state of Oregon from Biggs Junction at the Columbia River in the north, through Bend, Redmond and Klamath Falls to the California border in the south. Because the north section is more rural in nature and faces different issues than the central and south sections, two Corridor Strategies have been developed for the US 97 Corridor to reflect those differences. The section from Biggs Junction to Madras comprises the north section and the more heavily traveled sections between Madras and Klamath Falls comprise the central/south section. In addition, in order to best utilize the time and efforts of committee members and other participants in the planning process, the cross-corridor's represented by US 20, US 26/126 and OR 140 were also addressed through this process,

Outreach efforts to assure public participation included several activities. Information and feedback from each activity was summarized in report form and used to help develop or revise the draft strategy for each Consider.

Following is a list of the public involvement activities:

- · Corridor Planning Management Team (CPMT)
- · Statewide Stakeholder Survey (conducted by mail)
- · Corridor Stakeholder Interviews (conducted by telephone)
- · Press releases and ads announcing open houses and availability of documents
- Open Houses
- Corridor Advisory Groups (CAG)
- Newsletters
- Discussions with community leaders

Oregon Transportation Plant policy 4N

It is the policy of the State of Oregan to develop programs that ensure the opportunity for citizen, businesses, local governments and state agencies to be involved in all phases of transpartation planning.

2 General Guidelines Introduction to ISTEA

ISTEA require that the public be involved in transportation decisions from the beginning of long-range planning. This shifts the emphasis of public participation from projects to process.

3.1

Appendix B

- U.S. Highway 97 Corridor Strategy
- State and Federal Agency and Tribal Council meetings, briefings and interviews
- Resolutions of support for the Corridor Strategy from local jurisdictions

#### Committees

The Corridor Planning Management Team (CPMT) is composed of representatives from local jurisdictions and other policy-making organizations within the corridor including planners policy makers and public officials.

There are three CPMTs for the US 97 Corridor, The US 97 CPMTs met for the first time in September of 1994 to identify corridor issues that the strategy should address. A summary of the meeting and the meeting handouts were mailed to the members who were unable to attend. These members were then contacted by phone for their comments on the matters discussed at the meeting. The second series of US 97 CPMT meetings was held in February 1995 to present the US 97 Draft Strategy and obtain feedback on the document.

#### Advisory Grouns

In the US 97 Corndor, two Corridor Advisory Groups (CAGs) were established. They represented the central and south sections of the corridor. Their activities mirrored that of the CPMT. The CAG brought interested community members and stakeholders together to identify issues, review the document, and inform others of the planning process.

#### Stakeholders

The Salem office of the Oregon Department of Transportation conducted a statewide stakeholder survey by mail at the beginning of the corridor planning process. Names for the mailing list were provided by the regional ODOT offices.

The brochure, "Corridor Planning, A Break From Tradition" was mailed statewide to everyone on the original stakeholder mailing list, The brochure continues to be used as a background information piece.

In October of 1994, Pacific Rim Resources, Inc. conducted stakeholder interviews with people who live on or use the US 97 Corridor. Stakeholders included local business: people; ranchers; elected officials and representatives of local, state and federal agencies. Interviewees were asked to describe the most important overall transportation issues for the corridor in which they travel, as well as address the specific areas of concern to be addressed in the strategies developed for each corridor.

#### Press Packets

Press packets containing information on open houses and the brochure, Corridor Planning, A Break From Tradition, were provided to local media outlets prior to each open house.

#### Open Houses

In the US 97 Corridor two rounds of open houses were held. The first round, held in November of 1994, informed the public of the planning process and invited participants to identify issues, which should be addressed by the Strategy. Those meeting were held in Klamath Falls, Redmond and Moro.

# Appendix B

U.S. Highway 97 Corridor Strategy

The second round of open houses, held in February of 1995, presented the draft US 97 Corridor Strategy and invited the public to comment. Those meetings were held in Klamath Falls, Chemult, Bend and Biggs Junction.

#### Newsletters

Newsletters were produced for both the north and central/south sections of the US 97 Corridor. Two newsletters were used to reflect the unique characters of the different sections of the corridor. The central and south sections are more heavily traveled than the north section, which is more rural in character. The newsletters gave a brief overview of the corridor planning process and outlined the objectives identified for the corridor. A third newsletter is planned to outline the final objectives and give closure to the public involvement process.

#### Special Public Outreach

In order to include as many stakeholders as possible, extra efforts were made. Briefings were held with elected officials, community and business leaders, and tribal representatives in communities located along or imported by the corridor to explain the planning process, identify their concerns and issues, and build a cooperative relationship between ODOT and the local jurisdictions. In Prineville, an un-incorporated town with a fairly large population, the local Chamber of Commerce was invited to meet with ODOT and the consultants for a similar presentation.

In Biggs Junction, a special survey was done to identify the concerns and use patterns of track drivers. In addition, research was done to identify special needs and para-transit service providers and their transportation issues within the corridor.

#### Resolutions of Support

Cities and counties along the corridor have been asked to adopt a resolution supporting the corridor strategy document before the documents are submitted to the Oregon Transportation Commission. This provides an opportunity for local elected officials to discuss the document among themselves and their constituents and assures that the process and results reflect the strong cooperation between ODOT, local jurisdictions and citizens. This consensus provides a strong foundation for continuing the corridor planning process.

### List of attachments available upon request:

- . List of Corridor Planning Management Team
- Corridor Planning Management Team meeting notes
- . List of Corridor Advisory Group members
- Corridor Advisory Group meeting notes
- · Open House meetings notes
- Corridor Stakeholder Interviews report
- Conidor Stakeholder Interview Instruments
- Newsletters
- Truck Driver Survey Report
- Sample resolutions of support language

### P109: David A. Ditz

# true adams company

### MEMORANDUM

DATE: September 12, 2011

TO: Amy Pfeiffer, ODOT

FROM: David A. Ditz

PROJECT: US-97 North Corridor

SUBJECT: Comments to DEIS

SENT VIA: Hand Carried

COPIES TO: Eric King, City Manager, City of Bend

John James, Chair, Juniper Ridge Management Advisory Board

Roger Lee, Executive Director, Economic Development for Central Oregon

Neal Bryant, Principal, Bryant Lovlien & Jarvis PC

Nick Arnis, Transportation Engineering Manager, City of Bend Jon Skidmore, Bend Business Advocate, City of Bend

Bill Moseley, Chair, Bend Economic Development Advisory Board

REMARKS: Amy – following are my comments and recommendations relative to the

Orafi ElS currently out for public review. I am submitting these comments solely as a private citizen, acting as an advocate for juniper Ridge and for the long-term economic viability of the city. These comments do retrieve represent any official City of Bend position. I am no longer under contract to the City, and am not currently involved with Juniper Ridge in any official

capacity.

**ALTERNATIVE DS-1** 

DS-1 provides a north interchange which creates the opportunity for access to Juniper Ridge at its current north boundary. This is consistent with the Cooper Robertson Conceptual Master Plan which has been Accepted and Approved by the Bend City Council, and is also consistent with Juniper

Ridge transportation planning.

However, the proposed alignment of Third Street is highly intrusive into the flunnell neighborhood west of US-97. I have attached a marked-up copy of DS-1 with what I feel would be a far less intrusive alignment. Critical to this is Third Street cutting through the Deschutes Memorial Gardens cemetery—it is my understanding that the west half of that property is undeveloped and is available for acquisition. Third Street should proceed roughly parallel to US-97, not north-south as currently shown. The alignment of the bridge deck over US-97 should be turned slightly to a true east-west orientation, on the same alignment as the north boundary of Juniper Ridge and of Rogers Road (both are on a section line). This will reduce the length of

curve necessary to connect to the realigned Third Street on the west side of

001

750 NW LAVA ROAD SUITE 100

PO BOX 694

the highway.

BEND OREGON 97701-2783

541.306.6923

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#### 001

We appreciate you taking the time to submit these recommendations. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 Alternative evaluated in the Draft EIS. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. As shown in Exhibit 2-3 FEIS in the Final EIS, the Preferred Alternative will not include any new roadways through the Hunnell Neighborhood and 3rd Street will remain within the City of Bend urban growth boundary as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

### P109: David A. Ditz

true adams COMPANY

AMY PFEIFFER September 12, 2011 Page 2

002

It is my understanding that the Cascade Village retail consortium also objects to DS-1 because it would force their US-97 southbound customers to get off the highway more than a mile north of their destination. I can appreciate this argument, but feel that the issue can be addressed by proper signage at the interchange area, stating, to the effect, "Third Street / Cooley Road / Cascade Village Retail Area, next exit" or some similar messaging.

In spite of these proposed modifications, a major problem remains: as it is currently laid out, selection of DS-1 will precipitate a loud and lengthy legal battle with the Huns, as they have made clear to anyone who will listen. I discussed the proposed alignment revision described above with Michel Bayard (in his capacity as head of the Huns) on August 25. Michel advised me via email (attached) on September 1 that, because "...the impact on a number of the Hunnell Neighbors would still be unacceptable", they remain in Javor of DS-2 (or the No-Build).

Even a modified DS-1 has too many problems.

#### **ALTERNATIVE DS-2**

DS-2 precludes a northern entry into the Juniper Ridge property and should therefore be eliminated from consideration on the grounds that it does not support the City's economic development goals – in fact, it works directly against those goals.

003

DS-2 will force all present and future Juniper Ridge traffic to Cooley Road. The eventual development of the Town Center and Educations lands within Juniper Ridge will require significant upgrades to Cooley's carrying capacity if there is no other entrance to the property – regardless of who pays for that other entrance. From a planning standpoint, to further expand an existing arterial that runs through a residential neighborhood and past an elementary and middle school complex is simply a terrible planning decision that site selection consultants and end users will immediately cite as a disqualifier for Juniper Ridge. Further, Cooley Road is shown as a Minor Arterial in the City's Transportation System Plan. To upgrade it to a Major Arterial or beyond will require a public process, obviously subject to appeal at multiple levels. I do not believe such a change in designation to be politically or technically achievable – politically because the public will aggressively oppose it, and technically because the existing right of way likely isn't wide enough.

I question the wisdom of ODOT's picking this sort of battle with the public. Similar to the Huns situation, the selection of DS-2 will likely precipitate an equally loud and equally prolonged legal conflict with the Boyd Acres Neighborhood Association – the largest such association in Bend – for the reason stated above.

#### CONCLUSION

004

DS-1 works for Juniper Ridge but will precipitate civil war with the Huns. DS-2 will guarantee the fallure of Juniper Ridge and will precipitate civil war with BANA. My recommendation is to reject both alternatives, and reevaluate the original East 1 alternative, with the following modifications:

#### 002

The Preferred Alternative provides access to the commercial triangle bound by US 20, US 97 and Cooley Road through a new signalized intersection at 3rd Street and US 97 as shown in Exhibit 2-3 FEIS (Map 7). This intersection is much closer to this commercial triangle than the northern interchange with the East DS1 Alternative. Additionally, the project can accommodate room for specific business directory signs for businesses that qualify. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, and Topic 19 – Business directory signs.

#### 003

We acknowledge your opposition to the East DS2 Alternative. The purpose for the project is described in Section 1.2 and the need for this project is described in Section 1.3 of the Draft EIS and the Final EIS. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development.

Please also see Topic 18 – Juniper Ridge.

#### 004

We acknowledge your preference for the East 1 Alternative and thank you for your recommended modifications. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. With the Preferred Alternative, 3rd Street will remain within the City of Bend urban growth boundary as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS. The East 1 Alternative was considered by ODOT and FHWA as shown in Exhibit 2-17 of the Final EIS. However, the East DS1 and East DS2 Alternatives would provide similar operational performance as the East 1 Alternative for substantially fewer impacts and 30 percent lower cost. Therefore, the East DS1 and East DS2 Alternatives were included in the range of alternatives that was screened against the purpose and need.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# P109: David A. Ditz

# true adams company

### AMY PFEIFFER

September 12, 2011 Page 3

- Construct everything between Cooley & Empire per the current DS alternates. This will simplify the original interchange design in the vicinity of the SLR, saving considerable money over the original East 1 estimate.
- The proposed north interchange must be a full-service interchange.
  It has been stated publicly that ODOT will have to pursue a
  Statewide Goal Exception for either of the current alternates
  anyway, so this shouldn't be a factor with this request.

004 Cont.

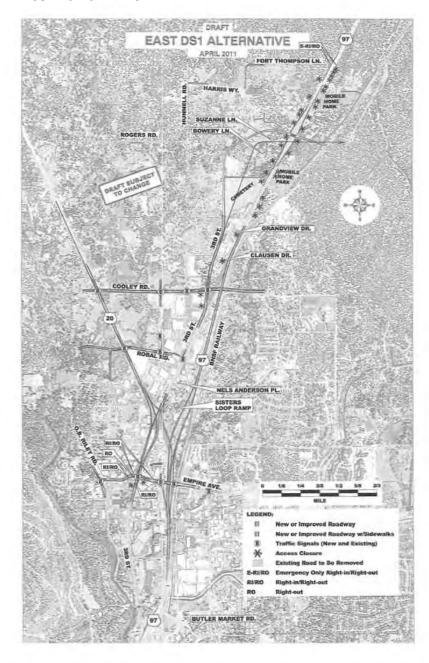
- Add a multi-lane roundabout or signalized intersection on Third Street at the alignment of Rogers Road/north boundary of Juniper Ridge. Extend a 5-lane arterial due east to the BNSF/US-97 rightsof-way. It is my view that a bridge over these facilities should be a North Corridor cost. Juniper Ridge can assume responsibility for the facility from there, running to the east.
- 4. Because the southbound exit off of US-97 is considerably north of Cooley Road, add a flyover southbound exit ramp from US-97 to Third Street at the point where the two alignments come closest together – shown on the attached map as circled in red. This should resolve the legitimate concerns of Cascade Village about closerproximity access to their project.

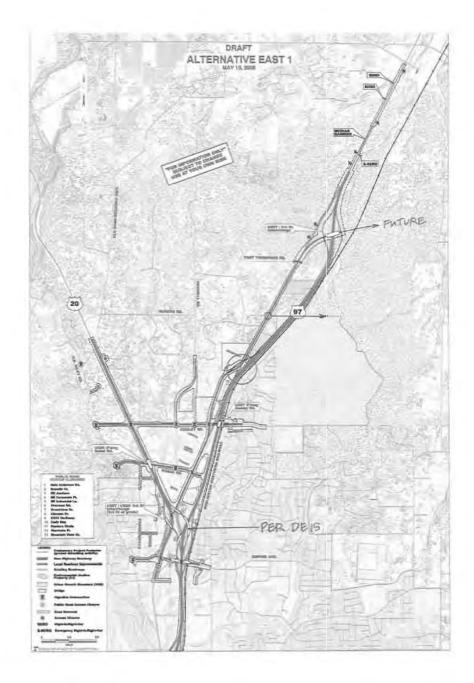
This modified East 1 proposal remedies every component of opposition that I'm currently aware of.

Thank you Amy. I wish this memorandum and all of the following attachments to be entered into the record of testimony.

- Marked-up DS-1
- Marked-up West 1
- Email dated 09-01-11 from Michel Bayard
- "In My View" letter to The Bulletin, published 09-07-11

P109: David A. Ditz





# P110: John Dollhausen

John Dollhausen • 20510 Bowery Lane • Bend, OR 97701

September 12, 2011

Ms. Amy Pfeiffer
US97 Bend North Corridor Environmental Manager
Oregon Department of Transportation, Region 4
63030 O.B. Riley Road
Bend, OR 97701

Dear Ms. Pfeiffer:

I would like to comment on the Draft EIS for the proposed US97 North Corridor Project. In general, I felt that the DEIS did not address the significance of the Juniper Ridge Project to these highway improvements. The Northern interchange of East DS1 is clearly visible in the Juniper Ridge Master Plan, and a connection on the east side of the interchange to 18<sup>th</sup> street is inevitable if this is built. The DEIS should include this foreseeable development and specifically analyze the potential impacts associated with this development.

Both build options also require improvements to local roads, but exactly what improvements are necessary is unclear in the DEIS. Large increases in traffic volume are predicted on Bowery Lane, Harris Way, Hunnell Road, and presumably Rogers Road and the Old Bend-Redmond Highway, although the last two are not included in the Area of Potential Impacts. I would like a more detailed description of these road improvements, including analysis of the safety and quality of life issues that these developments present. I disagree that these road improvements should be stand-alone projects in the City of Bend and Deschutes County TSPs, because these improvements are necessitated by the project they should be analyzed as part of the project. Juniper ridge is important here too, as traffic from this development may enter the local roads from the northern interchange in East DS1 or from the sky bridge in East DS2.

Thank you in advance for considering my comments.

Respectfully.

John V. Dollhausen

Member: Hunnell United Neighbors, Inc. (HUNS)

John Dollhausen submitted additional comment letters. These letters are included in the record of comments as P54 and P143. In addition, Crystal Dollhausen submitted comment letters that are included in the record of comments as P15, P53, P72 and P144.

#### 001

This comment pertains to impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT and the FHWA have identified the Fast DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. The Preferred Alternative is described in Section 2.1.2 of the Final EIS. As shown in Exhibit 2-3 FEIS, the Preferred Alternative will not include a northern interchange or any new roadways through the Hunnell Neighborhood, 3rd Street will remain within the City of Bend urban growth boundary, as shown in Exhibit 2-3 FEIS (Map 7), and new connections to the Juniper Ridge area will not be provided. Improvements to local facilities with the Preferred Alternative include those that the project's traffic analysis showed are needed for the safe and efficient operation of US 97, US 20 and 3rd Street. These include widening the Empire Avenue from the existing Empire Avenue bridge to 3rd Street to accommodate traffic without congestion backing up onto US 97; and widening the roadway curve from Sherman Road to Nels Anderson Road when the Sherman Road access to Empire Avenue is closed to mitigate for the impacts of the Preferred Alternative on the local street network. There are no additional transportation improvements to local facilities that will be necessary once the Preferred Alternative is constructed. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

# LIZ FANCHER, ATTORNEY

Liz Fancher Sue Stinson, Paralegal

September 12, 2011

### VIA EMAIL AND HAND DELIVERY

Amy Pfeiffer Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

Re: U.S. 97 Bend North Corridor Project Draft Environmental Impact Statement; Supplemental Written Comments from Newman Development Group of Bend, LLC

Dear Ms. Pfeiffer:

I represent Newman Development Group of Bend, LLC ("Newman"), the owner of five of the six parcels of land that make up the Town Square Shopping Center ("Shopping Center") in Bend, Oregon. The Shopping Center is located at the southwest corner of Cooley Road and U.S. 97. The Shopping Center includes Lowe's, Sherwin Williams and America's Tire Company. The properties are Tax Lots 200, 201, 202, 203 and 600 on Deschutes County Tax Assessor's Map 17-12-16B.

This letter includes Newman's supplemental written comments on the Draft Environmental Impact Statement ("DEIS") for the U.S. 97 Bend North Corridor Project ("Project"). Specifically, these supplemental comments: (1) provide a summary of Newman's site-specific issues and proposed solutions; and (2) identify unreasonable assumptions used in the DEIS analysis of cumulative impacts.

### 1. Summary of Newman's Site-Specific Issues and Proposed Solutions.

The following list summarizes Newman's primary site-specific issues with the Project as currently proposed. Below each issue, Newman describes an action that the Oregon Department of Transportation ("ODOT") can and should take to resolve the issue.

644 NW BROADWAY STREET \* BEND, OREGON \* 97701 PHONE: 541-385-3067 \* FAX: 541-385-3076 Responses to comments begin on next page. Ms. Fancher also submitted an additional comment letter dated August 24, 2011, which is included as comment P55.

-2

September 12, 2011

ISSUE: The two build alternatives for the Project show the loss of an existing access driveway between existing U.S. 97/future Third Street and the Shopping Center property. The two build alternatives also call for the closure of the easternmost Cooley Road access to the Shopping Center. These closures will leave the Shopping Center with a single, congested point of customer access.

<u>SOLUTION</u>: Restore the U.S. 97/future Third Street access on both build alternatives. Allow the City of Bend ("City") to make access decisions for future Third Street. Allow the Shopping Center property to continue to function as approved and developed.

<u>ISSUE</u>: The two build alternatives show a full-movement, signalized access to the main ingress/egress to the Shopping Center property on Cooley Road ("Main Driveway").

<u>SOLUTION</u>: Maintain this Project element as shown because it is crucial to providing reasonable access for customers.

ISSUE: Newman is concerned about the potential closure of the primary truck driveway on Cooley Road ("Truck Driveway") used by Lowe's. It is also concerned about the potential installation of a median, turn limitation, or roundabout at this location that would compromise the ability of large delivery trucks to enter and exit the Shopping Center property in a safe and efficient manner.

SOLUTION: Maintain the existing full-movement access without medians or turn limitations at the Truck Driveway, as it has been approved and developed.

ISSUE: The right-of-way/slope easement envelope shown for the proposed widening of Cooley Road will significantly encroach onto existing improvements on the Shopping Center property. This includes both the Main Driveway and the Truck Driveway. Both driveways are crucial to Shopping Center operations. This is especially true because ODOT plans to close the center's easternmost, customer access on Cooley Road. As a result of the right-of-way encroachment, these driveways will intersect the street at a steeper grade than currently exists. It is anticipated that the Truck Driveway will have a slope of about nine percent (9%), which is well above Lowe's standard of seven percent (7%). The 9% grade is a potentially dangerous grade for large trucks making deliveries. Although the Main Driveway will be at a less steep grade, it is not safe or efficient for large delivery trucks and customer traffic to share the same access driveway. The right-of-way encroachment will also require reconfiguring on-site pedestrian and vehicular circulation and lead to the loss of access and parking needed for the center.

#### 001

The Preferred Alternative will retain two existing access points from Cooley Road to the Town Square Mall shopping center and the existing right-in/right-out access onto future 3rd Street (existing US 97). In addition, the Preferred Alternative will construct a signalized intersection on Cooley Road with the main ingress/egress into Lowe's Center (please see Topic 9, Driveway B, for the location of this access). Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 23 – Jurisdiction of roadways.

#### 002

One of the access points from Cooley Road that will be retained to the Town Square Mall shopping center, with full movements and no turn limitations, is the truck driveway into Lowe's (please see Topic 9, Driveway A, for the location of this driveway). See Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

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002 Cont.

SOLUTION: Allow the Shopping property to remain as approved and developed. Relocate the right-of-way/slope easement envelope needed for the widening of Cooley Road entirely off the Shopping Center property to the north side of Cooley Road. The properties to the north are largely undeveloped. Land acquisition costs to ODOT will be less expensive and less disruptive than if land is acquired by the Shopping Center.

ISSUE: Newman is concerned that the right-of-way/slope easement envelope shown for the proposed widening of Cooley Road will take land used as a part of a handicapped access ramp and sidewalk system. The ramp provides access up and over a steep bank that exists at the north end of the Shopping Center adjacent to Cooley Road. Newman is concerned that it may not be feasible to rebuild a handicapped access ramp in this location given the steeper grade that will be created between Cooley Road and the Shopping Center and the decreased distance between the parking area and the new Cooley Road right-of-way and related street and sidewalk improvements.

SOLUTION: Relocate the right-of-way/slope easement envelope entirely off the Shopping Center property. Acquire all right-of-way for Cooley Road from the undeveloped and lightly-developed properties located to the north of Cooley Road.

ISSUE: None of the three alternatives considered in the DEIS is consistent with the Memorandum of Agreement dated June 2, 2003 ("Agreement") among ODOT, Lowe's and Newman Development Group of Bend, LLC ("Newman"). Newman relied on the promises ODOT made in the Agreement to build an interchange at Cooley Road and Highway 97 within the footprint of land sold to ODOT by Newman. Newman continued forward with its Shopping Center development, made a significant financial investment to develop the center and its infrastructure, entered leases with tenants and paid to develop Hunnell Road and Cooley Road in reliance on ODOT promises. ODOT's decision to pursue different alternatives have resulted in a virtual moratorium on new area development for the last five years and caused Newman to lose a lease commitment for a site that remains vacant today.

004

SOLUTION: Newman has not and is not waiving any of its rights under the Agreement by virtue of comments submitted during this DEIS process. ODOT should construct a full-access interchange at Cooley Road and Highway 97/Third Street as agreed in the MOA. Plans for phasing should be articulated and this improvement should be included as a required element of any phase of the Project that makes changes to the intersection of Cooley Road and Highway 97/Third Street.

#### 003

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

#### 004

The Preferred Alternative is consistent with the Memorandum of Agreement (MOA) and the City approved development site plan. As part of the Memorandum of Agreement (MOA) between ODOT and the Newman Development Group, ODOT agreed to develop a conceptual design for a single point urban interchange for the intersection of US 97 and Cooley Road. During the project's alternatives development process, an interchange at US 97 and Cooley Road was considered but eliminated from further consideration (please see Section 2.4.2 of the Final EIS for discussion of the GM-2 and Existing DS1 Alternatives). An interchange at this location is not included with the Preferred Alternative. The MOA is a three-party development agreement between two private companies and the Oregon Department of Transportation (ODOT) that stemmed from the City's approval of a 23 acre development proposal adjacent to US 97. Under the MOA, ODOT agreed to issue a right-in/right-out approach road permit to existing US 97 (please see Topic 9, Driveway D, for the location of this approach). ODOT fulfilled this obligation. The MOA further states that ODOT agreed to use its best efforts to leave this right-in/ right-out driveway open as long as possible. This driveway remains open with the Preferred Alternative; however, there may be temporary closures during construction activities. This is consistent with the MOA. ODOT also agreed to purchase property from the developer at fair market value, and the property was purchased. ODOT also granted the developer a right of first refusal should the purchased parcel ever be deemed surplus. The property is not currently identified as surplus.

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ISSUE: The DEIS does not adequately consider interim impacts caused by construction and staging activities and phasing of the Project. It is likely that interim project development at Cooley Road and Highway 97 will involve "interim" intersection improvements and access closures for the Shopping Center that do not comply with the improvements promised by the ODOT/Newman/Lowe's Agreement. For instance, an "interim" at-grade intersection improvement at Cooley and Highway 97/Third Street, rather than the full-access interchange called for by the Agreement, could cause significant harm to the Shopping Center without providing the offsetting benefits offered by building the entire, studied Project.

This issue is of considerable concern to Newman because ODOT has not secured funding for the Project. It is entirely possible that ODOT may acquire some but not all needed funding. In such a case, an interim improvement will be the final or, at least, a long-term improvement. As such, its impacts should be addressed in the DEIS.

SOLUTION: In order to fully and correctly identify, evaluate, and mitigate adverse impacts of the Project, the DEIS must be revised to identify what interim improvements will be made at the intersection of Highway 97 and Cooley Road. Otherwise, ODOT should remove phasing as an option for development of the Project. The impacts of Highway 97 and Cooley Road intersection improvements and other interim improvements that will be built before traffic is carried north of the intersection should be considered at more than a superficial level. At a minimum, conceptual interim Project plans should be developed and impacts to Newman, Lowe's and other area property owners identified and considered.

# Unreasonable Assumptions in the DEIS Undermine the Cumulative Impacts Analysis.

After reviewing the DEIS in more detail, Newman has discovered that ODOT based some of its analysis of cumulative impacts upon unreasonable assumptions drawn from unreliable data sources about the likely future development of almost 3000 acres of rural land located outside of the Bend urban growth boundary ("UGB"). Specifically, ODOT has assumed that these lands will be developed with urban development prohibited by State land use laws. ODOT's DEIS dramatically overstates projected urban development in the north end of Bend by relying upon a UGB expansion that the Oregon Land Conservation and Development Commission has rejected and by assuming that all City of Bend-owned rural land located outside of the proposed UGB boundary in the Juniper Ridge area will be available for intense urban development in the foreseeable future. Further, ODOT has based its DEIS analysis on an unacknowledged City of Bend Transportation System Plan ("TSP") map that is inconsistent with the City's acknowledged and official TSP map. As a consequence, ODOT significantly understates the impacts of the Project.

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Please see Topic 17 – Phasing, Topic 16 – Funding and Topic 34 – Supplemental Draft EIS.

006

The cumulative impact analysis was based on the adopted and recognized Urban Growth Boundary (UGB) for the City of Bend, not the proposed UGB expansion that the State remanded back to the City. ODOT also used the acknowledged Transportation System Plan for the City of Bend.

The list of current and reasonably foreseeable actions presented in the Draft EIS was based on adopted land use, transportation, park, and utility plans for the City of Bend, Deschutes County, and Bend Metropolitan Planning Organization (MPO); correspondence with City, County, and MPO staff; lists of recent land use proposals and building permits issued; and information on the City, County, and MPO websites. City, County, and MPO staff reviewed and provided input on the list of current and reasonably foreseeable actions that was included in the Draft EIS. It was assumed that if a proposed action is included in a government plan, the proposed action has already received some level of review and could feasibly be built at some time in the future.

The list of current and reasonably foreseeable actions in the Final EIS includes a few updates to reflect changes in proposed actions that have occurred since publication of the Draft EIS. This list includes the entirety of Juniper Ridge because the City's Conceptual Juniper Ridge Master Plan (dated July 2008) as published on the City's website includes plans for the entire 1,500-acre area. Similarly, all 1,460 acres of Urban Area Reserve (UAR) lands were assumed to be added to the UGB because this zoning designation has already been adopted. The cumulative impacts analysis studies current and reasonably foreseeable actions that could occur within and beyond the 20-year design horizon, which differs from the traffic analysis which studies only those actions that are planned to occur within the 20-year design horizon. The cumulative impacts analysis includes the inclusion of the UAR lands in the UGB; and the full development of Juniper Ridge at some point in the future, but does not attempt to project when these actions will take place.

The statement quoted from page 4-8 of the Draft EIS that compares the acres converted by the project with Juniper Ridge and the UAR lands is intended to provide context so that readers have a reference in order to judge the level of magnitude of the project, not to imply that there is any relationship between conversion of land for the project and conversion of land for Juniper Ridge of the UAR lands. The impact of the project is the same whether or not Juniper Ridge and the UAR lands are developed; however, the cumulative impacts of all of the projects together would be less if Juniper Ridge and/or the UAR lands are not developed.

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September 12, 2011

Chapter 4 of the DEIS identifies current and reasonably foreseeable actions by other parties in the Project area and then assesses the impacts of the Project in light of these other actions. The purpose of this assessment is to estimate the cumulative impacts of the Project and these other actions on the Project area. As the DEIS assumes development that is not reasonably foreseeable, it reaches an incorrect conclusion about Project impacts.

### a. Current and Reasonably Foreseeable Land Use Actions.

In assessing the cumulative land use impacts, ODOT assumes that the City of Bend will be able to proceed to develop all parts of its 1,500-acre Juniper Ridge property. This property is located east of U.S. 97. As the property owner, the City has aspirations to build employment, educational, and research opportunities, a town center, and residential neighborhoods. Thus far, all development at Juniper Ridge has been industrial development and all development has occurred on lands located inside of the existing Bend UGB. ODOT also assumes that 1,460 acres of rural lands zoned UAR-10 located to the west of U.S. 97 in the north end of Bend will develop with urban uses. These lands are rural exceptions lands but are not included in an urban reserve area that complies with State of Oregon urban reserve area rules. Finally, ODOT assumes that the Project itself would lead to the acquisition and conversion of between 131 and 180 acres of land. The DEIS then draws the following conclusions regarding the cumulative land use impacts:

"In the context of the 1,460 acres zoned Urban Area Reserve in the north end of Bend, west of US 97, and the 1,500 acre Juniper Ridge development that are planned to be converted from rural to urban land uses, the land that would be converted by either build alternative is relatively small."

DEIS, p. 4-8. The DEIS further concludes: "All of these land use actions would minimize the proposed action's contribution to cumulative impacts to land use such as additional development of rural lands." Stated another way, the assumed significant urban development of almost 3000 acres of rural land that is not reasonably likely to occur has been used by ODOT to reduce the significance of Project impacts.

The DEIS assumptions of "current and reasonably foreseeable" land use actions are not reasonable because it is unlikely that the City will include all of Juniper Ridge and the UAR-10 area west of U.S. 97 in the City's modified UGB expansion proposal. This is especially unlikely as approximately one-half of the Juniper Ridge property was not included in the City's rejected UGB proposal. A copy of the City-adopted Bend Urban Area Framework Plan Map that was reviewed and rejected by the State of Oregon's Land Conservation and Development Commission is

Another comparison that could be made is the conversion of land for the project relative to the entire area of Deschutes County (nearly 2 million acres); the project represents less than 0.1 percent of this area.

The statement quoted from page 4-9 of the Draft EIS regarding the land use actions that mitigate impacts of the project is referring to the interchange area management plans that would have been required for the East DS1 and East DS2 Alternatives, as well as the existing zoning and comprehensive plan designations and how these measures minimize any contribution of the project to additional development of rural lands (induced growth). Other projects would also be required to follow applicable plans and regulations, which would minimize their contributions to cumulative impacts.

Please also see Topic 20 – Urban growth boundary expansion, Topic 26 – Cumulative impacts, and Topic 33 – Induced growth.

006 Cont.

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enclosed. It shows the boundary of the proposed UGB and the fact that approximately one-half of the Juniper Ridge property was not located inside the proposed UGB.

The City is not likely to include all of these areas in a new UGB proposal because the State Land Conservation and Development Commission ("LCDC") remanded the City's original UGB proposal back to the City of Bend with instructions to make changes to the City's analysis that are likely to reduce the area of the UGB expansion area. Any portion of the Juniper Ridge property or the area west of US 97 that are not included in the UGB are extremely unlikely to develop over the next 20 years because Goals 2 and 14 impose significant limitations on the development of urban uses on rural lands and the City's UGB expansion plan should provide a twenty-year supply of urban land from through the end of 2028. In addition, transportation system limitations, such as the existing level of service "failure" at the intersection of Cooley Road and Highway 97/Third Street may continue to prevent approval of the comprehensive plan and zone map amendments that will be needed to allow these areas to develop with urban uses even if the land is included inside the Bend UGB.

Because these areas are unlikely to develop to the extent stated in the DEIS, they are not "current and reasonably foreseeable" land use actions. The actual Project impacts will be more significant than the DEIS assumed. If, for example, only half of Juniper Ridge and the area west of U.S. 97 develop, while the Project causes the conversion of the same 131-180 acres, the Project's impacts will be doubled at a comparative level. If private development is also lower than assumed, the Project's impacts will be even more significant.

In short, ODOT has erred with its evaluation of the cumulative land use impacts of the Project.

### Transportation System Plan Map.

The DEIS relies upon an assumption that a system of urban streets is planned for the 1460-acre Urban Area Reserve area by the City of Bend's TSP map. This is an erroneous assumption. The road network shown in the DEIS in the 1460-acre UAR-10 zoned area, discussed above, was included on a Bend TSP map adopted as a part of the City of Bend's 2009 UGB expansion. The Bend TSP map provided a network of urban roads to support urban development in the 1460-acre area that would support Project plans. The City TSP map and the City's UGB expansion proposal were both rejected by LCDC. The correct TSP map for this area, the map that existed prior to adoption of the UGB proposal, does not support DEIS assumptions about area roadways. ODOT should revise the DEIS to correct these assumptions and the analysis and conclusions that follow from them.

007

Thank you for identifying this incorrect assumption in the Draft EIS. The Draft EIS was attempting to use the most currently adopted Transportation System Plan (TSP), however we now understand that the 2009 list was a part of the 2010 DLCD remand of the City of Bend's UGB expansion proposal. As a result, the list and map of current and reasonably foreseeable actions considered in the cumulative impacts analysis, shown in Exhibit 4-4 FEIS, has been revised in the Final EIS to reflect only those urban streets shown in the City of Bend TSP Map dated December 15, 2006, which was in effect prior to the 2009 version of the map. While this modification changes the assumptions about local area roads that would be considered as reasonably foreseeable actions, this modification does not change the overall conclusions presented in the cumulative impacts analysis presented in Chapter 4 of the Final EIS. For more information regarding assumptions about roadways included in the traffic analysis for the Preferred Alternative presented in the Final EIS, please see the response to comment P111 006 and Topic 24 – Traffic analysis.

006 Cont.

-7.

September 12, 2011

### 3. Conclusion.

In conclusion, Newman requests that ODOT: (1) modify the Project to address Newman's identified site-specific issues by implementing Newman's proposed solutions; and (2) correct the assumptions, analysis, and conclusions for the cumulative land use and transportation impacts of the Project by addressing the identified deficiencies.

Please consider the comments in this letter together with the written comments included in my letter to you dated August 24, 2011, as well as the oral comments made by George Akel at the August 24, 2011, public hearing for the DEIS. Thank you for your attention to these comments.

Newman looks forward to continuing to work with ODOT throughout the planning and implementation of the Project.

Very truly yours,

Liz Fancher

Enc. - 1

cc:

R. Doane (via email)

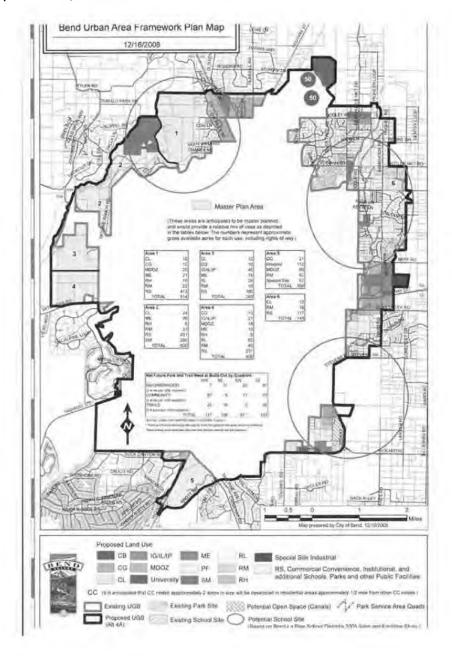
M. Stoner (via email)

Mr. Jim Manion (via email)

Mr. Michael Robinson (via email)

Mr. George Akel (via email)

Mr. Seth King (via email)



# P112: Cheryl Howard



# **Bicycle and Pedestrian Advisory Committee**

117 NW Lafayette Avenue Bend Oregon 97701-1925 (541)388-6575 FAX (541)385-1764 http://www.co.deschutes.or.us/cdd/

Jon W. Heacock Oregon Department of Transportation Region 4 Tech Center Manager 63034 OB Riley Road Bend OR 97701

Date: 9/12/11

Re: Comments on the US97 Bend North Corridor Draft Environmental Impact Statement (DEIS)

Dear Jon:

Please accept this letter from Deschutes County BPAC as our official comments on the USHWY 97 DEIS as it pertains to bike/ped facilities. Below are the locations within the DEIS that reference bike/ped facilities, and comments made by individual members of BPAC. These comments have been compiled into the following letter. Also included are thoughts from the City of Bend Mayor Pro-Tem representing Bend 2030, the Boyd Acres Neighborhood Association President, and the non-profit group Commute Options. In the Bend 2030 vision, one specific objective is VE 9.3 — Cooley Road/Highway 97/Highway 20 refinements and working towards resolution of the Cooley Rd. — Hwy 97/20 refinement plan in conjunction with the Bend MPO, ODOT, COACT, and City of Bend.

At BPAC our goal is to integrate the pedestrian/bicycle concepts put forward in the Oregon Bike & Pedestrian Plan into USHWY 97 DEIS. If these concepts are at least addressed in the document, there is a greater chance that they will be incorporated into the design.

In Chapter 1 (Purpose and Need), Goal 6 (p20) is to "enhance bicycle and pedestrian safety and connectivity." This would point to a need to expand the discussion of that topic in the DEIS, not just mention the infamous goat trails and suggest that people walk an extra mile or so to cross at a signal.

The USHWY 97 DEIS is heavily biased towards motorized travel. The understanding of BPAC is that this project is designed to address planning issues in a 20-year window. If there is no plan in place to encourage alternative methods of travel the north corridor of HWY 97 will only become more congested with motor vehicle traffic. Therefore, non-motorized transportation improvements need to be addressed in a manner that is on par with the motorized traffic improvements. The recent announcement of the Active Transportation Section by ODOT Director Garrett spells out the need to integrate all modes of transportation at the state level. These considerations are noticeably absent from the USHWY 97 DEIS.

Quality Services Performed with Pride

#### 001

Thank you for your comprehensive comments and recommendations. We acknowledge your concerns regarding bicycle, pedestrian, and alternative transportation through the north US 97 corridor. The purpose of the project, as stated in Section 1.2 of the Draft EIS and Final EIS, is to improve safety and mobility on US 97. The project needs, described in Section 1.3 of the Draft and Final EIS, include addressing congestion at approaches, traffic flow within the corridor, and safety. ODOT and FHWA considered the comments received on the Draft EIS, as well project goals and objectives related to improving bicycle and pedestrian safety and connectivity and objectives, during the process of identifying the Preferred Alternative. The Final EIS has been updated to include Exhibit 2-3 FEIS, which shows the many bicycle and pedestrian facilities that will be constructed with the Preferred Alternative. Construction of these facilities will improve safety and connectivity for bicyclists and pedestrians. Examples include the Cooley Road undercrossing of US 97 and the BNSF Railway, a multi-use path connecting the mobile home parks to the new signalized intersection of 3rd Street and US 97, and numerous new sidewalks and bike lanes. Additionally, Section 3.1.3 of the Final EIS explains that the Preferred Alternative can accommodate future transit plans for the area. Transit service will help reduce the demand on US 97. but transit service will not remove enough vehicles to eliminate the need for the project or reduce the scope of the project. Please also see Topic 12 - Bicycle and pedestrian facilities and Topic 22 - Transit.

- 1) Section 3.5.2 of the Final EIS has been updated to include a discussion of the existing bicycle and pedestrian facilities and connectivity.
- 2) As shown in Exhibit 2-3 FEIS of the Final EIS, new multi-use paths, bike lanes and sidewalks will be installed on US 20, US 97, Cooley Road and 3rd Street providing improved and safer bicycle and pedestrian access to the commercial triangle bound by US 20, US 97 and Cooley Road. Also, a pedestrian and bicycle undercrossing will be provided on US 97 near the Sisters Loop Ramp to accommodate the City of Bend's future planned trail system. Please also see Topic 12 Bicycle and pedestrian facilities.
- 3) Please see Topic 12 Bicycle and pedestrian facilities for a description of the many improvements that will be implemented with the Preferred Alternative.
- 4) As described in Section 3.1 Transportation of the Final EIS, the Preferred Alternative will provide more bicycle and pedestrian facilities than the East DS1 and East DS2 Alternatives. It is reasonable to conclude that provision of additional facilities for pedestrians and bicyclists will create safer opportunities for those modes.
- 5) Section 3.1.2 of the Final EIS has been updated to identify existing transit routes and stops in the study area. Section 3.1.3 explains that the Preferred Alternative can accommodate future transit plans for the area. Transit service will help reduce the demand on US 97, but transit service will not remove enough vehicles to eliminate the need for the project or reduce the scope of the project. Please also see Topic 22 Transit and Topic 12 Bicycle and pedestrian facilities.
- 6) Please see the response to P112 002.

# P112: Cheryl Howard

This project is meant to serve a future Bend as well as present-day Bend. We question the assumption that more lanes of car traffic are the only way to move people to their destinations. Assuming that everyone can drive to Cascade Village is ignoring reality. Evidence of the demand for pedestrian and bicycle connectivity are the dirt user trails and "frogger" type behavior of pedestrians trying to cross multi-lane highways leading to the shopping center. Many people don't drive for various reasons: no license; a disability that prevents them from operating a car, but allows them to walk; they don't own a car; or they can't afford to operate/repair it. Consideration of this population is noticeably absent from the USHWY 97 DEIS.

Bike/Ped info in the US 97 N Corridor DEIS are as follows: 2.5.5 3.5.2 (pages 3-100, 3-106, 3-110, 3-115, 3-117) 4.14 (page 4-13) Exhibit 3-7 (page 3-13) Page 3-12, 3-13 describes the existing bike ped facilities, as well as 3-18 Page 3-21, 3-22 describes the facilities with East DS-1

Page 3-24 describes the facilities with East DS-2

As mentioned in the ODOT Bicycle/Pedestrian Technical Report, the Oregon Bicycle and Pedestrian Plan was adopted by the Oregon Transportation Commission in 1995 with the Intention of guiding ODOT, metropolitan planning organizations and the cities and counties of Oregon in developing bikeway and walkway systems. The goal of the plan is "to provide safe, accessible and convenient bicycle and walking facilities and to support and encourage increased levels of bicycling and walking."

There are several instances in the DEIS that are of great concern to BPAC as it relates to the bicycle and pedestrian facilities. Here are six major areas.

1)The DEIS makes references to bicycle and pedestrian facilities in the Avoidance, Minimization and/or Mitigation Measures (3.4.4) section to keep pedestrians and bicyclists advised of changes in routes during construction. Section 3.5.2, "Affected Environment" under the Socioeconomic Analysis portion describes the neighborhood connections of Boyd Acres, Hunnell, Juniper/Hilltop and the Four Seasons as "fairly well connected" – in reference to vehicles. There is no mention of pedestrian and bicycle connectivity between these neighborhoods and the Cascade Village Shopping Center.

- 2) The "Community Facilities and Services" section states that bicycle lanes exist on US97 and US20 and intermittently in neighborhoods. Neither US97 nor US20 are very comfortable or safe places to ride a bicycle even for experienced riders. It is even more intimidating for non-experienced riders. Pedestrians are just as vulnerable, if not more so. In the Bend 2030 Vision, WPC Strategy regarding bike/ped routes seeks to establish a comprehensive, integrated system of bicycle and walking routes, providing safe, healthy access to major hubs of the city, including employment areas, neighborhood centers, parks and open spaces, schools and retail areas. The Cascade Village Shopping Center area is not easily accessible to bicyclists and pedestrians at this time, nor is access improved by the USHWY 97 DEIS.
- 3) The "Transit-Dependent Households" section states that transit-dependent households represent 0.6% of the total residences in the area, whereas the local

average is 4.2 to 5.8% (county and city). Yes, there are fewer transit-dependent households in the area and therefore more vehicles per capita. There is no mention of trying to change that balance. This in itself encourages motor vehicle transportation over other modes. In the Bend 2030 Vision, WPC Strategy 7 seeks to promote establishment of a balanced, environmentally friendly, mulit-modal transportation system in Bend that can accommodate private automobiles, commercial traffic, buses and shuttles, regional light rail, and accessible pedestrian and bicycle pathways. The USHWY 97 DEIS does not do enough to support WPC Strategy 7.

- 4) Section 3.5.3 "Environmental Consequences No Build Alternative" touts the East DS1 Alternative as having increased pedestrian and bicycle safety. Putting pedestrians and bicycles on major highway shoulders does not make for safer travel.
- 5) There are problems with transportation access in the USHWY97 DEIS. The Bend 2030 vision Strategy 9 seeks to increase regional transportation access and efficiency in Central Oregon through comprehensive enhancements to air and rail service, a new interstate system, the local highway system, and north-south and east-west arterial roads and commuter options. The USHWY97 DEIS is notably silar ton the commuter options area. Further, section VE 9.9 specifically calls for infrastructure for alternative transportation. As outlined in the above areas, the USHWY97 DEIS does very little establish infrastructure that supports sustainable, alternative modes of transportation.
- 6) The city and Central Oregon region has done a great deal of work regarding trail connectivity. The Bend 2030 Vision QE Key Element 11 is to complete a citywide, fully-interconnected urban trails system that links walkers, runners and bicyclists to local parks and recreation facilities, open spaces, and other destinations through sidewalks, paths, water trails, and greenbelt corridors. This system provides both active transportation connectivity and public recreational access throughout the city while protecting the environment. Bend has regionally-coordinated trail systems that connect cities and provide access to adjoining city, state, and federal lands. Having an enormous shopping and retail destination fortressed by high speed roadways with little bicycle and pedestrian access files in the face of this goal.

Deschutes County BPAC strongly urges ODOT to consider and to address the needs of all road system users in the USHWY97 DEIS.

Sincerely.

Cheryl Howard

Deschutes County Bike Pedestrian Advisory Committee, Chair

http://www.deschutes.org/bikeped

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howard.cheryl@gmail.com

001 Cont.

# P113: Larry Kierulff

Date: September 12, 2011

To: US 97 Bend North Corridor Project Team

From: Larry Kierulff, Chair of Boyd Acres Neighborhood Association

Re: Comment to Draft Environmental Impact Statement

The current board of Boyd Acres Neighborhood Association (BANA) agreed to make a collective comment that did not endorse any proposed option from the DEIS. The proposals are important but controversial to BANA because a rather dense residential area straddles the API and many business owners are squarely in the API. However, BANA has a long history of insisting that any further development of Juniper Ridge will require highway access to the industrial area well north of Cooley to avoid serious negative impact to the livability of most of the neighborhood that uses Cooley and 18<sup>th</sup> to access shopping and schools.

Of most concern to BANA is the portion of the API Cooley southward. Residents are expected to yield to the stress of the construction period and additional noise and pollution of a long-term solution for the hope of less congestion on streets.

Noise is likely to increase for the residential area east of corridor and the report does not describe potential noise abatement options between Empire and Cooley. It simply says they are not feasible. Has the railroad been given opportunity to contribute to the livability of the area?

Many businesses will be displaced and the threat posed by the prolonged process impacts them and the whole economy at a time when jobs are needed. Jobs are being lost as a result of the discussion of land acquisition well before any acquisition is made. A solution is preferred that has the best prospect of quick funding, phase-wise implementation and quick, fair resolution for the greatest number of property owners. Displacement of residents should be minimize but affordable alternative housing would be much more available than alternative commercial property.

There is no access for BANA to shopping and transit between Empire and Cooley. Even a pedestrian /bicycle overpass to Robal would fit the aspirations of the community. Elements of the plan that are parks and bike friendly are not obvious.

006 | Visual impact and winter hazard of elevated streets is not addressed.

OO7 Grade separation and lack of intersection with 97 at Cooley is good. With this in place, the need of extending 4 lanes of Cooley into a well-established residential area is questionable.

Re-evaluate western alternatives listed in 2.4.1 and ensure that the assumptions made to delete them are still valid in light of the new reality regarding this historic recession and decrease of property values. Much of the negative impact to BANA would be avoided with a western alternative.

Seek and supply a satisfying solution to the problem posed by the removal of the historic Nels
Andersen house. BANA considers this an asset to the community and would like to keep it in the
area.

The quality of this above input (it's clarity and completeness) was limited by the phase (August) and duration (45 days) of the comment period but I thank you for the opportunity to provide it on behalf of the BANA board.

#### 001

We acknowledge your concern regarding the potential increased future use of Cooley Road without an additional access point from US 97 to Juniper Ridge. The Preferred Alternative includes improvements to Cooley Road and Empire Avenue as shown in Exhibit 2-3 FEIS (Maps 2, 5, and 6). Cooley Road and Empire Avenue are planned to be the primary access points into Juniper Ridge. If Juniper Ridge develops in the future, other transportation routes could be considered, but at this time the traffic analysis indicates that Cooley Road as designed in the Preferred Alternative is capable of handling the traffic volumes for the 20 year planning horizon. Please also see Topic 18 – Juniper Ridge, Topic 28 – Cooley Road design and operation, and Topic 24 – Traffic analysis.

#### 002

As stated in Section 3.16.5 of the Final EIS, to mitigate for construction noise impacts ODOT will include standard project specifications in the project contract. Once the Preferred Alternative is constructed the BNSF Railway crossing of Cooley Road will be grade-separated, which avoids the need for all trains to sound their horn as is done under the current conditions. A portion of the Boyd Acres neighborhood will be impacted by noise from the Preferred Alternative as described in Section 3.16.3 of the Final EIS. Section 3.15.5 of the Final EIS lists the commitments ODOT is making with the Preferred Alternative to reduce impacts to air quality during construction. These include establishing truck staging areas away from residences, schools, hospitals and nursing homes, limiting vehicle idling, and measures to prevent airborne dust. Long-term air quality impacts to this neighborhood are not expected as described in Section 3.15.3 of the Final EIS.

#### 003

The Final EIS has been revised to reflect changes to ODOT's noise policy as described in Section 3.16.1. Evaluation of noise barriers in this area is described in Section 3.16.3 of the Final EIS and the Updated Noise Technical Report. Once the Preferred Alternative is constructed the BNSF Railway crossing of Cooley Road will be grade-separated, which avoids the need for all trains to sound their horn as is done under the current conditions. Please also see Topic 29 – Noise impacts.

#### 004

Thank you for your concerns about the impacts of uncertainty and the time it takes to fund and construct a large project. Publication of the Final EIS and ROD will establish a long-term transportation solution for the area so that business owners and residents can plan for the future.

Section 3.5.3 of Final EIS has been updated to show the business displacements associated with the Preferred Alternative. As shown in Exhibit 3-35 FEIS, 42 businesses will be displaced with the Preferred Alternative, resulting in 691 job

# P113: Larry Kierulff

displacements. Even though the Preferred Alternative will convert some light industrial and commercial land to a transportation use, there is currently an adequate supply of land zoned for light industrial and commercial uses to relocate the businesses that will be displaced. Please see Section 3.3.3 of the Final EIS for information on the land available for businesses that will be displaced under the Preferred Alternative. The potential risk that displaced businesses will close instead of choosing to relocate is discussed in Section 3.5.3 of the Final EIS. Since the number the businesses that will choose to relocate nearby is not known, the Final EIS provides a "worst case" estimate in terms of the number of businesses and jobs that the Preferred Alternative will displace.

ODOT will provide relocation assistance in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Relocation assistance will be provided to all persons, businesses, or for personal property required to move as a result of right of way acquisition. Please see Section 3.3 Right of Way and Utilities of the Final EIS and Topic 30 – Right of way acquisition.

#### 005

The Preferred Alternative will not change the existing access to shopping and transit from the Boyd Acres neighborhood. Currently, Empire Avenue and Cooley Road are the local streets that cross the BNSF Railway tracks, providing a connection from the Boyd Acres neighborhood on the east side of the railroad tracks and US 97 to the commercial areas and transit facilities on the west side. The Preferred Alternative will construct an undercrossing of Cooley Road under the BNSF Railway and US 97, which will improve the safety and travel time of this access route.

The Final EIS has been updated to show the many bicycle and pedestrian facilities that will be included with the Preferred Alternative in Exhibit 2-3 FEIS. The Preferred Alternative provides a pedestrian and bicyclist undercrossing of US 97 near the Sisters Loop Ramp to accommodate the City of Bend's future planned trail system in this area, and a bicycle and pedestrian crossing of the railroad in the vicinity of Robal Road is included in Bend's Transportation System Plan. Please also see Topic 12 — Bicycle and pedestrian facilities.

### 006

The Draft EIS discussed impacts from elevated structures in Section 3.8.3. Section 3.8.3 of the Final EIS has been revised to address the visual impacts of the Preferred Alternative. Section 3.9.3 of the Final EIS has been revised to address the maintenance of roads in winter when snow and ice is present.

### 007

With both the East DS1 and East DS2 Alternatives, Cooley Road was proposed to have a five-lane cross-section just east of US 97 and the railroad tracks. The

# P113: Larry Kierulff

Preferred Alternative reduces the footprint of this section of Cooley Road from a proposed five-lane cross-section to a three lane cross-section; one travel lane in each direction with a center turn lane. This reduces the number of residential displacements in this area from nine to five. Please also see Topic 28 – Cooley Road design and operation.

#### 800

The west alternatives did not meet the purpose and need for the project as described in Section 2.4.2 of the Draft EIS and Final EIS. Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

### 009

We acknowledge the historic nature of the Nels and Lillian Andersen House. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen House will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. This adverse effect has been resolved through the Memorandum of Agreement that is included in Appendix D of the Final EIS. Please also see Topic 31 – Historic resources.

### 010

Please see Topic 2 – Request for extension of the Draft EIS comment period.



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Seth J. King. PHONE (503) 727-2024 PAX: (503) 346-2024 MAIL SKing@perkinscore.com

September 12, 2011

#### VIA EMAIL ONLY

Amy Pfeiffer Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

U.S. 97 Bend North Corridor Project Draft Environmental Impact Statement; Supplemental Written Comments from Lowe's HIW, Inc.

Dear Ms. Pfeiffer:

This office represents Lowe's HIW, Inc. ("Lowe's"), the owner of an approximately 12acre site containing a Lowe's home improvement warehouse and retail store ("Store") located south of Cooley Road and west of U.S. 97 in Bend. This letter includes Lowe's supplemental written comments on the Draft Environmental Impact Statement ("DEIS") for the U.S. 97 Bend North Corridor Project ("Project"). Specifically, these supplemental comments: (1) provide a summary of Lowe's site-specific issues and proposed solutions; and (2) identify unreasonable assumptions used in the DEIS analysis of cumulative impacts.

#### Summary of Lowe's Site-Specific Issues and Proposed Solutions.

The following list summarizes Lowe's primary site-specific issues with the Project as currently proposed. Below each issue, Lowe's describes an action that the Oregon Department of Transportation ("ODOT") can and should take to resolve the issue.

ISSUE: The two build alternatives show the loss of an existing access driveway between existing U.S. 97/future Third Street and the Store property.

SOLUTION: Restore the access on these build alternatives to allow the City of Bend ("City") to make access decisions for future Third Street, to allow the Store property to

ANCHORAGE - BEIJING - BELLEVUE - BOISE - CHICAGO - DENVER LOS ANGELES - MADISON MENLO PARK PHOENIX PORTLAND SAN (RANCISCO SEATTLE SHANGHA) WASHINGTON, D.C. Perkins Cole ur and Affiliates 38862-0003/LEGAL21694787.2

The comments provided in this letter are similar to other comments received from Seth King. Those comments are included in the record of comments as P57 and P123.

### 001

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

This comment is similar to P123 003 and P123 024.

Amy Pfeiffer September 12, 2011 Page 2

001 Cont.

continue to function as approved and developed, and to ensure the access driveway remains.

002

ISSUE: The two build alternatives show a full movement, signalized access to the main ingress/egress to the Store property on Cooley Road ("Main Driveway").

SOLUTION: Maintain this Project element as shown because it is crucial to providing reasonable access for customers.

003

ISSUE: Lowe's is concerned about the potential closure of the primary truck driveway on Cooley Road ("Truck Driveway") or the installation of a median, turn limitation, or roundabout at this location that would compromise the ability of large delivery trucks to enter and exit the Store property in a safe and efficient manner.

SOLUTION: Maintain the existing full movement access without medians or turn limitations at the Truck Driveway, as it has been approved and developed.

ISSUE: The right-of-way/slope easement envelope shown for the proposed widening of Cooley Road will significantly encroach on existing improvements on the Store property, including both the Main Driveway and the Truck Driveway, both of which are crucial to Store operations. As a result of the right-of-way encroachment onto the Store property, these driveways will intersect the street at an even steeper grade than currently exists. For example, it is anticipated that the Truck Driveway will have a slope of about nine percent (9%), which is well above Lowe's standard of seven percent (7%) and a dangerous and infeasible grade for large trucks making deliveries. Although the Main Driveway will be at a less steep grade, it is not safe or efficient for large delivery trucks and customers to share the same access driveway. Additionally, the Store property is not designed nor configured for delivery truck access to and from the Main Driveway. The right-of-way encroachment will also require reconfiguring on-site pedestrian and vehicular circulation and lead to the loss of access and parking.

SOLUTION: Relocate the right-of-way/slope easement envelope entirely off the Store property to the north side of Cooley Road, where the properties are largely undeveloped and additional takings will therefore be both less expensive and less disruptive of and less damaging to existing development and businesses. Allow the Store property to remain as approved and developed.

00

<u>ISSUE</u>: None of the three alternatives considered in the DEIS is consistent with the Memorandum of Agreement dated June 2, 2003 ("Agreement") among ODOT, Lowe's and Newman Development Group of Bend, LLC ("Newman").

#### 002

This signalized access with full movements to the Lowe's property from Cooley Road is included in the Preferred Alternative.

This comment is similar to P123 005 and P123 026.

### 003

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

This comment is similar to P123 006, P123 022, and P123 027.

### 004

Please also see Topic 30 – Right of way acquisition and Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

This comment is similar to P57 002, P123 004, and P123 025.

#### 005

The Preferred Alternative is consistent with the Memorandum of Agreement (MOA) and the City approved development site plan. The MOA is a three-party development agreement between two private companies and the Oregon Department of Transportation (ODOT) that stemmed from the City's approval of a 23 acre development proposal adjacent to US 97. Under the MOA, ODOT agreed to issue a right-in/right-out approach road permit to existing US 97 (please see Topic 9, Driveway D, for the location of this approach). ODOT fulfilled this obligation. The MOA further states that ODOT agreed to use its best efforts to leave this right-in/right-out driveway open as long as possible. This driveway remains open with the Preferred Alternative; however, there may be temporary closures during construction activities. This is consistent with the MOA. ODOT also agreed to purchase property from the developer at fair market value, and the property was purchased. ODOT also granted the developer a right of first refusal should the purchased parcel ever be deemed surplus. The property is not currently identified as surplus.

This comment is similar to P123 002 and P123 012.

Amy Pfeiffer September 12, 2011 Page 3

005 Cont.

SOLUTION: Lowe's has not and is not waiving any of its rights under the Agreement by virtue of comments submitted during this DEIS process.

<u>ISSUE</u>: The DEIS does not adequately consider interim impacts caused by construction and staging activities and phasing of the Project.

00

SOLUTION: In order to fully identify, evaluate, and attempt to avoid adverse impacts of the Project, the DEIS must be revised to consider these interim impacts at more than a superficial level.

# Unreasonable Assumptions in the DEIS Undermine the Cumulative Impacts Analysis.

After reviewing the DEIS in more detail, Lowe's has discovered that ODOT has based some of its analysis of cumulative impacts upon unreasonable assumptions drawn from unreliable data sources. Specifically, ODOT has overstated projected urban development in the north end of Bend by relying upon an aggressive Urban Growth Boundary ("UGB") expansion that the State has rejected. Further, ODOT has based its analysis on an unacknowledged City Transportation System Plan ("TSP") map that is inconsistent with the City's acknowledged map. As a consequence, ODOT understates the impacts of the Project.

Chapter 4 of the DEIS identifies current and reasonably foreseeable actions by other parties in the Project area and then assesses the impacts of the Project in light of these other actions. The purpose of this assessment is to estimate the cumulative impacts of the Project and these other actions on the Project area.

#### Current and Reasonably Foreseeable Land Use Actions.

In assessing the cumulative land use impacts, ODOT assumes development of the entirety of the 1,500-acre planned Juniper Ridge project, which is located east of U.S. 97 and is proposed to include, at ultimate build-out, employment, educational, and research opportunities, a town center, and residential neighborhoods. ODOT also assumes development of all of the 1,460 acres of Urban Reserve Area lands west of U.S. 97 in the north end of Bend. Finally, ODOT assumes that the Project itself would lead to the acquisition and conversion of between 131 and 180 acres of land. The DEIS then draws the following conclusions regarding the cumulative land use impacts:

"In the context of the 1,460 acres zoned Urban Area Reserve in the north end of Bend, west of US 97, and the 1,500 acre Juniper Ridge development

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#### 006

Please see Topic 17 – Phasing. This comment is similar to P57 005.

#### 007

The cumulative impact analysis was based on the adopted and recognized Urban Growth Boundary (UGB) for the City of Bend, not the proposed UGB expansion that the State remanded back to the City. ODOT also used the acknowledged Transportation System Plan for the City of Bend. Please see Topic 20 – Urban growth boundary expansion, and Topic 26 – Cumulative impacts.

### 800

The list of current and reasonably foreseeable actions presented in the Draft EIS was based on adopted land use, transportation, park, and utility plans for the City of Bend, Deschutes County, and Bend Metropolitan Planning Organization (MPO); correspondence with City, County, and MPO staff; lists of recent land use proposals and building permits issued; and information on the City, County, and MPO websites. City, County, and MPO staff reviewed and provided input on the list of current and reasonably foreseeable actions that was included in the Draft EIS. It was assumed that if a proposed action is included in a government plan, the proposed action has already received some level of review and could feasibly be built at some time in the future.

The list of current and reasonably foreseeable actions in the Final EIS includes a few updates to reflect changes in proposed actions that have occurred since publication of the Draft EIS. This list includes the entirety of Juniper Ridge because the City's Conceptual Juniper Ridge Master Plan (dated July 2008) as published on the City's website includes plans for the entire 1,500-acre area. Similarly, all 1,460 acres of Urban Area Reserve (UAR) lands were assumed to be added to the UGB because this zoning designation has already been adopted. The cumulative impacts analysis studies current and reasonably foreseeable actions that could occur within and beyond the 20-year design horizon, which differs from the traffic analysis which studies only those actions that are planned to occur within the 20-year design horizon. The cumulative impacts analysis includes the inclusion of the UAR lands in the UGB; and the full development of Juniper Ridge at some point in the future, but does not attempt to project when these actions will take place.

The statement quoted from page 4-8 of the Draft EIS that compares the acres converted by the project with Juniper Ridge and the UAR lands is intended to provide context so that readers have a reference in order to judge the level of magnitude of the project, not to imply that there is any relationship between conversion of land for the project and conversion of land for Juniper Ridge of the UAR lands. The impact of the project is the same whether or not Juniper Ridge and the UAR lands are developed; however, the cumulative impacts of all of the projects together would be less if Juniper Ridge and/or the UAR lands are not developed. Another comparison that could be

made is the conversion of land for the project relative to the entire area of Deschutes County (nearly 2 million acres); the project represents less than 0.1 percent of this area.

The statement quoted from page 4-9 of the Draft EIS regarding the land use actions that mitigate impacts of the project is referring to the interchange area management plans that would have been required for the East DS1 and East DS2 Alternatives, as well as the existing zoning and comprehensive plan designations and how these measures minimize any contribution of the project to additional development of rural lands (induced growth). Other projects would also be required to follow applicable plans and regulations, which would minimize their contributions to cumulative impacts.

Please also see Topic 20 – Urban growth boundary expansion, Topic 26 – Cumulative impacts, and Topic 33 – Induced growth.

Amy Pfeiffer September 12, 2011 Page 4

that are planned to be converted from rural to urban land uses, the land that would be converted by either build alternative is relatively small."

DEIS, p. 4-8. The DEIS further concludes: "All of these land use actions would minimize the proposed action's contribution to cumulative impacts to land use such as additional development of rural lands." DEIS, p. 4-9. Stated another way, the significant amount of other land development that ODOT has assumed will occur in the area necessarily reduces the impact of the Project.

The DEIS assumptions of "current and reasonably foreseeable" land use actions are not reasonable because it is unlikely that the City will include all of Juniper Ridge and the Urban Reserve Area west of U.S. 97 in the City's modified UGB expansion proposal for two reasons. First, the City did not include all of these areas in its original 2009 UGB expansion proposal. Second, the State Land Conservation and Development Commission ("LCDC") remanded the City's original UGB proposal to reduce the area of expansion, which may mean that the City modifies its UGB expansion proposal to eliminate even more of these areas from consideration. Any portion of Juniper Ridge or the area west of US 97 that are not included in the UGB are extremely unlikely to develop over the next 20 years due to Goals 2 and 14 and related limitations on development of urban uses on rural lands.

Because these areas are unlikely to develop to the extent stated in the DEIS, they are not "current and reasonably foreseeable" land use actions. As a result, the actual Project impacts will be more significant than the DEIS assumed because they are not likely to occur in a context of full build-out of these private developments. If, for example, only half of Juniper Ridge and the area west of U.S. 97 develop, while the Project causes the conversion of the same 131-180 acres, the Project's impacts will be doubled at a comparative level. If private development is even lower, the Project's impacts will be even more significant.

In short, ODOT has erred with its evaluation of the cumulative land use impacts of the Project.

### b. Transportation System Plan Map.

009

008 Cont.

Further, the DEIS erroneously assumes that the City's TSP map has planned for a system of urban streets for the 1460-acre Urban Area Reserve. This is incorrect. Although the City adopted an updated TSP map showing a network of local urban streets to support the Project in the 1460-acre Urban Area Reserve, LCDC rejected the City's map in conjunction with remanding the UGB expansion. As such, the City's 2009 TSP map is

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#### 009

Thank you for identifying this incorrect assumption in the Draft EIS. The Draft EIS was attempting to use the most currently adopted Transportation System Plan (TSP), however we now understand that the 2009 list was a part of the 2010 DLCD remand of the City of Bend's UGB expansion proposal. As a result, the list and map of current and reasonably foreseeable actions considered in the cumulative impacts analysis shown in Exhibit 4-4 FEIS has been revised in the Final EIS to reflect only those urban streets shown in the City of Bend TSP Map dated December 15, 2006, which was in effect prior to the 2009 version of the map. While this modification changes the assumptions about local area roads that would be considered as reasonably foreseeable actions, this modification does not change the overall conclusions presented in the cumulative impacts analysis presented in Chapter 4 of the Final EIS. Assumptions. For more information regarding assumptions about roadways included in the traffic analysis for the Preferred Alternative presented in the Final EIS, please see the response to comment P114 007 and Topic 24 – Traffic analysis.

Amy Pfeiffer September 12, 2011 Page 5

009 Cont

not currently acknowledged or in effect. Therefore, it is unreasonable for the DEIS to rely upon it when evaluating cumulative impacts. The correct map—the City TSP map that existed prior to adoption of the 2009 amendment—does not support DEIS assumptions about area roadways.

ODOT should revise the DEIS to correct these assumptions and the analysis and conclusions that follow therefrom.

#### Conclusion.

In conclusion, Lowe's requests that ODOT: (1) Modify the Project to address Lowe's identified site-specific issues by implementing Lowe's proposed solutions; and (2) Correct the assumptions, analysis, and conclusions for the cumulative land use and transportation impacts of the Project by addressing the identified deficiencies.

Please consider the comments in this letter together with the written comments included in my letter to you dated August 24, 2011, as well as the oral comments I made at the August 24, 2011, public hearing for the DEIS. Thank you for your attention to these comments.

Lowe's looks forward to continuing to work with ODOT throughout the planning and implementation of the Project.

Very truly yours,

Seth J. King

cc: Mr. Rob Doane (via email)

Mr. Mark Stoner (via email)

Mr. Jim Manion (via email)

Mr. Michael Robinson (via email)

Mr. George Akel (via email)

Ms. Liz Fancher (via email)

# P115: Roger J. Lee, Economic Development for Central Oregon



September 12, 2011

Bob Bryant, Regional Manager Oregon Department of Transportation 63030 O.B. Riley Road Bend, OR 97701

Re: Bend North-97 Alignment Draft Environment Impact Statement

Dear Bob,

On behalf of the Economic Development for Central Oregon (EDCO) Board of Directors, I am writing to express our support of an option that provides future connection to Bend's local transportation system north of Cooley Road. Last Thursday, September 8<sup>th</sup>, the EDCO Board met and discussed the alternatives and the option that is the most logical from an economic development standpoint is the East DS1 alternative. Please note that our comments do not address the alternatives south of Cooley, which are largely the same for both options.

As you know, Bend has arguably the smallest total inventory of industrially-zoned property of Oregon's six MSAs. Much of Bend's current and future supply for this critical employment land is located within Juniper Ridge and as such, it will be the largest contiguous business/industrial park in the city. Access to this development via the DS2 alternative is extremely problematic, and would likely adversely impact future employer's ability to locate there. The DS2 alternative would essentially force most trips to and from the Juniper Ridge area on Cooley Road and/or 18<sup>th</sup> Street – both of which are established residential areas with schools. While the mixing of industrial traffic with residential is in most cases unavoidable, good planning should minimize these impacts whenever possible.

001

Alternatively, DS1 provides an interchange for which EDCO has advocated for more than eight years – since initial discussions about developing Juniper Ridge. While the other alternative is more of a "band-aid", DS1 provides a long term solution for reducing congestion on Hwy 97 while connecting with Bend's long-term transportation plan. Specifically, the City of Bend is planning to better connect Hwy 20 and Hwy 97 via linking 27th Street to Empire and Empire to 18th. The latter project is already planned and funded via a voter-approved general obligation bond. With a link to a separated interchange on 18th Street, an efficient "northeast ring" is achieved that, long term, would add capacity to both Cooley Road and Empire Avenue.

002

We understand that neighbors in the Hunnell Road area are opposed to DS1. Given that the western portion of the cemetery is currently for sale, a closer alignment of 3rd Street to Hwy 97 might be possible that connects the interchange to Cooley Rd. Alternatively, Hwy 97 could be realigned to the east, adjacent to the railroad tracks, making use of the existing right-of-way for 3rd Street to connect to Cooley. This alignment, which was considered back in 2009, might actually have the fewest impacts to residential properties and the lowest right-of-way costs.

EDCO supports an alternative that has the least impact to residential neighborhoods near Cooley and Hunnell roads that also provides logical and efficient access to Juniper Ridge. With the

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS.

#### 001

The Preferred Alternative does not include a new northern interchange. Instead, the Preferred Alternative will construct a new signalized intersection of 3rd Street and US 97 just south of the Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7). The purpose of the project, as identified in Section 1.2 of the Draft and Final EIS, is to improve safety and mobility on US 97. The needs for the project are discussed in Section 1.3 of the Draft and Final EIS. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future as a separate project.

### 002

The Preferred Alternative substantially minimizes impacts to the Hunnell Neighborhood. The Preferred Alternative will construct a signalized intersection of US 97 and 3rd Street just south of the Deschutes Memorial Gardens and Chapel. As noted in your comment, south of the intersection of 3rd Street and US 97, US 97 will be re-aligned to the east closer to the railroad tracks, and the existing US 97 will become 3rd Street. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P115: Roger J. Lee, Economic Development for Central Oregon

Page 2 of 2

ODOT 97 Alternatives

September 12, 2011

economy and job creation a continuing critical focus for Bend, Deschittes County and the State of Oregon, this is the option that just makes the most sense.

Thank you for the opportunity to comment on this very important project.

Sincerely,

Roger Lee

Executive Director

### **EDCO Board of Directors:**

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# P116: Dennis McGriff

TRANS-FIX 63089 Sherman Rd. #5 Bend, Oregon 97701 (541) 388-3734

I have been following the prospective realignment of highway 97 as the plans have progressed. However, I have just learned that there is a plan to close Sherman Road on the north end and widen Mervin Samples Road This action would affect our business greatly.

We have anywhere from 40 - 75 vehicles a day arriving and departing at our place of business. This includes employees, customers, deliveries, and customer's vehicles being test driven. We are greatly concerned with the proposed changes causing the loss of business. We have customers with rvs who will not have a place to turn around. It is extremely difficult to reverse a large motor home with a tow car behind it. Delivery trucks will have difficulty. Customers who have trouble locating Mervin Sample Road will not bother to find us, Therefore, loss of business.

Concern over fire and police access is great. Fire equipment will have trouble accessing the rear of our building. Turning a fire truck around will be almost impossible.

Then, I can imagine one of our customers attempting to turn left onto 3<sup>rd</sup> Street from Mervin Samples Road. It is almost always congested on 3<sup>rd</sup> Street and I am concerned with their safety. I feel there must be some alternative to closing Sherman Road. Perhaps right turn only could be considered. A signal light on 3<sup>rd</sup>. Street or on Empier could be considered.

I know that there are many businesses on Sherman Road that will be affected and I hope that you will reconsider the closing of Sherman Road at Empire Avenue.

Dennis McGriff

003

#### 001

The Preferred Alternative includes the closure of the Sherman Road access to Empire Avenue and widening the roadway curve from Sherman Road to Nels Andersen Road to accommodate truck and emergency service vehicle access and turning movements, as shown in Exhibit 2-3 FEIS (Map 2). This access closure will be addressed through coordination with the City of Bend, which has jurisdiction of Empire Avenue. Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

#### 002

The Preferred Alternative will construct a signal at US 20 (3rd Street) and Mervin Sampels Road, as shown in Exhibit 2-3 FEIS (Map 2). This signal will allow traffic from Sherman Road to safely turn left onto US 20 (3rd Street).

#### 003

Please see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure and the response to comment P116 001 and P116 002.

# P117: Dick Patterson

# US 97 Bend North Corridor Solutions DRAFT EIS COMMENT FORM www.us97solutions.org Submitting Comments - ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative. For example, comments should: Describe the specific elements that you like or do not like about the alternatives Suggest ways an alternative could be improved Explain why you agree or disagree with the information in the Draft EIS Describe information that should be added to or revised in the Draft EIS. Please return this comment form during the public hearing on August 24th (5:30 - 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). You may also mail it to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than September 12, 2011, which is the end of the public comment period on the Draft EIS. Thank you! Comments: 001 nome Please provide your contact information below: Phone (optional) Name: Address: - that's all he wanted to provide City, State, ZIP:

#### 001

Please see Topic 31 - Historic resources.

Businesses displaced by the Preferred Alternative will be provided with relocation assistance. Please also see Topic 30 – Right of way acquisition.

### 002

We appreciate your preference for a bypass on the east side of town. However, such a bypass would not meet the project's purpose and need as discussed in Sections 1.2 and 1.3 in the Draft and Final EIS. A bypass on the east side of town would also not achieve the outcomes of the project's goals and objectives, such as providing local and regional access, and would require the conversion of substantial amounts of undeveloped land to transportation right of way. Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

Email (optional):

#### September 12, 2011

My name is Linda Perelli Wright. I am a former board member/chair of the Boyd Acres Neighborhood Association (BANA) and have been on the CAC for the US 97 Bend North Corridor Project since its inception. I have a good historical basis for understanding the concerns of the BANA area, which broadly includes residents and many locally-owned businesses. However, I am not currently active with the BANA board and my comments are mine alone, based on my observations of the study process, discussions with affected parties, and my professional background as a NEPA practitioner.

I am going to narrow my comments to the topics I believe cause the greatest impacts within the project area or Area of Potential Impact (API): Social and Economic, addressed together within the Socioeconomic Analysis chapter of the DEIS and within the Socioeconomic and Environmental Justice Technical Report. My comments are lumped below under the categories of Inadequate Analysis of Social and Economic Impacts, Design Assumptions Are No Longer Appropriate For Current And Near-Term Economic Conditions, and Impacts Outweigh Benefits.

### Inadequate Analysis of Social and Economic Impacts

The DEIS has an inadequate analysis of social and economic impacts, which are the impacts of greatest significance from the project overall. I believe if these impacts had been thoroughly described, ODOT and FHWA would not be able to state (in the comment period extension request denial) "there are not extraordinary complexities or environmental impacts associated with the alternatives". The impacts to businesses are on a grand scale and the impacts to residential areas substantial.

The Technical Report on Socioeconomics and Environmental Justice Populations acknowledges that the purpose of the report is to address "land uses, planning, and park and recreational facilities". It does not purport to provide a detailed economic analysis and, given the slim focus on economic impacts, it appears that a detailed economic analysis was not part of the study. Important considerations were not addressed in the Technical Report and thus not reflected in the DEIS.

The importance of the affected businesses to Bend's economy is critical to understanding the significance of project impacts; such economic information has not been evaluated. Specific questions that would seem to be critical in understanding true impacts, so the sufficiency of proposed mitigation measures can be assessed, are the below:

#### Direct impacts:

- What is the value of the specific businesses to be acquired in the API under the build alternatives — in terms of economic generation — on a local and regional level?
- What are the risks that the dislocated businesses will not survive the relocation or will choose to
  close their doors and no longer provide economic activity to the community? What are the
  possible costs (losses) of the risks? How will that be mitigated? How do the potential losses

1

### 001

The Socioeconomic and Environmental Justice Technical Report has been corrected to state that the purpose of the report is to analyze the project's socioeconomic impacts and impacts to environmental justice populations. In addition, the Socioeconomic and Environmental Justice Technical Report has been updated to also disclose the impacts of the Preferred Alternative.

Section 3.5.3 of the Final EIS discloses the direct impacts of the Preferred Alternative including:

- The number of parcels that will be fully or partially acquired with the Preferred Alternative and the number of businesses that could be relocated based on the businesses that are currently located on the parcels. The estimated total right of way cost for the Preferred Alternative has been added to Section 3.3.3 of the Final EIS. The valuation of individual businesses, residences and properties will occur during the project's final design and right of way acquisition phase.
- The potential risk that displaced businesses will close instead of choosing to relocate is also disclosed in Section 3.5.3 of the Final EIS. Since the number the businesses that will choose to relocate nearby or to close is not known, the Final EIS provides a "worst case" estimate in terms of the number of businesses and jobs that the Preferred Alternative will displace. ODOT will provide relocation assistance in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Please also see Topic 30 Right of way acquisition. The potential economic benefits of the Preferred Alternative, in terms of temporary job creation during construction are also discussed in Section 3.5.3. A long-term economic benefit of the Preferred Alternative is the regional and statewide movement of goods and people, which may reduce costs associated with these movements. Section 3.5.3 of the Final EIS also discloses how the Preferred Alternative may impact the local, regional and state economy.
- More information on partial acquisitions can be found in Section 3.2.3 of the Final EIS. Exhibit 3-32 FEIS provides the number of partial acquisitions for the Preferred Alternative by zoning; including residential, commercial, and industrial zoning designations. As stated in Section 3.5.3 of the Final EIS most parcels subject to partial acquisitions are expected to be able to retain existing buildings and current uses. Section 3.5.3 of the Final EIS also discloses how the Preferred Alternative may impact community cohesion and the local, regional and state economy.
- Please see Topic 23 Jurisdiction of roadways.

001

compare to the potential gain in economic opportunities and benefits noted for the build alternatives?

- There are more properties estimated to have partial acquisitions than full acquisitions: 95 partial
  acquisitions for DS1 (Table 3-56) and 79 for DS2 (Table 3-60). Are they residences, businesses,
  vacant, other? How will these acquisitions directly affect the ongoing uses and functions of
  these properties? How might the acquisitions affect the economic and social conditions of
  these properties and the community at large?
- What might be the ramifications for the City (e.g. financial) when they take over maintenance responsibility for the former highway (3<sup>rd</sup> Street), especially given reduced tax revenues from the net conversion of private acreage to public use?

#### Indirect Impacts:

001 Cont.

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005

- Many of the business dislocations are small businesses. Even if their functional requirements can be met in a new available location, what are the dynamics of small business success that may be lost by the move? Do they rely on a critical mass of other businesses nearby and/or specific types of other businesses in order to pull in enough customers to survive? What are the special conditions required by these businesses and thus, what is the likelihood that they would be met in the (identified) relocation situation? [Survivability after relocation; Attrition due to owner.] Given these conditions, what should the mitigation plan look like?
- What is the opportunity cost of moving existing buildings to locations where new businesses might otherwise establish (i. e., doesn't Bend need our existing businesses <u>plus</u> new ones to stimulate the economy?) The introduction cites a goal of enhancing the economy yet the build alternatives disproportionately require acquisition of Bend City Industrial Light zoned properties (31% and 43% of acreage, respectively, as shown in Tables 3-28 and 3-32), which have been identified for many years as in short supply. The possible reduction of industrial lands within City land inventory is cited in the Planned Land Use section of the Land Use chapter; however, the economic impacts are not reported.
- Hundreds of takes and partial takes for a build alternative will require a lot of time and labor.
   How long will they take, will ODOT have the budget/staff to undertake this process in an expedient manner? This alone will be an extraordinarily complex process. If this process is drawn-out and prolonged, what are the effects on the property owners in limbo, waiting for their parcels to be acquired?
- By minimizing full acquisitions, many partial takes are required what are the indirect
  ramifications of this approach? For businesses, will the act of minimizing takes result in poorly
  functioning properties with marginally suitable access, like the Empire Avenue-Nels Anderson
  situation after the Parkway construction? For residences, this scenario may introduce roads or
  arterials in residential yards, totally changing the quality of life for residents. Thus, in some
  cases, total acquisition may be more beneficial for safe, healthy, productivity, and aesthetically
  and culturally pleasing surroundings. More justification of these decisions should be provided,
  and details of where these partial takings are and their ramifications.

### 002

Please see the response to comment P118 001.

#### 003

The Preferred Alternative will not move existing buildings to new locations. The Preferred Alternative will displace existing businesses, and those businesses will receive relocation assistance. Please see Topic 30 – Right of way acquisition. The City of Bend's 2005 *Buildable Lands Inventory, City of Bend Residential Lands Study,* focused on land available for residential development. The City of Bend has not updated this buildable lands inventory. Even though the Preferred Alternative will convert some light industrial lands to a transportation use, there is currently an adequate supply of small light industrial zoned properties to relocate the businesses that will be displaced.

#### 004

The ODOT Region 4 Right of Way unit has experience in completing many projects with large volumes of right of way acquisitions and business relocations (local examples include the Bend Parkway Project and the Redmond Re-Route). The right of way acquisition work will take place during the final design phase, and a project budget and schedule will be developed to accommodate the right of way work. A typical final design phase takes two to three years for a large project. As with construction, the right of way work will be phased to coordinate with the construction phases as they are funded.

#### 005

During the final design phase for the Preferred Alternative the specific areas for acquisitions (either partial or total) will be identified. During the right of way acquisition process, property acquisitions are evaluated as to whether the remainder of the property will still be viable after the project and whether a business will remain viable. The appraisal process will identify this and value the acquisition accordingly. A property may become unsuitable for an existing business yet be suitable for an alternate business. Business relocations can apply for partial acquisitions if the property becomes unsuitable for the current tenant/occupant. These decisions are made at the time when the acquisition areas are specifically identified and initial contact is made with owners and occupants to capture and verify the change in conditions that the acquisition will bring. Please also see Topic 30 – Right of way acquisition and Section 3.2 Land Use of the Final EIS.

#### Mitigation:

006

Mitigation for the impacts of business dislocation, loss of use and/or loss of economic values is
not sufficiently described. What types of businesses need to be relocated, what size parcels
within what zones do they require, and where can these requirements be met in a location that
is affordable and functional for the types of affected businesses? Which of the partial
acquisitions require mitigation? Citing the

#### Design Assumptions Are No Longer Appropriate For Current And Near-Term Economic Conditions:

Project configurations were based on traffic projections that are no longer be accurate for the time spans they represent. Economic factors have changed a lot since this study began. The national debt crisis and Oregon's woeful shrinking of tax revenues are now overshadowing our lives and even the most optimistic forecasters suggest that things will not turn around for many years. While some economic growth is predicted (DEIS cites 14% by 2018), it is nowhere near what was anticipated during the alternatives development, and the types of industries in our future are uncertain. The clock has been turned back on our "congestion future". At the same time, reduction of vehicle-miles traveled, energy usage, and carbon footprint are more of mainstream concerns in all Americans' lives than ever before. Rather than adding massive amounts of additional pavement and prioritizing the automobile, it is imperative to think about the long-term identify and quality of life of the community. Either of the proposed build alternatives adds a third major highway-scale corridor to northern Bend (existing Route 97, proposed 97, and existing 20.) The magnitude of this urbanization is not a sensitive solution to sustaining the livability of this area for residents. From this perspective, neither of the build alternatives seems to be the right answer.

### Impacts Outweigh Benefits

200

My opinion from reviewing the DEIS and the potential benefits of the project is that the build alternatives end up being counter-productive to public health and quality; the impacts are too great to warrant the full-blown build proposals. The extraction of businesses and transformation of the residential-rural character north of the UGB toward urbanization are just two of the most glaring examples. There is much emphasis on economic development as a goal or performance standard. The document seems to imply that providing for future unknown businesses, at Juniper Ridge and other unspecified locations, is more important than preserving and maintaining existing businesses. Additionally, freight operations with increased travel efficiencies/ enhancements may improve for through-traffic. It makes one wonder who this project is for – the existing community or some future, outside, or more-deserving group? The specific benefits for the community do not shine clearly but the adverse impacts do.

Λ1

The project moves northerly without truly fixing the issues around Empire created by the Parkway – for instance the difficult access to Nels Anderson, commercial driveways and pass-throughs too close to the intersection, and poor signage which has never been improved for existing businesses. Rather than address improvements for the patient landowners and businesses who were so grievously affected in

3

### 006

With the Preferred Alternative, the majority of the business relocations identified are in the area surrounding Nels Anderson Road north of Empire Avenue. They are a mix of industrial and commercial businesses. During the right of way acquisition process, each business identified as displaced will be interviewed to determine its particular site needs and the desires of the business owner regarding location of a replacement site. ODOT Right of Way staff provides information listing eligible relocation benefits and these benefits are explained so the individual business can choose to apply for those benefits that best suit the business plans. Right of Way staff will assist in identifying possible replacement sites but the individual business chooses where they move once they are provided notice of eligibility for relocation benefits. Please also see Topic 30 – Right of way acquisition and Appendix B of the Final EIS.

#### 007

The traffic analysis for the Draft EIS was completed using the Bend Metropolitan Organization's Travel Demand Model. Traffic volumes were updated for the Final EIS analysis of the Preferred Alternative. The projected future land use growth and traffic volumes for Bend and this portion of US 97 are based on a 20 year projection, so it is still possible to meet the long-term projections and have short-term periods of stagnant or declining growth and traffic volumes. Planning for the long-term growth and development of Central Oregon is vital to help with the economic recovery and future development of this region. Please also see Topic 24 – Traffic analysis.

Thank you for describing your concerns with the alternatives studied in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 800

Thank you for describing your concerns with the alternatives studied in the Draft EIS. The purpose and need for this project is outlined in Section 1.2 and Section 1.3 of the Final EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

US 97 is a critical transportation corridor that serves both through and local traffic and serves as an important statewide freight route. Please also see Topic 15 – Separated through and local routes and Topic 18 – Juniper Ridge.

### 009

US 97 is a critical transportation corridor that serves both through and local traffic and serves as an important statewide freight route. The purpose and need of this project is outlined in Section 1.2 and Section 1.3 of the Final EIS. The benefits of the Preferred Alternative are discussed throughout all of the sections in Chapter 3 of the Final EIS.

### 010

The purpose and need of this project is outlined in Section 1.2 and Section 1.3 of the Final EIS. The Preferred Alternative will improve operations and connectivity for land owners and businesses at the Empire Avenue/US 97 interchange and at Empire Avenue/3rd Street signal. Please also see Topic 19 – Business directory signs.

010 Cont

terms of access, way-finding, and signage, the project has a ring of repeating history: build anew and leave the problems behind. What are the assurances that these unintended or unevaluated consequences will not happen all along the highway?

One of the overarching concerns I have is the seemingly casual treatment of impacts to businesses and impacted residences. Impacts are described primarily in tables of numbers. The holes that would be left behind in the economy, neighborhood, and community by their removal are not discussed. These are real people with their life's work and/or home in the balance. Most of them have been struggling for the past five years with the shadow of uncertainty this project carries for their futures, with amazing patience and respect for this study process. Their tenuous situation and the risks that the project puts them in are nowhere recognized. While the NEPA process does not require a look at impacts during the study process itself (and this project has convinced me think it should), it does require a thorough look at reasonably foreseeable impacts. The economic and social impacts of the build alternatives have essentially been boiled down to the number of property acquisitions in a table. This is a good first step in what should be expanded into an extremely thorough and detailed analysis so that everyone can understand what the future really may hold for real people.

In summation — perhaps I should have started with this — the phrase "First, Do No Harm" has continued to float in and out of my head throughout this comment period. I include here the description of this concept which quite accurately sums up my opinion and recommendation, where the congested US 97 is the existing problem, excerpted from Wikipedia [http://en.wikipedia.org/wiki/Primum\_non\_nocere]:

Primum non nocere is a Latin phrase that means "First, do no harm" .....one of the principal precepts of medical ethics that all medical students are taught in medical school and is a fundamental principle for emergency medical services around the world. Another way to state it is that "given an existing problem, it may be better not to do something, or even to do nothing, than to risk causing more harm than good." It reminds the physician and other health care providers that they must consider the possible harm that any intervention might do. It is invoked when debating the use of an intervention that carries an obvious risk of harm but a less certain chance of benefit.

My conclusion from considering the history of the project and alternatives analysis, the changing conditions we find around us now, and the analyses provided in the DEIS: there is an obvious risk of causing more harm than good.

,

The risk of harm is compounded by the prolonged timeframe for build-out, even if there were no uncertainty of funding (which there is.) If a build alternative is selected and authorized by the ROD, and the best-case funding of \$90 million is available within the first 15 years (as stated in 1.4.1 of the EIS), that means that most of the residents and businesses with the property acquisition bulls-eyes could be carrying a "sentence" of losing their property for almost 15 years and possibly much longer while waiting for the final funding. This impact is extremely difficult to quantify – and has not been addressed within the DEIS – but there is no question that it involves psychological (morale), financial, economic,

### 011

Chapter 3 of the Final EIS provides an evaluation of the adverse and beneficial direct and indirect impacts of the project, including the Preferred Alternative, on the environment including the economic and social impacts. Cumulative impacts are evaluated in Chapter 4. Additional information can be found in the technical documentation prepared for the project as listed in Appendix K of the Final EIS. This information was also made available during the Draft EIS public comment period.

ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative has fewer impacts to residents and businesses than the alternatives studied in the Draft EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 012

Thank you for your concerns about the impacts of uncertainty and the time it takes to fund and construct a large project. Publication of the Final EIS and ROD will establish a long term transportation solution for the area so that business owners and residents can plan for the future. Please see Topic 17 – Phasing, Topic 16 – Funding, and Topic 30 – Right of way acquisition.

4

012 Cont.

and social burdens on a large portion of the affected property owners within the API. That burden is in addition to all the impacts that have been quantified within the DEIS.

013

I have not been swayed by any tangible evidence that the project would provide outstanding public benefits, or even that it would be able to mitigate or compensate for the social and economic hits. I'm not saying that the DEIS <u>should</u> provide this evidence, although I do believe it should include much more economic analysis prior to any decision and commitments toward a build alternative; the document needs to weigh pros and cons objectively.

01

From my review of the information provided, I cannot support one of the build alternatives and thus by default must support the No Build option, with incremental safety spot improvements, further scrutiny of TSM options, local collaborations on VMT reduction and carpooling, and other non-intrusive measures. If there are individual elements that may provide overwhelming benefits with truly minimal impacts, they may be worth identifying in the FEIS so they pass through NEPA now: a Cooley Road underpass may be one such element, but not if its purpose is solely to lay ground for one of the two build alternatives.

Thank you for this opportunity to comment and all the long hours and hard work that went into the Alternative Assessment and DEIS so far.

Sincerely,

Linda Perelli Wright

### 013

ODOT's mission is to provide a safe and efficient transportation system that supports economic opportunity and livable communities. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The purpose of the project, as identified in Section 1.2 of the Draft and Final EIS, is to improve safety and mobility on US 97. Section 3.1.3 of the Final EIS analyzes the transportation benefits and impacts of the Preferred Alternative. In addition, part of the purpose of the project is to support economic development that is consistent with local agency plans. Please see Exhibit 3-27B FEIS of the Final EIS for a summary of the Preferred Alternative's consistency with local land use plans and policies. Please also see Topic 25 – Cost and benefit-cost analysis.

#### 014

Thank you for expressing your preference for the No Build Alternative and for recommending transportation system management (TSM)/transportation demand management (TDM) measures for the US 97 corridor. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative has fewer impacts to residents and businesses than the alternatives studied in the Draft EIS. The Preferred Alternative will include TSM and TDM measures. Please see Topic 21 – Transportation demand management and transportation system management measures. In addition, the Preferred Alternative includes constructing Cooley Road under the re-aligned US 97 and the railroad tracks.

# P119: John P. Robbins

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Comments begin on next page.

## P119: John P. Robbins

Comments on East DS1

Subject: Proposed road through private property off of Nels Anderson.

00

We are completely against the proposed road through Robbins' property because there is an existing access and fire lane on Gisler's property to Cady Way and then to Nels Anderson. Also, this proposed road through Robbins' property will cancel Robbins long term lease with Pro-Build and make Pro-Build move to a new location.

A better solution would be to improve Gisler's access and fire lane and require the Gisler tenant s to use that access and fire lane to Cady Way and then to Nels Anderson. Improvements to that access and fire lane north and south would cause more people to recognize that there is a road to Cady Way.

00

A little history: At the time that Gisler built his buildings, the County required Gisler to provide access and a fire lane to Cady Way along his east property line, Robbins west property line. Gisler tenants are suppose to use that access and fire lane for egress. Over the years Gisler has allowed the tenants to use that access and fire lane for parking.

Normally, if an entity has a problem like egress issues, then that entity is required to give up some of his property to resolve those issues. The solution to the egress for Gisler is enhancing what is suppose to be an existing access and fire lane to Cady Way that Gisler tenants now use for parking, not destroying another persons livelihood and a business that has no direct cause to Gisler's problem. If you take this property you will be enriching Gisler at the expense of Robbins and Pro-build.

I could find no written information in the Draft EIS on this proposed access.

003

Information to the EIS: Add, that an existing fire lane exists for businesses east of 3rd. Street to connect to Cady Way but does need to be brought up to City standards.

John Robbins submitted these same comments multiple times. Please see P87, P120 and P121.

#### 001

Please see the response to comment P87 001.

### 002

Please see the response to comment P87 002.

#### 003

Please see the response to comment P87 003.

# P120: John P. Robbins

# US 97 Bend North Corridor DRAFT EIS COMMENT FORM Solutions www.us97solutions.org Submitting Comments - ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative. For example, comments should: Describe the specific elements that you like or do not like about the alternatives Suggest ways an alternative could be improved Explain why you agree or disagree with the information in the Draft EIS Describe information that should be added to or revised in the Draft EIS. Please return this comment form during the public hearing on August 24th (5:30 - 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). You may also mail it to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than September 12, 2011, which is the end of the public comment period on the Draft EIS. Thank you! Comments: Ams see attackel - DS 2 Please provide your contact information below. Phone (optional): 541-350-208 Address: City, State, ZIP: Email (optional):

Comments begin on next page.

## P120: John P. Robbins

Comments on East DS2

003

Subject: Proposed road through private property off of Nels Anderson.

We are completely against the proposed road through Robbins' property because there is an existing access and fire lane on Gisler's property to Cady Way and then to Nels Anderson. Also, this proposed road through Robbins' property will cancel Robbins long term lease with Pro-Build and make Pro-Build move to a new location.

A better solution would be to improve Gisler's access and fire lane and require the Gisler tenant s to use that access and fire lane to Cady Way and then to Nels Anderson. Improvements to that access and fire lane north and south would cause more people to recognize that there is a road to Cady Way.

A little history: At the time that Gisler built his buildings, the County required Gisler to provide access and a fire lane to Cady Way along his east property line, Robbins west property line. Gisler tenants are suppose to use that access and fire lane for egress. Over the years Gisler has allowed the tenants to use that access and fire lane for parking.

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I could find no written information in the Draft EIS on this proposed access.

Information to the EIS: Add, that an existing fire lane exists for businesses east of 3rd. Street to connect to Cady Way but does need to be brought up to City standards.

John Robbins submitted these same comments multiple times. Please see P87, P120 and P121.

#### 001

Please see the response to comment P87 001.

### 002

Please see the response to comment P87 002.

#### 003

Please see the response to comment P87 003.

US 97 Bend North Corridor Project

July 2014 | N-546

# P121: John P. Robbins

# US 97 Bend North Corridor Solutions DRAFT EIS COMMENT FORM www.us97solutions.org Submitting Comments - ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative, Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative. For example, comments should: Describe the specific elements that you like or do not like about the alternatives Suggest ways an alternative could be improved Explain why you agree or disagree with the information in the Draft EIS Describe information that should be added to or revised in the Draft EIS. Please return this comment form during the public hearing on August 24th (5:30 - 8:30pm at the Riverhouse Convention Center, 2850 NW Rippling River Court, Bend, OR 97701). You may also mail it to the address on the back of this page, or email comments to comments@us97solutions.org. Comments must be received or postmarked no later than September 12, 2011, which is the end of the public comment period on the Draft EIS. Thank youl Comments: Place see Attack NoveRence D. Horclan Please provide your contact information below. Phone (optional): 541-350-208 Address:

Comments begin on next page.

City, State, ZIP: \_ Email (optional):

### P121: John P. Robbins

Comments on East DS2

Subject: Bowery Lane DS2 Northern Interchange

I do not like this alternative's solution to getting driveways off of Highway 97 North of Bowery Lane. It creates more traffic in rural residential areas and less safety.

The impact that DS2 Northern Interchange creates West of Bowery Lane is to cause people that want to travel North on 97 towards Redmond would have to wind their way through a rural residential area towards Bend and seek a major road, ie: proposed 3rd. Street to Highway 97, that goes towards Redmond. It creates more traffic and travel time loading up secondary roads with vehicles and does not enhance safety. It moves more traffic towards Cooley Road and new 3rd. Street through the rural residential neighbor hoods that will cause problems such as collisions between pedestrians, equestrians, bicyclists, and vehicles. Speeding will also be an issue through the residential areas and will create more work to enforce..

I personally get all my hay from North of Redmond by truck and trailer. It is hard for me to visualize those trucks seeking a route through a rural residential area to get to my place without some safety issues.

The solution: There needs to be an interchange at Bowery Lane that allows people to get onto and off of Highway 97, North and South, much like the interchange proposed in DS1 Northern Interchange.

Also, the proposed road north from Bowery Lane that goes along the railroad tracks needs to be designed to allow truck and trailers to be able to use it.

John Robbins submitted these same comments more than one time. Please see P87.

#### 001

Please see the response to comment P87 004.

### 002

Please see the response to comment P87 005.

### 003

Please see the response to comment P87 006.

US 97 Bend North Corridor Project

July 2014 | N-548

# P122: Lesley Linn Robbins

# DRAFT EIS COMMENT FORM



www.us97solutions.org

Submitting Comments – ODOT will evaluate all substantive comments on the Draft Environmental Impact Statement (EIS) to identify a Preferred Alternative. Comments with specific detail will be most helpful in the future decision-making process to identify a Preferred Alternative.

For example, comments should:

Comments:

- Describe the specific elements that you like or do not like about the alternatives
- Suggest ways an alternative could be improved
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- Describe information that should be added to or revised in the Draft EIS.

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Name: Lesley Lings	Rabbin	- 5		Phone (o	ptional): 5	41-410-	861
Name: Lesley Lings	inn Rd						
City, State, ZIP: BEND,	OR.	9	7702				
Email (optional): 945 cub 5				Cor	_		

Comments begin on next page.

# P122: Lesley Linn Robbins

Comments on East DS1

Subject: Proposed road through private property off of Nels Anderson.

00

We are completely against the proposed road through Robbins' property because there is an existing access and fire lane on Gisler's property to Cady Way and then to Nels Anderson. Also, this proposed road through Robbins' property will cancel Robbins long term lease with Pro-Build and make Pro-Build move to a new location.

A better solution would be to improve Gisler's access and fire lane and require the Gisler tenant s to use that access and fire lane to Cady Way and then to Nels Anderson. Improvements to that access and fire lane north and south would cause more people to recognize that there is a road to Cady Way.

002

A little history: At the time that Gisler built his buildings, the County required Gisler to provide access and a fire lane to Cady Way along his east property line, Robbins west property line. Gisler tenants are suppose to use that access and fire lane for egress. Over the years Gisler has allowed the tenants to use that access and fire lane for parking.

Normally, if an entity has a problem like egress issues, then that entity is required to give up some of his property to resolve those issues. The solution to the egress for Gisler is enhancing what is suppose to be an existing access and fire lane to Cady Way that Gisler tenants now use for parking, not destroying another persons livelihood and a business that has no direct cause to Gisler's problem. If you take this property you will be enriching Gisler at the expense of Robbins and Pro-build.

I could find no written information in the Draft EIS on this proposed access.

00

Information to the EIS: Add, that an existing fire lane exists for businesses east of 3rd. Street to connect to Cady Way but does need to be brought up to City standards.

Lesley Linn Robbins submitted these same comments more than one time during the Draft EIS comment period. Please see P124. In addition, these comments are the same as the comments in P87, P119, and P120.

### 001

Please see the response to comment P87 001.

### 002

Please see the response to comment P87 002.

### 003

Please see the response to comment P87 003.



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August 24, 2011

#### VIA EMAIL AND HAND DELIVERY

Amy Pfeiffer Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, Oregon 97701

Re: U.S. 97 Bend North Corridor Project Draft Environmental Impact Statement; Written Comments from Lowe's STORE, Inc.

Dear Ms. Pfeiffer:

This office represents Lowe's HIW, Inc. ("Lowe's"), the owner of an approximately 12-acre site containing a Lowe's home improvement warehouse and retail store ("Store") located south of Cooley Road and west of U.S. 97 in Bend. This letter includes Lowe's preliminary written comments on the Draft Environmental Impact Statement ("DEIS") for the U.S. 97 Bend North Corridor Project ("Project").

### 1. Summary of Comments.

After reviewing the Project DEIS, Lowe's offers the following comments:

Of the three alternatives for U.S. 97 analyzed in the DEIS, Lowe's recommends that the Oregon Department of Transportation ("ODOT") select the East DS-1 Alternative as the preferred alternative for the Project, due to its inclusion of a full northern interchange, its comparative improvements in traffic operations for both through and local traffic, and the fact that it displaces fewer businesses and has noise impacts on fewer properties.

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ANCHORAGE: RELING BELLEVUE ROISE CHICAGO: DENVIE LOS ANGELES MADISON MERLO PARA PROTRIES - OBSTAND - SAN FRANCISCO - SEATTLE - SHANGHAL WASHINGTON, D.C. Perkins Cole up and Affiliates The comments provided in this letter are similar to other comments received from Seth King. Those comments are included in the record of comments as P57 and P114.

### 001

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Benefits and impacts of the Preferred Alternative are described in Chapter 3 of the Final EIS.

001

Amy Pfeiffer August 24, 2011 Page 2

002

None of the three alternatives is consistent with the Memorandum of Agreement dated June 2, 2003 ("Agreement"), among ODOT, Lowe's and Newman Development Group of Bend, LLC ("Newman"). Lowe's support of the East DS-1 Alternative is not and should not be construed to be a waiver of Lowe's rights under the Agreement.

003

Contrary to the statements in the DEIS, construction and operation of the Project will adversely impact the operation of the Store by compromising access, reducing parking, and resulting in fewer customers. In order to preserve the commercial viability of the Store, the Project must:

 Restore the existing access between U.S. 97 and the Store, which the Project is proposing to eliminate and allow the City of Bend ("City") to make access decisions that relate to future Third Street;

004

 Relocate the right-of-way/slope easement envelope for Cooley Road to the north so that either none or very little of the Lowe's property is acquired for the widening of Cooley Road;

005

 Maintain the proposed, full movement, signalized access to the main ingress/egress for the Store on Cooley Road ("Main Driveway") which is crucial to customer access for the Store; and

006

 Maintain a full movement access unencumbered by a median to the primary truck entrance at the rear of the Store ("Truck Driveway") which is crucial to delivery access for the Store.

Lowe's reserves the right to submit additional comments and questions prior to the close of the public comment period on the DEIS.

### ODOT Should Select the East DS-1 Alternative as the Preferred Alternative for the Project, Subject to Conditions.

None of the alternatives considered in the DEIS is perfect, and none is the alternative that Lowe's would have designed if it were managing the Project. Notwithstanding these points, of the three (3) alternatives for U.S. 97 analyzed in the DEIS, Lowe's recommends that ODOT select the East DS-1 Alternative as the preferred alternative for the Project for four (4) reasons.

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#### 002

This comment is similar to P114 005. Please see the response to that comment.

### 003

This comment is similar to P114 001. Please see the response to that comment.

### 004

This comment is similar to P114 004 and P57 002. Please see the responses to those comments.

#### 005

This comment is similar to P114 002. Please see the response to that comment.

### 006

This comment is similar to P114 003. Please see the response to that comment.

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007

First, this alternative is the only alternative that includes a full northern interchange. Lowe's believes this element of the Project is essential to providing a meaningful connection between the state and local transportation networks. Although the partial interchange of the East DS-2 Alternative is closer to the Store, the partial interchange will not provide adequate accessibility to and from the Cooley/Robal commercial corridor because it only allows two connections to the local roadway system, not all four.

008

Second, the East DS-1 Alternative generally appears to offer the most overall improvement to traffic operations on both U.S. 97 and the local roadway network. In short, the northern interchange and improved traffic operations afforded by the East DS-1 Alternative further the supplemental objective of the Project set forth at page 1-20 of the DEIS that the Project "[i]mprove transportation system linkage and operation."

009

010

Third, the East DS-1 Alternative displaces fewer businesses and has noise impacts at fewer locations. Finally, the cost of the East DS-1 Alternative is comparable to the cost of the East DS-2 Alternative, although the latter does not offer the same overall benefits to the system.

The support for this alternative is not unqualified however. It is subject to the following conditions:

- · Review of the final design and costs
- Consistency with the Agreement

011

- Implementation of reasonable phasing and construction plans that minimize impacts to the Store and maintain full access to the Lowe's property throughout the process
- Addressing the additional adverse Project impacts raised in Section 3 of this letter

012

None of the three alternatives is consistent with the Agreement. Lowe's support of the East DS-1 Alternative is not and should not be construed to be a waiver of Lowe's rights under the Agreement.

38862-0003/LEGAL21587370.3

#### 007

The Preferred Alternative does not include a full northern interchange, but instead includes a signalized intersection that connects the extension of 3rd Street to US 97 on the south side of Deschutes Memorial Gardens and Chapel. This intersection will allow traffic traveling either north or south to exit US 97 to travel south on 3rd Street to the Cooley Road/Robal Road commercial corridor; similarly, traffic in the Cooley Road/Robal Road commercial corridor will be able to use the signalized intersection to access either northbound or southbound US 97.

#### 800

ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative will alleviate much of the operational issues pertaining to queuing and associated congestion forecast under the No Build Alternative. The Preferred Alternative will improve transportation system linkage and operation.

#### 009

The Preferred Alternative will displace 42 businesses and 6 residences, which is less than the number that would have been displaced by the East DS1 (43 businesses and 19 residences) and East DS2 (51 businesses and 13 residences) Alternatives studied in the Draft EIS. The Preferred Alternative will have noise impacts at fewer sites because the Preferred Alternative will not extend as far north as the alternatives studied in the Draft EIS.

#### 010

Please see Topic 25 – Cost and benefit-cost analysis.

### 011

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please see Topic 25 – Cost and benefit-cost analysis, Topic 17 – Phasing, and Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's). Please also see the response to P114 005 regarding the memorandum of agreement between ODOT, Lowe's, and Newman, and see the responses to P123 013 through 023 for the topics discussed in Section 3 of the comment letter. ODOT will continue the public involvement process as this project proceeds into final design.

#### 012

This comment is similar to P114 005. Please see the response to that comment.

013

014

015

016

017

Amy Pfeiffer August 24, 2011 Page 4

### In Order to Meet Project Objectives, ODOT Must Address Adverse Project Impacts on the Store.

The Purpose and Need for the Project also requires that the Project meet certain performance objectives set out at page 1-3 of the DEIS for the medium- and long-term planning periods. One of these performance objectives requires that the Project "minimize impacts to existing and planned local economic base." Further, the supplemental objectives of the Project set out at page 1-20 of the DEIS include that the Project "[m]aintain access to commercial and industrial areas." In order to fulfill these objectives for the Project, ODOT must modify certain aspects of the Project design that adversely affect Lowe's.

According to design plans ODOT previously provided to Lowe's, at least some of which are expressly set forth in the DEIS, the Project includes design elements that significantly and adversely affect the use, functionality, and accessibility of the Store for its commercial purpose and, because of this, make it much more difficult for customers to reach the Store. Lowe's concerns with these Project design elements are summarized below.

#### a. Access.

The DEIS indicates that ODOT intends to close two (2) access driveways to the Lowe's property – the easternmost driveway on Cooley Road and the driveway to existing U.S. 97/future Third Street. Lowe's is particularly concerned about the loss of direct access to future Third Street for the reasons explained below. In light of the likely transfer of jurisdiction of existing U.S. 97/future Third Street to the City, as mentioned at page 3-104 of the DEIS, Lowe's recommends that ODOT refrain from making long-term access decisions over this future local facility through the DEIS process. Instead, the City should make access decisions relating to future Third Street at a later time in consultation with affected property owners and businesses.

Closure of this access point is problematic for at least four (4) additional reasons. First, it will force all customer and employee traffic to enter and exit the Store through a single driveway on Cooley Road (the Main Driveway), creating significant congestion as vehicles are forced from three different access points into one. The Store site was not designed to operate in such a manner and was not approved to operate in such a manner. Second, it will force traffic exiting the Store to use the congested intersection of Cooley

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#### 013

ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative, which meets the purpose and need for the project including the performance objectives. The goals and objectives were considered in the identification of the Preferred Alternative. Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

### 014

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

### 015

Please see Topic 23 – Jurisdiction of roadways.

#### 016

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

### 017

Under the Preferred Alternative, a right-in/right-out driveway on 3rd Street will allow southbound traffic on 3rd Street to enter and exit the Lowe's parking lot without having to turn at the signalized Cooley Road/3rd Street intersection.

**US 97 Bend North Corridor Project** 

Amy Pfeiffer August 24, 2011 Page 5

017 Cont.

Road and Highway 97/Third Street rather than using the direct access that allows southbound traffic to bypass the intersection.

018

Third, it will deter customers from reaching the Store. It is a simple fact of the retail business that if customers cannot conveniently access a business, they will not spend money there. If a more accessible or less congested competitor business exists elsewhere, customers will shop at that competitor. In this context, Lowe's takes issue with the findings on page 3-104 of the DEIS that "the separation of local and regional traffic on 3rd Street and US 97, respectively, would have minimal to moderate changes in patronage of businesses."

019

Fourth, the closure of the existing Highway 97 access is inconsistent with the access plan approved by the City during its site plan review for the Store and Newman's adjacent property. All of these impacts are detrimental to the Store.

020

The access closure threatens the viability of the Store, which is approximately 143,000 square feet in size and employs approximately 135 Central Oregon residents in full- and part-time positions. Lowe's purchased and improved the Store and surrounding property at substantial expense and has expected to continue to utilize the Store for retail purposes. If ODOT limits access to the Store to a single driveway, it will eliminate reasonable access and undermine Lowe's investment in the Store.

021

Lowe's appreciates and supports ODOT's current plans to provide a full movement signalized access at the intersection of the Main Driveway in front of Lowe's at Cooley Road. A signal in this location should improve the flow and safety of traffic in the area. However, it will not substitute for loss of the other access points.

022

Finally, it is unclear from the DEIS what actions, if any, ODOT intends to take to close or limit access to the Truck Driveway, which delivery vehicles utilize to gain ingress to and egress from the Store. It is imperative that the Truck Driveway remain a full access driveway without a median or other turn limitations in order to allow Lowe's to continue to segregate its delivery vehicles from other Store traffic and to ensure that delivery vehicles gain access to and from the Store in the manner that results in the shortest distance traveled on the local transportation system.

#### Right-of-Way Taking.

023

The impacts of the access changes are increased by ODOT's proposal to take approximately ten (10) feet of right-of-way from the north side of the Lowe's property in

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#### 018

Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

#### 019

The Preferred Alternative will not result in a permanent closure to the current driveway on US 97 that provides access into Lowe's and the Town Square Mall shopping center parking lot. Please also see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

#### 020

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

### 021

The Preferred Alternative includes a full-movement signalized intersection at Cooley Road and 3rd Street. Please also see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's).

### 022

This comment is similar to P114 003. Please see the response to that comment.

#### 023

This comment is similar to P114 004. Please see the response to that comment.

023 Cont.

024

025

Amy Pfeiffer August 24, 2011 Page 6

order to widen Cooley Road. The proposed right-of-way taking adversely affects Lowe's because it will force a significant redesign of the common parking and circulation area that Lowe's shares with Newman, likely leading to a loss of existing parking spaces. This redesign will shorten the "throat" of the Main Driveway, likely reducing the on-site queuing distance for drivers seeking to exit the site. Thus, together with forcing all drivers to use this single access point, the right-of-way taking at the Main Driveway will force more vehicles to queue on-site in less space. Furthermore, it will steepen the grade of the Main Driveway to such an extent it may be unsafe for vehicles to enter and exit the site, particularly in winter weather conditions.

In order to avoid this outcome, Lowe's will be forced to redesign the Main Driveway and the surrounding circulation areas, which will, in turn, likely eliminate existing parking spaces and the existing ADA-compliant pedestrian accessway. These modifications to the development will be expensive and will raise ODOT's Project costs. These modifications are also inconsistent with the site plan approved by the City and would render Lowe's development to be nonconforming in nature. Nonconforming status adversely affects the ability to market, lease, sell and even maintain the Store.

#### 4. ODOT Should Implement the Following Solutions to These Concerns.

In order to preserve the commercial viability of the Store, it is imperative that the Project, including any interim solution or phase thereof, be designed and constructed to incorporate the following elements:

- Restore the existing access between U.S. 97 and the Store, which the Project is proposing to eliminate and allow the City to make access decisions that relate to future Third Street;
- (2) Relocate the right-of-way envelope for Cooley Road to the north so that either none or very little of the Lowe's property is acquired for Cooley Road:
- Maintain the proposed, full movement, signalized access at the Main Driveway; and
- (4) Maintain a full movement access without medians or turn limitations at the Truck Driveway.

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#### 024

This comment is similar to P114 001. Please see the response to that comment and Topic 23 – Jurisdiction of roadways.

### 025

This comment is similar to P114 004 and P57 002. Please see the responses to those comments.

### 026

This comment is similar to P114 002. Please see the response to that comment.

### 027

This comment is similar to P114 003. Please see the response to that comment.

Amy Pfeiffer August 24, 2011 Page 7

028

Incorporating these elements into the Project will preserve the use, functionality, and accessibility of the Store. These elements will also help reduce total Project costs in two (2) ways. First, ODOT will not need to compensate Lowe's for eliminating the driveway at U.S. 97. Second, ODOT's cost for acquiring right-of-way along Cooley Road will be reduced, because the cost of purchasing vacant land on the north side of Cooley Road will be comparatively less than the cost of acquiring portions of the Property, which are improved.

#### Canclusion.

Lowe's requests that ODOT select the East DS-1 Alternative as the preferred alternative for the Project, subject to addressing the identified adverse Project impacts raised in this letter. Lowe's reserves the right to submit additional written comments on the DEIS prior to the close of the public comment period. In addition, I will appear at the public hearing in this matter to submit oral testimony on behalf of Lowe's. I'm happy to answer any questions at that time. Thank you for your attention to these comments.

Very truly yours,

Seth J. King

ec: Mr. Rob Doane (via e-mail)

Mr. Mark Stoner (via e-mail)

Mr. Michael Robinson (via c-mail)

Mr. George Akel (via e-mail)

Ms. Liz Fancher (via e-mail)

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### 028

Please see Topic 9 – Access and impacts to the Town Square Mall shopping center (including Lowe's) and Topic 30 – Right of way acquisition.

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Benefits and impacts of the Preferred Alternative are described in Chapter 3 of the Final EIS.

# P124: Lesley Linn Robbins

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Comments begin on next page.

# P124: Lesley Linn Robbins

Comments on East DS2

Subject: Proposed road through private property off of Nels Anderson.

00

We are completely against the proposed road through Robbins' property because there is an existing access and fire lane on Gisler's property to Cady Way and then to Nels Anderson. Also, this proposed road through Robbins' property will cancel Robbins long term lease with Pro-Build and make Pro-Build move to a new location.

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A little history: At the time that Gisler built his buildings, the County required Gisler to provide access and a fire lane to Cady Way along his east property line, Robbins west property line. Gisler tenants are suppose to use that access and fire lane for egress. Over the years Gisler has allowed the tenants to use that access and fire lane for parking.

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Lesley Linn Robbins submitted these same comments more than one time during the Draft EIS comment period. Please see P124. In addition, these comments are the same as the comments in P87, P119, and P120.

### 001

Please see the response to comment P87 001.

### 002

Please see the response to comment P87 002.

### 003

Please see the response to comment P87 003.

TO: Amy Pfeiffer

September 12, 2011

ODOT Region 4 63030 O.B. Riley Rd Bend, OR 97701

FM: Wayne Schnur c/o Bend Self Stor 63285 Nels Anderson Rd

Bend, OR 97701

RE: US 97 North Corridor Project Public Comments

Dear Amy,

As you know I have been actively involved with this project since 2005, prior to the formation of the CAC. I still have several concerns and or opinions to the project:

(ES-3 OTHER ACTIONS - Juniper Ridge) The paragraph indicates that 500 of the 1500 acres owned by the City of Bend are within the project area. However, what it does not include is the fact that built-out there will be 45,000 people living and working within the 1500 acre area. Additionally, to the immediate West of the project area there are two other holdings: The Miller family plans to accommodate 20,000 people, and the Gopher Gulch planners are planning a development for 35,000 people. This is a combined total of 100,000 individuals living and working North of the US 20 and 97 Junction. Due to the above I believe the project should be designed for a 6 lane highway between Bend and Redmond. Pave in the outer four lanes now and do the final compaction and paving sometime in the future. This is the same comment I made at about 1991when ODOT hade a mock-up of the Parkway open for public comment. Just a few months prior, the OTC had met here in Bend and made a statement, published in the Bulletin newspaper, they intended to make Hwy 97 a four lane road between California and Washington along the US 97 corridor. The Parkway was built as a four lane road and in several meetings Bob Bryant has stated if Eastbound US 20 directly merged into Southbound US 97 the parkway would fail the next day. Let's not make the same mistake again. I do not want to think about our descendents trying to improve US 97 in the future.

As a side-bar point of note. Having family and friends living in CA, owning a self storage business, and reading newspaper and magazine articles, I am quite aware of peoples moving intents. People can't wait to get out of California. Remember, Bend grew from 20,000 in 1990 to over 80,000 in 2010. Can you imagine Bend with 160,000? It will happen.

My preferred build option is DS-1 for a multitude of reasons including it makes most sense:

### 001

The traffic analysis for the project used the Bend Metropolitan Planning Organization's Travel Demand Model, which models the traffic demand from planned future land uses. The traffic analysis showed that a six lane facility is not required to accommodate the traffic associated with the planned future land uses. The Preferred Alternative is designed to accommodate the traffic associated with the planned future land uses. Chapter 4 of the Final EIS evaluates the potential cumulative impacts of the project combined with current and reasonably foreseeable future actions. The actions included in the project's cumulative impact analysis were identified by the City of Bend, Deschutes County and the Bend Metropolitan Planning Organization based on current land use permits and future planned land use. Please also see Topic 24 – Traffic analysis and Topic 18 – Juniper Ridge.

### 002

We appreciate your expression of preference for the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. The Preferred Alternative provides locals and visitors access to the area, such as the Cascade Village Shopping Center. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts. The Preferred Alternative does not include service roads paralleling US 97 between Bend and Redmond but it also does not preclude them from being considered in the future as a separate project.

001

002 cont.

It improves connectivity to locals or visitors going to Cascade Village Center or trying to connect with US 20 if they make the wrong lane choice or get onto northbound US 97 at Empire. With DS-2 if you get onto US 97 at Empire your next safe turnaround will be at Deschutes Junction six miles north. Additionally, as has been presented the CAC meetings it is ODOT's intent to have service roads paralleling US 97 between Bend and Redmond with a non-turnaround center divider.

003

EMS Vehicles – On page 2-19 under Design Features Unique to DS-2 'Emergency Service Turnaround' the DEIS states, "An emergency service turnaround would be provided at Fort Thompson Lane." On page 1-13 "Another safety concern along US 97 pertains to the numerous at-grade public road approaches and private driveways." How can we consider a plan that would place our EMS personnel at risk? They are attempting to work within their 3 minute time parameters as also stated in the DEIS. This places them in a time sensitive situation with the road elements due to our Central Oregon weather, over the speed limit drivers, and drivers under the influence.

004

Additionally, I drove Bowery Lane this past week. Leaving US 97 for the first mile it is an OK gravel road. After that and down to where it joins with Hunnell Road it is a narrow very curvy dirt road with rocks. Not a road with EMS operating in a 'time sensitive' manner especially with snow on the ground. The capital improvements to Bowery Land should be considered if DS-2 were to be built.

005

There is one more item concerning EMS vehicles, this situation occurs on Page 3-101. At the CAC meeting we were told that Jamison Road would become a cul-de-sac at Empire, and I believe Brita would become the major North/South corridor. Please check this out.

On page 2-19 the Photo Simulation of the North Section of DS-2 there is a dark square piece of property east of the service road and BNSF railway. That property is the new Pacific Power substation recently completed within the past three years. This station was designed to handle the growth of the Juniper Ridge development and other north Bend developments.

006

The City of Bend intentions are to extend 18<sup>th</sup> Street and improve connectivity with US 97 with the build-out of Juniper Ridge. This fact has been discussed at several of our CAC meetings, and in fact, I believe, was part of the design considerations of the Cooley Road interchange. As such, if DS-2 was built it would inhibit this interchange. If nothing else move DS-2 north to the DS-1/US 97 alignment.

#### 003

Throughout the project ODOT has coordinated with emergency service providers in the Bend area. For a summary of this coordination please see Section 7.3.3 of the Final EIS and Exhibit 7-4 FEIS. In general, emergency service providers have been concerned with emergency service routes and estimated travel times, private driveways and public approach road connections to residences and safety. The emergency service providers have found the Preferred Alternative to be acceptable in terms of response routes and travel times, connections to residences and safety.

With the Preferred Alternative emergency service access north of the intersection of US 97 and 3rd Street will remain as it currently exists, a turnaround at Fort Thompson Lane will not be required. The Preferred Alternative will preserve the right out from Xanthippe Lane onto southbound US 20 for emergency service vehicles only, this will preserve the existing travel routes to locations south of the Public Safety Complex. Please also see Section 3.5.3 of the Final EIS for an evaluation of emergency service routing with the Preferred Alternative and Exhibit 3-53 FEIS.

### 004

With the Preferred Alternative emergency service access to the northern project area will remain as it currently exists. Emergency service vehicles will not need to use Bowery Lane, which will remain as it currently exists. Therefore, improvements to Bowery Lane are not needed with the Preferred Alternative.

### 005

Exhibit 3-53 in the Draft EIS correctly showed the emergency service provider routing that would have occurred with the build alternatives evaluated in the Draft EIS. Exhibit 3-53 FEIS shows what the routing will be with the Preferred Alternative. With the Preferred Alternative, emergency service access to the north of the Public Safety Complex will be provided by an extension of Britta to US 20 and to the south with an emergency vehicle only right out from Xanthippe Lane onto Jamison Road, which is still connected to Empire Avenue with right turns.

### 006

The Preferred Alternative will not impact the new Pacific Power substation. The Preferred Alternative does not include new connections from US 97 into Juniper Ridge, such as the 18th Street extension, and does not preclude such a connection in the future as a separate project. Please also see Topic 18 – Juniper Ridge.

007

J. On Page 3-90 there are two errors. First ODOT is not in the Nels Anderson business area, but rather in the Empire 'Area 1'. Secondly under the Nels Anderson Area no mention is made of the business on the East side of US97 and BNSF railway. We feel left out!

008

- Nels Anderson property There are numerous pages where discussion of this Historic House is mentioned. (Pages 3-126, 4(f)-26, D-10 and others). I have been in the Nels Anderson house countless times. I have also had two of my own houses jacked up by a moving company. There is no reason this house could not be relocated to another sight. The chimneys would have to be removed/replaced and possibly some stucco work after the move. This house is too unique to lose it to the wrecking ball. It would make for a great North Tourist Information center. This is a common practice all over the country.
- 4. On page 1-20 under Goal 1 it states "Consider improved connection between US 97 and US 20." During the past six years I have talked to hundreds of people. They are shocked when they find out part of this project does not include the Eastbound connectivity of US 20 and Southbound US 97. Even if the funds are not available to complete the construction of this interchange, at least insure the design includes the proper grading and etc. to accommodate an upgrade in the future without any 'throwaway'. I also discussed with these individuals the probable upgrades that would be needed to the parkway (removal of some on/off ramps, metering signals, and etc.) it is felt those improvements would be worth the connectivity of he two highways. Bob Bryant told me this could possibly be accomplished at a meeting last year.

010

009

In countless locations you have us down with 200 storage spaces. In reality
we are closer to 250. I don't know if this is important or not. Handle as you
see fit.

Respectfully,

Wayne Schnur

### 007

Thank you for pointing out an error. Section 3.5.2 of the Final EIS has been revised to reflect that ODOT's operations and maintenance facility is located in the Empire Business Area. In the Nels Anderson Road Business Area the BNSF Railway is the eastern boundary because the project's area of potential impact does not extend east of the BNSF Railway. Businesses, such as the Bend Self Stor, east of US 97 along Nels Anderson Road are included in the Nels Anderson Road Business Area.

### 800

Please see Topic 31 – Historic resources.

### 009

The purpose of the project, as identified in Section 1.2 of the Draft and Final EIS, is to improve safety and mobility on US 97. A connection between southbound US 97 and eastbound US 20 was considered but it was found to create more congestion on US 97 south of Empire. Therefore, the connection was not included in the Preferred Alternative. The Preferred Alternative does not preclude this connection in the future as a separate project.

The Preferred Alternative will provide auxiliary lanes between Butler Market Road and Empire Avenue on US 97 (the north section of the Bend Parkway). Any further improvements to the Bend Parkway (US 97 south of Empire Avenue) are not precluded by this project. When ODOT considers improving a facility they strive to minimize improvements that might be utilized only in the short-term (i.e. "throwaway" work).

#### 010

Thank you for providing corrected information. Throughout the Final EIS (including the Executive Summary, Section 3.2 Land Use and Section 3.5 Socioeconomic Analysis) the number of displaced storage units has been corrected to 250.

### William Smith Properties, Inc.

15 S.W. Colorado Avenue, Suite 1 Bend, Oregon 97702

Phone: (541) 382-6691 Fax: (541) 388-5414

### MEMORANDUM

DATE:

September 12, 2011

TO:

ODOT

US 97 Bend North Corridor Project

FROM:

Bill Smith

SUBJECT:

North Corridor Project

I have reviewed the Draft EIS and have the following observations and conclusion.

### Observations:

- The cost of the project is the same from Cooley to Empire in both DS1 and DS2.
- 2. If DS1 is selected there will be war with the Hunnell Road neighborhood.
- If DS2 is selected there will be war with the Boyd Acres neighborhood Association.
- 4. There are no cost figures to help us decide.

War with either neighborhood group will set the project back several years and could kill it. That delay in turn cripples if not kills long term employment growth resulting from Juniper Ridge. The uncertainty created by the delay, in any threatened or actual appeal, inherently will cause prospective employers to look elsewhere.

As a community we need to get along and increase our employment base. Neither DS1 nor DS2 provides us with assurance that we can realize the potential of Juniper Ridge's 300 acres now in the UGB.

Conclusion. Please take the time to re-examine alternate East 1 of May 10, 2009, Its cost is only a mile +/- of additional roadway, plus the time to restudy that alternative. The time increase is easy to justify given the certain appeals of DS1 or DS2. The increase in cost would be less than 5% of the project.

002

001

Bend needs a north corridor solution neither DS1 nor DS2 provides that. The alternative East 1 has the ability to succeed and aid Bend's future.

Thanks for your consideration.

WLS/daa

#### 001

Thank you for your observations. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. The estimated cost of the Preferred Alternative is available in the Abstract and in Section 2.6 of the Final EIS.

### 002

Exhibit 2-17 FEIS of the Final EIS shows the preliminary range of alternatives that were considered, which included the East 1 Alternative, the assessment of those alternatives and the revised preliminary range of alternatives. As shown in Exhibit 2-17 FEIS, the operational performance of the East 1 Alternative was similar to the East DS1 and East DS2 Alternatives; however, the East DS1 and East DS2 Alternatives had significantly lower cost estimates and were therefore more cost effective. Please also see Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

### P126: Bill Smith

From: Bill Smith [bill@wspi.net]

Sent: Monday, September 12, 2011 3:36 PM

To: comments@us97solutions.org

Subject: FW: Comments on US 97 Bend North Corridor Project

Attachments: ODOT Memo 9-12-11.pdf

Amy,

To be clear, my conclusion is to do the East 1, using the Cooley to Empire sections of DS1 and DS2.

Sorry, if that isn't clear, you can add this to my comments...

Bill Smith c/o William Smith Properties, Inc. 15 SW Colorado Avenue, Ste 1 Bend, OR 97702 (541) 382-6691 (541) 388-5414 FAX bill@wspi.net

From: Bill Smith

Sent: Monday, September 12, 2011 3:25 PM

To: 'comments@us97solutions.org'

Subject: FW: Comments on US 97 Bend North Corridor Project

Amy Pfeiffer

Here is what I have to say about that. Please call or write with questions.

Bill Smith c/o William Smith Properties, Inc. 15 SW Colorado Avenue, Ste 1 Bend, OR 97702 (541) 382-6691 (541) 388-5414 FAX bill@wspi.net Thank you for your expression of preference for the East 1 Alternative. Although the East 1 Alternative had similar operational performance to the East DS1 and East DS2 Alternatives, the East 1 Alternative was not advanced to the Revised Preliminary Range of Alternatives because of its additional impacts and significantly higher cost (30 percent higher than East DS1 or East DS2 Alternatives). ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

## P127: Sam and Lisa Sobotta

From: Country Landesign, LLC [mailto:cldesign@bendbroadband.com]

Sent: Monday, September 12, 2011 5:54 PM To: comments@US97solutions.org

Subject: Nels and Lillian Anderson House, Bend Oregon

Importance: High

Hello.

We have lived in Bend for over 22 years, raised 2 sons here and operate a local business that employees local men with families.

We understand that one of our suppliers, Instant Landscaping is in jeopardy of losing their office as well a historical home may be wiped clean of it's existence.

We also understand that the original homeowners of this historical (landmark) home, the Anderson's first homesteaded in Bend in 1915, their home was built in 1929, they have a history here that should be considered and preserved. With the "Preservation and Renovation Award" in 2002 it is apparent that the home has some significance to our community and therefore our city and county. Along with Deschutes County adding the house to it's Landmark list in 2009 and being determined a house eligible for National Registration by the State Historical Office, we can not ignore this. It's not like we can just snap our fingers and magically re-invent this type of home with such historic significance. These are dinosaurs, they should be preserved, we need to hold onto our history, hold onto the foundation that was a role in creating the community we now live in.

Please look hard, be creative and logical. Sometimes the alternative is much more obvious then we think, less costly and the best route after all.

We appreciate your consideration.

Respectfully submitted. Sam and Lisa Sobotta citizens of Bend. Deschutes County. Business owners, Family.

Country Landesign, LLC (541) 388-8114 O. (541) 388-8330 F. cldesign@bendbroadband.com

#### 001

We acknowledge the historic nature of the Nels and Lillian Andersen House. As described in Section 3.7 Historic Resources of the Final EIS, the Nels and Lillian Andersen House will require relocation or removal under the Preferred Alternative, resulting in an adverse effect under Section 106 of the National Historic Preservation Act. This adverse effect has been resolved through the Memorandum of Agreement that is included in Appendix D of the Final EIS.

ODOT met and coordinated with Mr. Larocco (owner of the Nels and Lillian Andersen House) throughout the project, including Mr. Larocco's participation as a member of the Citizen Advisory Committee. ODOT provided Mr. Larocco with draft copies of the Section 106 Memorandum of Agreement to resolve the adverse effect to the Nels and Lillian Andersen House. ODOT and FHWA reviewed and considered Mr. Larocco's comments when developing the final Memorandum of Agreement.

Please also see Topic 31 – Historic resources.

00

# P128: Keith Spencer

Keith Spericer

CB Richard Ellis, Inc. Brokerage Services Land Services Group



3993 Howard Hughes Parkway Suite 700 Las Yegas, NV 89169-5760

T 702 369 4810 F 702 369 4936

keith.spanca/@cbre.com www.cbre.com/keith.spancer

September 12, 2011

Ms Amy Pfeiffer Environmental Project Manager, US 97 Bend N. Corridor Solutions Oregon Department of Transportation (ODOT) 63034 O. B. Riley Road Bend, OR 97701

RE: Comments to the Draft Environmental Impact Statement

Dear Ms Pfeiffer:

On behalf of my mother and siblings, I want to begin these comments with a note of "Thanks" for clearly communicating with us, as an interested party in this process, and although the record shows that ODOT is partly responsible for influencing the City of Bend to exclude my mother's land from being included in the recently expanded Urban Growth Boundary (UGB), we feel at least ODOT has been open about deadlines for including our comments in the public record; unlike the City of Bend, during the final meetings regarding the expansion of the UGB.

The fact that both of the two remaining build alternatives have a material impact on my mother's property, and both provide the first phase, paid for by ODOT, and the Federal Highway Administration (FHWA), for what will eventually become one of the primary ingress and egress gateways to the City of Bend's 1,500 acre master-planned tnixed-use development, Juniper Ridge, now comes to the public for comment, as no surprise, for anyone that has been aware of Juniper Ridge and its intended purpose. This access to US 97 has been depicted within numerous versions of the Juniper Ridge Plan and the City of Bend's Transportation System Plan, which was undoubtedly discussed with ODOT during various staff and committee meetings.

001

It is curious that in a letter to the City of Bend, Senior Planner, Damian Syrnyk, dated October 27, 2008; ODOT criticized the preferred UGB expansion proposal for more intensive land uses at the location of my mother's property that "...further complicates the process of identifying transportation solutions and given that it will likely be 15-20 years before a long term solution could be constructed, these more intensive uses will exacerbate the existing congestion and safety issues." The same letter also expressed concerns about political and legal issues surrounding funding for this infrastructure, if included in the UGB

### 001

Under the Preferred Alternative, there will be no right of way acquisitions (either partial or full) to the referenced properties. The new extension of 3rd Street will be located within the urban growth boundary, terminating at a new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Map 7) and Exhibit 2-15 FEIS. There will be no new interchange as was proposed under the East DS1 and East DS2 Alternatives studied in the Draft EIS. Please also see Topic 18 – Juniper Ridge and Topic 17 – Phasing.

# P128: Keith Spencer

002

I have elaborated regarding some of the history of our perspective, regarding these two build alternatives so that ODOT will fully appreciate the Spencer family support for the "East DS1 Alternative", which clearly initiates, as the first phase, the best ingress and egress to Juniper Ridge from US 97 through future infrastructure improvements by the City of Bend, bridging over the Burlington Northern Railroad, to the east of this proposed interchange.

003

We are however, concerned about the details regarding the "Interchange Area Management Plans" and its impact upon the Anna Morrison Spencer 1997 Trust properties; the increased air, noise, and the visual impacts of the new elevated structures, the loss of trees and landscaping, access to public roads, access to adequate utilities, the impacts to wells, and potable water, and the overall justness of this entire process. Other than these concerns, we have always believed that this was an appropriate location to access Juniper Ridge from US 97, with a full diamond interchange, as provided by the "East DS1 Alternative".

Sincerely,

Keith Spencer cc: Chris Bucher

### 002

We acknowledge your preference for the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. Please see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge and Topic 17 – Phasing.

### 003

There will be no impacts to the referenced properties under the Preferred Alternative. The Preferred Alternative will not require the development of an Interchange Area Management Plan (IAMP) as discussed in Section 3.2.3 of the Final EIS. The northern interchange previously proposed in the Draft EIS is not included as part of the Preferred Alternative.

Please also see Topic 3 – Interchange area management plans (IAMPs).



Delivered in person

Leonard Weltman VP Technical Operations 63090 Sherman Road Bend, OR 97701

Amy Pfelffer Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O. B. Riley Road Bend, Oregon 97701

Regarding: US 97 North Corridor Project Draft Environmental Impact Statement

September 12, 2011

Dear Amy,

We have reviewed the US 97 North Corridor Project Draft Environmental Impact Statement (DEIS) to examine impacts to our business and the community. We understand the need for the project and, in general, support going forward with it. The following comments and concerns are based on the information made available in the DEIS.

Since May 2010, I have attended several open houses and public meetings regarding the US 97 North Corridor Project. In each case I have stated our public safety concerns regarding the interruption in service that would result from having to cut, relocate, and splice the 390 fiber optic conductors that leave our Sherman Road property in route to our customers. I also mentioned safety concerns regarding needed roadway and traffic signal improvements to support the added traffic load to Sherman Road, Mervin Sampels Road, and the Intersection of Mervin Sampels Road and 3<sup>rd</sup> Street. Further, when asked to do so by ODOT, we provided statements regarding the potential impacts of the project, depending on the alternative designs under consideration. In each case, until the release of this DEIS, we were reassured by ODOT personnel that they did not see a need to realign Empire Blvd. in such a way that our business, our property, or our fiber optic lines would need to be significantly impacted. However, despite past reassurances, the DEIS does exactly that.

We have the following concerns with Alternatives EAST DS1 & DS2 as they are now designed:

BendBroadband Comments on US 97 North Corridor DEIS

Page 1

### 001

The issues raised in this letter are addressed in the responses to Leonard Weitman's testimony during the public hearing held for the Draft EIS. Please see responses to comment P67 001.

001 Cont.

Interruption of Service Due to Fiber Relocation - Upon release of the DEIS three weeks ago
we became aware that the utility poles located along the south side of Empire Blvd. will
need to be relocated as part of the realignment. This will cause us to cut and splice 360 of
the 390 fiber optic conductors that leave our main building, interrupting service over a
three week period, to hospitals (multiple St. Charles Health System facilities), public safety
providers (Deschutes County 911 and Sheriff, Oregon State Police, City of Bend Public
Works and Fire Stations, Bend-LaPine Public Schools), multiple financial institutions, other
businesses, and 42,000 residential customers. The impact to the community is substantial,
due to the length and severity of the interruption.

Figure 1 - Fiber Conductors on Poles Along South Side of Empire Blvd. Requiring Relocation

003

Elimination of Existing Fire Lane - The proposed alignment of Empire Blvd. appears to
eliminate paved access to the rear of our Sherman Road building. This prevents fire
department trucks from using the existing fire lane and having access to that portion of the
structure.



Figure 2 - Existing Fire lane



Figure 3 - Existing Signage in Fire Lane

BendBroadband Comments on US 97 North Corridor DEIS

Page 2

### 002

The issues raised in this letter are addressed in the responses to Leonard Weitman's testimony during the public hearing held for the Draft EIS. Please see responses to comment P67 001.

### 003

The issues raised in this letter are addressed in the responses to Leonard Weitman's testimony during the public hearing held for the Draft EIS. Please see responses to comment P67 002.

004

3. Traffic Light at Intersection of Mervin Sampels & 3<sup>rd</sup> Street - The proposed elimination of traffic access to Empire Blvd. from Sherman Road requires the redesign and construction of the south end of Sherman Road and Mervin Sampels Road to allow access to 3<sup>rd</sup> Street. This change will increase traffic on Mervin Samples and 3<sup>rd</sup> Street by 1,000 trips per day. No traffic signal is planned at 3<sup>rd</sup> Street. 200 customers, 20 suppliers, 200 employees, visit BendBroadband daily using the Empire and Sherman route. Under the proposed design, the customers, employees and suppliers of BendBroadband, and other businesses on Sherman Road, will be required to use Mervin Samples Road. The proposed design creates an unsafe level of uncontrolled traffic crossing the lanes of heavily travelled 3rd Street to and from Mervin Sampels Road. We strongly advocate for the installation of traffic signals at this intersection as part of the project.



Figure 4 - Looking West from Mervin Sampels Road across 3rd Street



Figure 5 – Looking South along 3<sup>rd</sup> Street towards intersection with Mervin Sampels Road

004

The issues raised in this letter are addressed in the responses to Leonard Weitman's testimony during the public hearing held for the Draft EIS. Please see responses to comment P67 003.

BendBroadband Comments on US 97 North Corridor DEIS

Page 3

005

4. Roadways to Support Tractor Trailer Freight Deliveries - Mervin Sampels Road and the south end of Sherman Road will need to be constructed in such a way that full sized tractor-trailers will be able to continue to have safe access to BendBroadband's existing warehouse operation, located between Nels Anderson Road and Sherman Road, and to the other commercial and industrial businesses on Sherman Road.



Figure 6 - Looking West along existing Mervin Sampels Road surface



Figure 7 - Looking North along existing Sherman Road surface from intersection with Mervin Sampels Road

BendBroadband Comments on US 97 North Corridor DEIS

Page 4

### 005

The issues raised in this letter are addressed in the responses to Leonard Weitman's testimony during the public hearing held for the Draft EIS. Please see responses to comment P67 004.

To summarize, BendBroadband asks that the risks to public safety detailed above be mitigated by designing the project to:

- A. Eliminate the need to relocate poles and disrupt broadband service to the community;
- B. Maintain access for fire trucks to the rear of our Sherman Road facility;
- C. Provide a traffic signal at the intersection of 3<sup>rd</sup> Street and Mervin Sampels Road, and
- D. Construct Sherman and Mervin Sampels Roads to safely support tractor-trailer traffic.

Thank you for taking our concerns into consideration.

Respectfully,

Attachments:

Letters from other businesses in the Sherman Road & Mervin Sampels Road neighborhood

Copies to:

City of Bend and Deschutes County Commissioners Nick Arnis, City of Bend Traffic Engineer Peter Russell, Deschutes County Traffic Engineer.

BendBroadband Comments on US 97 North Corridor DEIS

# P130: Bruce White, Attorney, LLC on behalf of Richard and Jelinda Carpenter and John McGilvary

# BRUCE W. WHITE, ATTORNEY, LLC

September 12, 2011

Via Email

ODOT ATTN: US 97 Bend North Corridor Project 63030 N. Highway 97 Bend, OR 97701

Re: US 97 Bend North Corridor

This office represents Richard and Jelinda Carpenter and John McGilvary (Carpenter/McGilvary). Carpenter/McGilvary are the owners of a 34-acre parcel (Tax Lot 171209C000100) located at 20522 Loco Road bounded by Loco Road and Clausen Road just outside the boundary of the City of Bend. The property is shown on the attached map of the DS1 alternative with an "x" through it. For the reasons set forth herein, Carpenter/McGilvary favor the East DS1 alternative described in the Draft EIS.

First, Carpenter/McGilvary wish to make clear that the members of the HUNS do not speak for them and other owners like them of UAR-10 (Urban Area Reserve) zoned lands in the so-called "golden triangle" between Highway 97 and Highway 20 on Bend's north side. The interests of the owners of low-density MUA-10 zoned residential lands to the north, such as the Bayards, are entirely different from the interests of the owners of the UAR-10 properties located immediately adjacent to the City of Bend. UAR-10 zoned lands have been identified for more than 30 years in the City of Bend's Bend Urban Area Comprehensive Plan for eventual urbanization and inclusion in the City of Bend. In fact, the UAR-10 lands in the "golden triangle" were included in the expanded UGB adopted by the City of Bend in January 2009 with the full support of those UAR-10 landowners. By contrast, the MUA-10 lands on which we are informed the members of the HUNS live are subject to the Deschutes County comprehensive plan and zoning ordinance that identifies their lands for rural residential development.

Carpenter/ McGilvary do not believe that the "no-build" alternative is a reasonable alternative. Studies have shown that some improvements to the North Highway 97 corridor must be made to serve even the existing commercial and industrial-zoned lands in the area. While traffic volumes have declined in the current economic downturn, the downturn will eventually pass and sensible long range planning requires that a solution be devised. Additional economic development of the Bend Highway 97 North Corridor area requires improvements to the transportation system in this

The Carpenter/ McGilvary land will be impacted by location of the extension of a new alignment of 3<sup>rd</sup> Street road on the eastern portion of the property. However, Carpenter/ McGilvary believe

P.O. BOX 1298 • BEND, OR • 97709 PHONE: (541) 382-2085

#### 001

Thank you for your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified in the Final EIS as the Preferred Alternative.

ODOT acknowledges that the Hunnell United Neighbors group does not speak for all landowners. All comments submitted are given consideration.

## 002

The East DS2 Modified Alternative has been identified as the Preferred Alternative. As described in Chapter 2 of the Final EIS, this alternative will address the long-range planning needs for the northern end of Bend. The economic benefits and impacts of the Preferred Alternative are described in Section 3.5 Socioeconomic Analysis of the Final EIS.

00

US 97 Bend North Corridor Project

# P130: Bruce White, Attorney, LLC on behalf of Richard and Jelinda Carpenter and John McGilvary

-2- September 12, 2011

that both the described "build" alternatives have minimized the impact to their property by utilizing the alignment of existing Clausen Drive as much as possible. Amongst the two "build" alternatives, Carpenter/McGilvary prefer East DS1. With a full intersection to the north, it provides the best road access for the existing commercially-zoned shopping areas in the "golden triangle" and areas such as the Carpenter/ McGilvary property that have been proposed by the City of Bend for expansion of commercial lands.

While the 2009 Bend UGB expansion proposal was remanded by the Oregon Land Conservation and Development Commission (LCDC) to the City of Bend for further work, the UAR-10 lands in the golden triangle still retain their statutory priority under ORS 197.298(1)(b) as an exception area with first priority for future inclusion in an expanded Bend UGB. (There are no lands that fit the top statutory priority "urban reserve land" definition in the Bend area.) LCDC specifically rejected a challenge by UGB expansion opponents that UAR-10 lands did not qualify as exception lands under the statutory priority scheme of ORS 197.298.

Carpenter/ McGilvary recognize that there will be impacts in the MUA-10 zoned properties off Bowery Lane to the north that are of concern to the HUNS. However, from their observation, this area is already being impacted by highway noise from the existing Highway 97 and the presence of nearby commercial development in the City of Bend. In addition, located as it is between the convergence of two major highways of statewide importance near one of the major commercial centers in the region and with the presence of already existing road rights-of-way such as Hunnell Road extending north from Cooley Road, it is a natural area for further roadway improvements to serve the growing Bend urban area. Realistically, it would be too much for the HUNS owners to expect that such an area, situated where it is, would forever be immune to the impacts of growth.

Carpenter/ McGilvary would also support, but to a much lesser extent, alternative East DS2. This alternative would make improvements that would allow for additional development in the North Highway 97 Corridor area, but without a full interchanged with Highway 97 would not give as good access from Highway 97 to lands within the golden triangle.

Thank you for this opportunity to comment.

Sincerely,

Bur welt

Bruce W. White

c. Clients

#### 003

Your preference for the East DS1 Alternative has been noted. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative provides a signalized intersection between 3rd Street an US97 just south of the Deschutes Memorial Gardens and Chapel. The Preferred Alternative would have similar impacts to the Carpenter/McGilvary property as the East DS1 Alternative by continuing to align the 3rd Street extension with Clausen Drive. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 004

Thank you for your comment. Please also see Topic 20 – Urban growth boundary expansion.

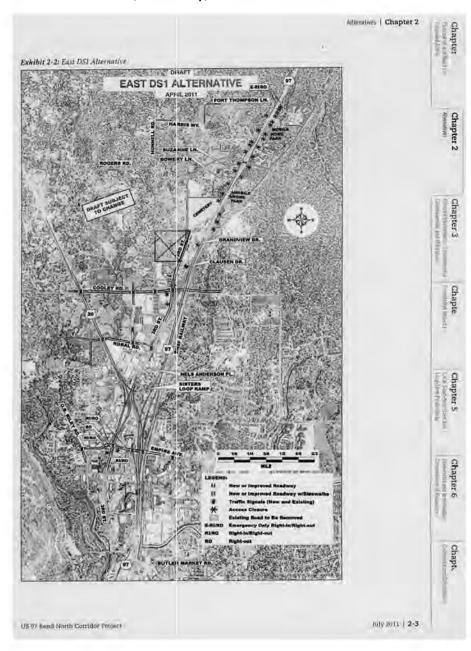
### 005

We acknowledge your support of the East DS2 Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

## 006

We acknowledge your expression of preference for the East DS1 Alternative. ODOT and the FHWA have identified the East DS2 Modified in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, there is no longer an interchange connecting future 3rd Street (existing US 97) and US 97. The Preferred Alternative provides full movements between US 97 and 3rd Street with a signalized intersection. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P130: Bruce White, Attorney, LLC on behalf of Richard and Jelinda Carpenter and John McGilvary



# P131: Wayne Barker

From: Wayne Barker [mailto:wayneb@norco-inc.com] Sent: Wednesday, September 14, 2011 1:14 PM

To: HOLLOWAY Rex A

Subject: Empire Avenue Concerns

Thank you Rex for taking time to speak to me today about my concerns with the Hwy 97 project.

- 1 just wish to re-iterate my concerns, If Empire and Sherman Road is closed, I would like to see limited access still available there. My suggestion is a "Pork Chop" giving Right-in, Right-out and Left in access.
- 002 If Mervin Samples is expanded and improved on the East side of Third street, I would like to see a traffic control light at that intersection.
- 003 We have a various group of people visiting our facility, from Tractor Trailer Tandem delivery trucks, to aged and medically compromised clients that need safe access to our business.

Finally, would you please add me to your mailing list to facilitate my involvement in this ongoing process.

My Physical Address is: 63024 Sherman Road, Bend, OR 97701 ph 541-382-2362 e-mail: mailtowayneb@norco-inc.com

Once again, thank you for your time.

Wayne Barker Norco Branch Manager Bend, OR

#### 001

We acknowledge your concerns associated with the closure of Sherman Road where it intersects Empire Avenue. Under the Preferred Alternative, Sherman Road will be closed at Empire Avenue, but a signal will be added at the intersection of Mervin Sampels Road and 3rd Street as shown in Exhibit 2-3 FEIS (Map 2). Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

#### 002

The Preferred Alternative includes a signal at the intersection of Mervin Sampels Road and 3rd Street as shown in Exhibit 2-3 FEIS (Map 2). Please see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

#### 003

The Preferred Alternative will provide safe access for car and truck traffic to this address as shown in Exhibit 2-3 FEIS (Map 2). Please also see Topic 6 – Truck and traffic movements on Mervin Sampels Road and Sherman Road closure.

# P132: Michel Bayard

September 5, 2011

Attention: Amy Pfeiffer Environmental Project Manager ODOT US 97 Bend North Corridor Project 63030 North Hwy. 97 Bend, OR 97701

Dear Ms. Pfeiffer,

My name is Michel Bayard. I own property and reside at 20555 Bowery Lane, in Bend. I am writing this in opposition to ODOT's proposed East DS1 Alternative of your US 97 Bend North Corridor project. It will have a disproportionate negative impact on the Hunnell United Neighbors (HUNS) community, when compared to East DS2 (or the No-Build Option). This does not mean the HUNS consider the Build alternatives to be justified or necessary.

The East DS1 Alternative would create a full diamond interchange to route traffic from US 97 onto a northern extension of 3<sup>rd</sup> Street in the area of Fort Thompson Road / Harris Way. This interchange would connect to two separate roads: one, an extension of 3<sup>rd</sup> Street, and the other, an overpass that crosses US 97 and leads to the Hilltop and Juniper Hills mobile home parks (and which terminates just west of the BNSF railroad tracks). The project would also close the Cooley Road, Robal Road and Empire Avenue exits off of the southUS97 lanes and route traffic to businesses that now use these exits into the HUNS' neighborhood.

In its Draft EIS, ODOT notes that the daily traffic volume that passes through the Cooley Road intersection is 42,200 vehicles AADT. However, ODOT's own traffic data from ATRs on US97 show that 0.1 mile south of Deschutes Market Junction AADT was 24,900 in 2010 and 0.05 mile north of Nels Anderson it was 31,200 AADT in 2010 as well. The traffic volume at Cooley Road intersection in 2010 was probably somewhere between these two numbers, around 28,000 AADT. It would be hard to imagine that AADT traffic at the Cooley Road intersection abruptly went up by 14,200 ADDT in 2011. Thus my initial remark that both Alternatives East DS1 and East DS2 may not be justified or necessary. The No-Build Alternative should not then be dismissed without further analysis using today's traffic numbers to determine if it is compatible with the Purpose and Need of the project or is able to do so after minor improvements along the US97 corridor. Of this traffic, 70 percent is local or regional trip traffic. While nowhere does the Draft EIS state what percentage of this traffic will be diverted through this area, it can be assumed to be substantial. This traffic will then spread to local roads such as Hunnell and Rodgers Roads, Harris Way, Bowery Lane, to name a few, and create congestion on the local road system.

The HUNS object to the design of East DS1 as there is a second alternative, East DS2 which keeps traffic south of this rural residential / agricultural area. This option places an urban facility (a major business arterial) much closer to an urban area, where such an improvement rightly belongs.

#### 001

We acknowledge your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. The Preferred Alternative will not construct an interchange. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

### 002

The traffic volumes listed in Exhibit 3-9 in the Draft EIS that are referenced in this comment are measured in peak average daily traffic (ADT) which is different than the average annual daily traffic (AADT). Please see Topic 24 – Traffic analysis for clarification on how peak ADT is derived from AADT.

#### 003

In the Final EIS, the analysis of the No Build Alternative and the Preferred Alternative has been updated to address reduced population in 2011 and associated traffic volumes. This updated traffic analysis indicates the No Build Alternative still does not meet the project's Purpose and Need. Please also see Topic 24 – Traffic analysis and Topic 35 – Purpose and need; goals and objectives.

#### 004

The Draft EIS disclosed the increase in traffic on Bowery Lane in Exhibit ES-7. Under the East DS1 Alternative, there would be fewer vehicles per hour on Hunnell Road than the No Build Alternative, and under the East DS2 Alternative there would be more vehicles per hour on Hunnell Road. The Final EIS has been revised to show that with the Preferred Alternative there will be no northern interchange as shown in Exhibit 2-3 FEIS, and 3rd Street will remain within the City of Bend urban growth boundary as the route for local traffic, as shown in Exhibit 2-3 FEIS (Map 7). Thus, no additional traffic as a result of the Preferred Alternative is expected to use Rogers Road, Harris Way, Bowery Lane, and Hunnell Road north of Loco Road. Please also see Topic 15 – Separated through and local routes and Topic 24 – Traffic analysis.

### 005

We acknowledge your opposition to the East DS1 Alternative and your preference for the East DS2 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. With the design of the Preferred Alternative, this area is no longer impacted and there is no interchange in the Bowery Lane area. Additionally, the Preferred Alternative substantially minimize impacts to rural residential properties north of Cooley Road by keeping 3rd Street entirely within the City of Bend's urban growth boundary.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

# P132: Michel Bayard

006

The HUNS spent a lot of time and effort over the last six years to help ODOT with the Bend North Corridor project and more recently to thoroughly analyze the Draft EIS in spite of the extremely short time period granted to them to do so. In return I ask ODOT to kindly and thoroughly consider the comments and questions contained in the attached report resulting from the HUNS' analysis of the Draft EIS, and to provide them with complete answers to the questions and appropriate information related to the comments

Sincerely

Michel Bayard

President, Hunnell United Neighbors, Inc.

### 006

Thank you for your thoughtful comments and participation in the process. Responses to all substantive comments submitted on the Draft EIS have been published with this Record of Comments in the Final EIS. Please also see Topic 2 – Request for extension of the Draft EIS comment period.

ODOT did not receive any attachment provided with the comment letter; however, additional comments submitted by Mr. Michel Bayard were received and responded to. Please see responses to comments P12, P46, P132, P140, and P157.

# P133: Gary Cox



Fentured in Golf Digest's "Best Places To Play"

September 9, 2011

ODOT 63030 N. Highway 97 Bend, Oregon 97701

Attn: Mr. Rex Holloway

Community Liaison Representative

Re: US 97 Bend

North Corridor Project

Draft EIS

Dear Mr. Holloway,

Thank you for providing the Draft EIS CD for our review and comment. As owners of The Riverhouse Hotel (Bend's largest hotel), The River's Edge Golf Course and The Riverhouse Convention Center (Oregon's fourth largest), we are keenly interested in any proposed changes to Central Oregon's highways that could impact our transient guests and business clientele.

We are generally supportive of ODOT's selection of the East DS1 and East DS2 alternatives provided a few important modifications can be made. Having reviewed the draft EIS, we would like to offer a few comments/suggestions;

First, we are very concerned about the potential for southbound 97 traffic to pass by or miss the first business exit. To us, this seems likely since the proposed exit ramp is so far north of Cooley Road and there is no visible commercial development. The next southbound directional interchange is nearly 3 miles south at Butler Market Road, effectively causing traffic to skip past both the Cascade Village and Bend River shopping malls, over 400 hotel rooms, a large number of restaurants and numerous businesses along northern 3<sup>rd</sup> Street. We suggest that a southbound directional interchange be added at Robal Road. This addition would provide the following benefits:

- Allows southbound highway 97 traffic to exit closer to the center of the business core in northern Bend.
- Reduces volume of northbound "backtracking" traffic along 3<sup>rd</sup> Street.

Golf Course 400 NW Pro Shop Drive \* Bend, Oregon 97701 \* 541.389.2828 Property Development \* 3075 N. Business 97 \* Bend, Oregon 97701 \* 541.617.7171 www.riverhouse.com The comments in this letter are very similar to those submitted by Wayne Purcell, which is included in the record of comments as P86.

## 001

Please see the response to comment P86 001.

#### 002

Please see the response to comment P86 002.

00

# P133: Gary Cox

US 97 Bend North Corridor Project Draft EIS September 9, 2011 Page 2 of 2 003

Please see the response to comment P86 003.

004

Please see the response to comment P86 004.

005

Please see the response to comment P86 005.

002 Cont

 Removes some of the traffic volume from the proposed Cooley Road/3<sup>rd</sup> Street intersection especially when Juniper Ridge and other surrounding commercial and residential land tracts are developed in close proximity to this intersection.

003

Second, we are supportive of the proposed changes to southbound Highway 20 at the Empire Avenue intersection. For our many guests that travel over from the Willamette Valley, it is important that no ramping changes are made to Highway 20. Both alternatives would continue to provide direct access to the hotels and restaurants along North Business 97 (3<sup>rd</sup> Street).

004

Third, when the proposed second Highway 20 southbound left turn lane is added at Empire Avenue, we would suggest that ODOT provide additional business directory signage north of the intersection so that southbound Highway 20 travelers would be given notice to stay right on 3<sup>rd</sup> Street (Business 97) to access local businesses, hotels, restaurants, the Riverhouse Convention Center, etc.

00

And lastly, we are supportive of the proposed additional lane installations on the Bend Parkway between Empire and Butler Market Road. It makes sense to include these improvements in the scope of the North Corridor Project.

We appreciate the opportunity to comment on the draft EIS and look forward to providing future comments as the project scope and selected option becomes more defined. If you have any questions, please feel free to call me at (541) 312-2684.

Sincerely

Gary W. Cox

Property Development Manager River's Edge Investments, LLC.

WC

# P134: Scott Siewert

From: nojuniperonourridge@bendbroadband.com [mailto:nojuniperonourridge@bendbroadband.com] Sent: Thursday, September 08, 2011 3:41 PM To: nojuniperonourridge@bendbroadband.com Cc: jclinton@ci.bend.or.us; mcapell@ci.bend.or.us; jeager@ci.bend.or.us; keckman@ci.bend.or.us; eking@ci.bend.or.us; jmitchell@ci.bend.or.us; dditz@ci.bend.or.us

Subject: Re: Ridge to Nowhere 357

Hi Jim / Rex:

In emergency situations involving the city of Bend / ODOT and your collective ongoing conflicts with the HUNS, we dial 357 and engage 800 great neighbors for the pending battle. I learned this AM that our buttons have been pushed beyond the point of tolerance again by Mitchell's editorial, and you will learn that "this big dog will bite when you rattle our cage" as you have with East DS1.

Juniper Ridge is an albatross! The ship sank 6 years ago with Juniper Ridge partners, Schwab, et al. Why can't the city get it? How did ODOT get snookered into aiding and abetting an entity (opponent) that has not done anything for the people it's supposed to represent in a decade or more except to waste 10's of millions on grandiose schemes?

10 years of failure should prove beyond any stretch of imagination that Juniper Ridge is done forever. Even after a decade of attempting to protect the public from Bend, as John Paul Jones said in his epic battle, "we have just begun to fight." If it takes another decade to behead this monster, so be it. We will sink it to the bottom of the sea.

We know that the city of Bend always loses these epic battles due to core incompetencies which are overwhelming, but taxpayers stand to lose much more as the city "plays with their monopoly money and loses it all."

It's far past time for a 10 year moratorium at Little Junior. In a best case situation, it would take that long to rescue it with roads and more infrastructure.

Thanks for not listening;

Scott Siewert

Scott Siewert submitted additional comment letters. Those comment letters are included in the record of comments as P64, P77, P79, P88 and P135 through P138.

#### 001

This comment is identical to the comment in P79 001. Please see the response to that comment.

# P135: Scott Siewert

From: nojuniperonourridge@bendbroadband.com [mailto:nojuniperonourridge@bendbroadband.com] Sent: Friday, September 09, 2011 3:26 PM To: nojuniperonourridge@bendbroadband.com Cc: HEACOCK Jon W; rex.a.holloway@odot.or.state.us; PFEIFFER Amy L Subject: Re: Fwd: Re: Ridge to Nowhere 357

#### Rex:

I have one more set of comments that I would like added to the record before it closes on September 12th, and these are just intuitive thoughts.

First, it's likely that you will be unable to handle the HUNN's oposition to East DS1 as we hav been a formidable force for over 7 years in protecting our neighborhoods. We have been advised that a wealthy donor will finance a legal battle with ODOT if the Bowery interchange is selected in combination with East DS1.

Secondly, in the unfortunate circumstance that ODOT makes a tragic error and selects East OS1, Why not move existing 97 East into Juniper Ridge and construct the entire interchange on city owned property? They can't sell it, and they have plenty to spare. Then, bring the feeder route South through JR and back across 97 to feed Cascade Mall. Imagine the savings that could be generated by using city owned property instead of condemning private properties.

ODOT has this all wrong; It would be prudent to make corrections before a humiliating defeat by the HUNN's and we don't care how long it takes or how much it costs.

Scott & karen Siewert

From: <nojuniperonourridge@bendbroadband.com>
Date: Thursday, September 8, 2011 4:22 pm
Subject: Fwd: Re: Ridge to Nowhere 357

> FYI;
> > Srs

Scott Siewert submitted additional comment letters. Those comment letters are included in the record of comments as P64, P77, P79, P88, and P134 through P138.

### 001

This comment is identical to the comment in P88 001. Please see the response to that comment.

# P136: Scott Siewert

From: nojuniperonourridge@bendbroadband.com [mailto:nojuniperonourridge@bendbroadband.com] Sent: Friday, September 09, 2011 4:04 PM To: rex..a.holloway@odot.or.state.us

Subject: Fwd: Re: Fwd: Re: Ridge to Nowhere 357

Rex:

Could I get a straight answer to this question preferably from Bob Bryant himself? ODOT could kill several birds with one stone incl. improvements at Cooley with this idea. Forget EFU zoning as that is just a facade.

Scott

Your comment has been entered into the Record of Comments. Because this email lacks substantive comments, no specific response is provided.

# P137: Scott Siewert

From: nojuniperonourridge@bendbroadband.com [mailto:nojuniperonourridge@bendbroadband.com] Sent: Monday, September 12, 2011 9:42 AM

To: HOLLOWAY Rex A

Cc: bob.bryant@odot.state.or.us

Subject: Fwd: Re: Fwd: Re: Ridge to Nowhere 357

Rex:

This mess with your e-mail system is completely unacceptable. Moreover, it appears that you hav been far less than forthright in answering my questions as the HUNS have uncover ODOT data suggesting that Harris way will be punched through from 97 to ultimately connect with Rogers which is just what we have suspected all along.

Please enter this document into the formal record to make certain that I can participate in any proceeding against ODOT including the Court of Appeals.

O2 You would be well advised to shelve both alternatives and start over with no consideration for the city's failed mess at Juniper Ridge.

Scott Siewert

Note: I have another formal objection that will follow separately.

#### 001

Your comment has been entered into the Record of Comments. This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the extension of 3rd Street through the Hunnell Neighborhood. There is no work done to Harris Way under the Preferred Alternative as shown in Exhibit 2-3 FEIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

### 002

We acknowledge your opposition to the East DS1 and East DS2 Alternatives. The Preferred Alternative does not include a connection to Juniper Ridge.

Please also see Topic 18 – Juniper Ridge.

# P138: Scott Siewert

From: nojuniperonourridge@bendbroadband.com

Sent: Monday, September 12, 2011 2:17 PM

To: HOLLOWAY Rex A; r.w.bryant@state.or.us;

amy.l.pfeiffer@odat.state.or.us

Cc: eking@ci.bend.or.us; jeager@ci.bend.or.us; jclinton@ci.bend.or.us

Subject: DS1 Testimony 5

Rex:

My name is Scott Siewert. I am a sub-committee chair for the HUNNS serving Stoneridge Developpment and contiguous areas. I am also chairperson for NOJUNIPERONOURRIDGE representing 300 registered families who live North of Empire, South of the City's failed development at Juniper Ridge, East of 97, and West of 18th Street. A copy of our registry is available upon request.

001

Both of the aforementioned groups are adamantly opposed to East DS1 as the project was designed as a "deep-water" rescue for Juniper Ridge which is most unfortunate. ODOT chose to pursue the fantasy ast Juniper Ridge instead of addressing the critical needs of our Northside corridor.

The city of Bend has absolutely no credibility. Witness the defunct UGB expansion plan where DLCD found thinly veiled attempts to covertly divert resources from the outcome to the city's trojan horse at Juniper Ridge.

We deeply resent the "cozy" relationship between ODOT and a city which cannot be trusted to serve public interests. Beyond that, they are riddled with core incompetencies that limits their ability to perform even basic services.

Doesn't ODOT have a project in Madras to keep your unbelievable slew of bureaucrats busy for a while? Why not serve a town that does not compete with the private sector for development while violating rules and state law at will. Why would ODOT aid and abet an entity with Bend's track history instead of serving citizens who pay the bills?

ODOT should be protecting us from an inept city as DLCD and the Courts have done.

nn

We recently learned from ODOT sources that the agency intends to punch Harris Way through to 97 and connect it with Rogers Road at the cost of millions while destroying pristine neighborhoods, all to support Bend's boondoggle at Juniper Ridge which has not accomplished anything in 10 years, not even 1 new job. They have however, wasted over 40 million in taxpayer resources to create the huge swollen black eye left by Schwab & Suterra.

The HUNNS will not allow this to happen.

#### 001

We acknowledge your opposition to the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative does not include a connection to Juniper Ridge.

Please also see Topic 18 – Juniper Ridge.

### 002

This comment pertains to the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Furthermore, there are no new connections to Harris Way and nearby roads under the Preferred Alternative as shown in Exhibit 2-3 FEIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative. Please also see Topic 18 – Juniper Ridge.

# P138: Scott Siewert

003

In the event that the disaster now known as DS1 is selected, why not move the Bowery interchange straight East into Juniper Ridge with a feeder south through the property and back across 97. You might avoid a huge fight to the Court of Appeals while saving a ton of money using city property instead of devastating neighborhoods West of 97. The city can't sell the property anyway. They can't even give it away to a bunch of rich soccer kids because it is virtually worthless. How will they repay their massive debts with no income?

The consulting & interest meters go " KA-Ching every day, but the city does not care.

004

Why not fix Cooley with Egress East under the RR tracks? Did ODOT discount that idea because it makes sense and relieves critical congestion?

00

In summary, you can expect a fierce battle from our respective organizations if ODOT does not come to their senses in a hurry and shelve both options forever. I might add that the HUNNS have never lost a battle with the city or any governmental entity, and we don't plan to start now.

Please make certain that my testimony is entered into the record so that I can participate in forthcoming legal battles against ODOT.

Thank you; please confirm.

Scott Siewert on behalf of 300 NOJUNIPERONOURRDGE registered families.

### 003

We acknowledge your opposition to the East DS1 Alternative. The Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, does not include a new northern interchange as referenced in this comment. This alternative will not provide new connections to the Juniper Ridge area.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 18 – Juniper Ridge.

### 004

Under the Preferred Alternative, Cooley Road will be grade-separated under US 97 and the BNSF Railway.

### 005

Your comments have been entered into the public record.

# P139: Larry Reed





September 6, 2011

Amy Pfeiffer, Environmental Project Manager Oregon Department of Transportation, Region 4 63030 O.B. Riley Road Bend, OR 97701

RE: US 97 Bend North Corridor Project
Draft Environmental Impact Statement and
Draft Section 4(f) Evaluation
Deschutes County, Oregon
Key Number: 14020
Federal-Aid Number: S004(112)

Dear Ms. Pfeiffer/ for the record:

JRH Transportation Engineering represents Home Depot U.S.A., Inc. and Home Depot's Bend store interests. A short summary of this Bend store's history is provided. Home Depot worked with the Oregon Department of Transportation in 1998 as part of the Bend store's Planning Approval to create Home Depot's existing drive access directly onto to US 97. In 2005 near the beginning of this project, Home Depot, along with numerous other firms and several neighborhood associations testified in opposition to an interchange at US 97 and Cooley Road (in its current intersection location just west of the railroad). This early design option would have eliminated Home Depot's direct access onto US 97, while also eliminating the surface intersection at US 97 and Robal Road. Changing Home Depot's vehicular access will cause a decline in retail sales and render this location a less than desirable location for a Home Depot store. For these reasons, Home Depot must maintain its current vehicular access, which includes a drive directly onto US 97. The surface street system of Cooley Road, Robal Road, and US 97 provides not only ease of access, but a high degree of store visibility.

Home Depot continues to want to maintain their existing access, which includes the driveway directly onto US 97, as depicted in Draft EIS Executive Summary Alternative Drawings East DS1 and East DS2, dated April 2011. In summary, alternatives East DS1 and East DS2 fulfill Home Depot's need to maintain the current customers' ease of access and public local street visibility while addressing the projected growth in traffic and maintaining truck mobility standards.

After over six years of agency analysis and public comments, Home Depot is opposed to the "No-Build Alternative", especially since it does nothing to improve the

#### 001

Similar to the East DS1 and East DS2 Alternatives, Home Depot's access to 3d Street (currently US 97) will remain unchanged under the Preferred Alternative. As a new US 97 facility will be constructed to the east, the current US 97 facility will be renamed to 3rd Street under the Preferred Alternative. Please also see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

#### 002

We acknowledge your preference to not select the No Build Alternative or any alternative that would close the existing access to the Home Depot property. The Preferred Alternative does not include, but also does not preclude, an interchange at Cooley Road and US 97 or an interchange at Cooley Road and 3rd Street. The Preferred Alternative will not close the current access point used by Home Depot; however, closure of this access point in the future is not precluded.

Please also see Topic 13 – Additional connectivity to businesses in the Robal Road vicinity.

00:

# P139: Larry Reed

Letter from Larry E. Reed
RE: US 97 DEIS and Draft Section 4(f) Evaluation
Key Number: 14020
Federal-Aid Number: S004(112)
September 6, 2011
Page 2 of 2

002 Cont.

identified growth in traffic congestion that is projected to occur in this north end corridor area. In addition, the "No-Build Alternative" appears to leave open in the future the possibility to "rehash" the idea of an interchange at Cooley Road and US 97, including closing Home Depot's existing drive access onto US 97. Such a future reconsideration for either an interchange and/ or closing Home Depot's US 97 driveway access will continue to be vigorously opposed by Home Depot. Further, the mere fact that portions of DS1 and DS2 alternatives needs a Statewide Planning Goal Exception should not be the basis to avoid proceeding with DS1 or DS2 alternatives. Statewide Planning Goal Exceptions procedures were created to be used for just this type of situation. Home Depot believes Alternatives DS1 and DS2 will clearly demonstrate that it meets the applicable standards for an exception for transportation improvements; OAR 660 012 0070.

Therefore, for the reasons above stated, Home Depot is opposed to the "No-Build Alternative" and supports both the DS1 and DS2 alternatives, since they both will maintain Home Depot's current access configuration, as negotiated with ODOT and the City in 1998.

Yours truly,

Larry E. Reed

Transportation Planner

### 003

As a result of modifications that ODOT and FHWA made while developing the Preferred Alternative, and through coordination with Deschutes County and the DLCD, goal exceptions to the statewide planning goals will not be required.

Please also see Topic 5 – Statewide goal exceptions and Topic 32 – Range of alternatives, alternatives screening and identification of the Preferred Alternative.

# P140: Michel Bayard



August 24, 2011

Amy Pfeiffer
Environmental Project Manager; US Bend North Corridor Project
Oregon Department of Transportation
63055 N. Highway 97
Building K
Bend, OR 97701

Dear Ms. Pfeiffer

I, Michel Bayard, am president of the Hunnell United Neighbors (HUNS), a neighborhood action group with 163 active members, all of whom live in an area bounded on the east by US 97, the west by Old Bend Redmond Highway, the south by Deschutes Memorial Gardens Cemetery and Chapel and the north by Pohaku Road. HUNS members have long standing with this project; our group formed in 2005 to fight a previous iteration of this project known as the US 97/US 20 refinement plan that proposed an east-west connection between US 20 and US 97 that bisected our area and which would have terminated in Juniper Ridge, Bend's government-owned mixed use development northeast of the Cooley Road / US 97 intersection. I also Chair ODOT's Citizen Advisory Committee and am a member of the Bend MPO's Citizen Advisory Committee. I am deeply immersed in the US 97 Bend North Corridor project and have a solid understanding of its purpose and need, goals and objectives and the technical data used to support them.

,1

I will submit testimony of a more technical nature by the comments period deadline; my remarks here focus on the impacts raised in Chapters 3 and 4 of the project's Draft EIS, specifically those related to the East DS1 Alternative, which the HUNS oppose.

1. East DS1 bisects a rural neighborhood by placing a full diamond interchange on US 97 north of Suzanne Lane. The northern interchange will sweep "local trip" traffic off US 97 and into our area. The traffic will not be confined to the 3<sup>rd</sup> Street arterial; it can and will disperse through our rural area, particularly as "improvements" made to Harris, and potentially to Bowery and Hunnell will make it easy to do so. The northern interchange connects to an overpass that crosses US 97 and which will provide access to the E.J. properties (mobile home parks) on the east of US 97 and, it appears, to 18<sup>th</sup> Street through Juniper Ridge at some future point.

002

 Ours is a rural residential area with irrigation and prime soils in some areas and agricultural zoning throughout. The East DS1 alternative is inconsistent with NEPA rules that protect farmland and which consider the environment in a holistic sense that goes beyond the common definition of "the environment".

003

East DS1 seeks to urbanize our area without changing our MUA zoning. This is both
a wasteful use of land and a serious factor with respect to Oregon's Goal 11 and
Goal 14 statewide land use planning laws; a problem that the East DS2 alternative
also has, but to a much lesser extent.

#### 001

Please see response to comment P046 001.

## 002

Please see response to comment P046 003.

## 003

Please see response to comment P046 004.

# P140: Michel Bayard

- 4. East DS1 will change our community's cohesiveness and its rural character. ODOT's Chapter 3, Affected Environment, Environmental Consequences and Mitigation and Chapter 4, Cumulative Impacts, make light of these impacts and fail to address them with meaningful measures or other strategies. In Chapter 3, page 98 it is stated that East DS1 "would enhance community cohesion by providing more opportunities for people to be outdoors and interact with other community members". Diverting 75% of US97 trafficthrough our neighborhood is not going to achieve that. It will destroy our very cohesive neighborhood and its quality of life. This statement is a slap in the face of this neighborhood where people built their house 30/40 years ago and still live in them.
- 5. The significant impacts on our quality of life and on the environment:

a. The impact of routing large volumes of traffic (as identified in ODOT's 2010 TPAU) through a rural residential area that now has ADTs of under 100 in many cases, and easily under 300 in the worst case scenario for the absolutely most congested portion of our area.

- Quality of life impacts that accompany the noise, air, visual, and light pollution associated with the East DS1 Alternative. The introduction to noxious weeds in a rural area that has consistently controlled such exotics.
- c. Pedestrian, equestrian and bicycle safety impacts, in a rural area where people go outdoors to enjoy the views, the tranquility and the sense of community that make this area so unique in Bend, an area characterized by explosive growth and rampant development.
- As I said earlier, I will address these and other issues in more depth when I submit my testimony to ODOT's US 97 Bend North Corridor Project Team leader. Three minutes does not give me time to address them here.

Finally, and on behalf of all the HUNS, I request that ODOT give us the maximum 60 days provided by the FHWA's rules to read, understand and respond to the issues raised in this 589 page Draft Environmental Impact Statement and its associated appendices.

004

Please see response to comment P046 005.

005

Please see response to comment P046 006.

005

004

Michel Bayard President

**Hunnell United Neighbors** 

US 97 Bend North Corridor Project



August 24, 2011

Amy Pfeiffer Environmental Project Manager; US Bend North Corridor Project Oregon Department of Transportation 63055 N. Highway 97, Building K. Bend, OR 97701

Dear Ms. Pfeiffer

My name is Toby Bayard. I live at 20555 Bowery Lane and am a member of the 160+ member Hunnell United Neighbors (HUNS), which was formed as a call-to-action neighbor network when, in 2005, ODOT and the city of Bend sought to realign the US 97 / US 20 corridor through the heart of our area. Like my husband Michel, the founder of the HUNS, I have been very involved in the organizing aspects of this group, and regularly speak to our members.

As a result of my assessment and coordination role with the HUNS, I will delay entering formal testimony into the Public Record associated with ODOT's US 97 Bend North Corridor Draft EIS but want to convey what I have heard from neighbors to date.

I have contacted 87 members of the HUNS and engaged them in discussions about this project. In this process, I have repeatedly heard that residents are frustrated with ODOT's decision to advance the East DS1 Alternative to the Draft EIS stage of the NEPA process. The vast majority of people are concerned about living in an area overrun with commercial traffic (both vehicle and freight delivery) headed for the Cascade Village Mall, the Bend Associates businesses (Target, Home Depot, Staples, etc.) and points south on 3<sup>rd</sup> Street. Neighbors are concerned that the Empire Avenue ramp will close, which will force southbound local trips coming from the north to access the malls and businesses on 3<sup>rd</sup> Street by traveling through our area. Residents on Rogers Road are concerned that this road will become a de fact cut-through between US 20 and US 97, a legitimate concern as that alignment was the preferred one for the US 97 / US 20 realignment considered by ODOT in 2005. Residents on Hunnell Road are concerned that traffic from the north and west will begin to access their road to reach the malls.

One major concern is that the East DS1 alternative, which closes three major US 97 access points (used for short trips, often only one or two intersections apart) to local roads. Other concerns include a loss of tranquility, diminution of property values, an

## 001

We appreciate the time and energy you have invested with your neighbors to discuss this project and share your comments with ODOT and FHWA. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the extension of 3rd Street through the Hunnell Neighborhood.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative

## 002

The Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, does not include a new northern interchange. There will be no improvements to Bowery Lane and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS. 3rd Street will remain within the City of Bend's urban growth boundary. Southbound travelers on US 97 will access the commercial triangle bound by US 20, US 97 and Cooley Road, as well as Empire Avenue, via the 3rd Street and US 97 intersection.

## 003

We acknowledge your opposition to the East DS1 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative eliminates most, if not all, of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the extension of 3rd Street through the Hunnell Neighborhood.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

00

H

003 cont.

inability to sell property because the character of the neighborhood is dramatically altered by heavy traffic volumes, pollution (air, noise, light, groundwater, visual), impacts to shared community wells, impacts to livestock and farm animals, impacts on the historic Bowery Lane Covered Bridge, impacts to irrigation canals, loss of privacy, increased risks of burglary and other forms of crime once this area becomes more widely traveled, the destruction of longstanding neighborhood atmosphere and community relationships, the inability for people to ride horses on our rural roads, concerns about noxious weed proliferation, and pedestrian and vehicle safety.

The vast majority of those who live in what ODOT refers to as the "Hunnell Neighborhood" prefer to remain in a rural, mixed us agricultural area where they can have peace and quiet, keep horses and livestock and avoid the pressures of urban life. More than 64 percent of those who live here are over 50 years of age and 39 percent are over 65. The area's residents have long tenure; many have lived in their homes for more than 10 years, some as many as 37 years.

004

I urge ODOT to select either the East DS2 alternative or defer a decision on this project entirely until the economy recovers. I further question the assertions that ODOT has made in its over 1,000 pages of documents associated with this project.

Thank you for considering my input and for making every effort to protect the Hunnell Neighborhood from the adverse and disproportionate impacts of ODOT's US 97 Bend North Corridor project.

Kind Regards,

Toby Bayard

Call-to-Action Coordinator / Board Secretary

Hunnell United Neighbors

### 004

We acknowledge your preference for the East DS2 Alternative. ODOT's and FHWA's consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. This alternative substantially minimizes impacts to the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS, including the extension of 3rd Street through the Hunnell Neighborhood. As shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS, 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. 3rd Street will remain within the City of Bend's urban growth boundary minimizing impacts to rural residential lands north of Cooley Road.

# P142: James Beauchemin

August 24, 2011

James Beauchemin 63610 Boyd Acres Rd., Bend, Oregon 97701

RE: Comments on US 97 Bend North Corridor Project – Draft Environmental Impact Statement

As a property owner in the vicinity of the US 97 North Corridor Project, I have reviewed the associated Draft Environmental Impact Statement and have the following comments on the two proposed build alternatives:

Alternative East DS-1 appears to be the most functional option. It addresses all <u>project needs</u> very well. It will resolve current traffic flow, connectivity and safety issues, while best addressing long-term viability in its placement of a full-design north interchange and local street connections. It connects traffic well at multiple roadways in appropriate support of existing businesses, neighborhoods and planned development. It also offers diversity in routes, able to disperse traffic well.

The East DS-1 north interchange could also moderate future impacts by offering a routing alternative for access east of this interchange. It is an appropriately designed interchange to facilitate safe traffic flow, increased connectivity and provide long-term viability.

The East DS1 Alternative provides an advantage to highway maintenance, as its north interchange will allow for better access and easy turn-around capabilities during winter maintenance activities on this section of US 97. (2-54)

The East DS-1 Alternative more equitably distributes traffic and will provide good community connectivity, while positioned to meet long-term planned demand. It appears East DS-1 is the most appropriate and viable of the two build alternatives.

Alternative East DS-2 does not provide as efficient community access, nor does it have the future potential of East DS-1.

Alternative East DS2 would more restrict access to US 97 for all residents in the area, especially the north-end mobile home park residents. Local routes to access southbound US 97 would require more travel on local streets and would make travel routes longer as Empire Avenue would be the nearest local point to access southbound US 97 in the API. (3-83)

Traffic emanating from east of US 97 would loose significant opportunity to have direct highway access via a properly designed and safe north interchange.

Area ingress and egress issues would continue to be a community concern and remain a planning constraint, with few entires. Opposes and exposition on few particles of the continue to the community concern and remain a planning constraint, with few entires.

planning constraint, with few options. Overuse and congestion on few connecting roads would continue, limiting future connectivity. Under East DS-2 future blocked queues, reduced average speeds and more delays are expected to develop sooner. (Exhibit 3-15) (3-28)

The comments provided in this letter are similar to other comments received from James Beauchemin. Those comments are included in the record of comments as P48.

#### 001

This comment is similar to P48 001; please see response to that comment.

#### 002

This comment is similar to P48 002; please see response to that comment.

## 003

This comment is similar to P48 003; please see response to that comment.

## 004

This comment is similar to P48 004; please see response to that comment.

00

# P142: James Beauchemin

Business impacts and relocations would be more complex and extensive with East DS-2. More businesses (a total of 51 vs. 43) would be dislocated with the East DS-2 Alternative (Exhibit 3-35) (3-66) (Exhibit 3-59) (3-108) than with East DS-1 Alternative. (Exhibit 3-35) (3-66) (Exhibit3-55) (3-103)

A notable difference in business acquisitions would occur in the Clausen Drive & Grandview business area where 8 additional businesses would be acquired under Alternative East DS-2, compared to none in this area with the East DS1. (3-108)

DS2

It is also expected that Alternative East DS-2 will displace 80 additional jobs than East DS-1.

ROW Displacements:

Residences 13 Residences 19 Businesses 43 Businesses 51

Jobs 612 Jobs 692

(Exhibit 3-35) (3-66)

Property tax paid by full-acquisition parcels would also decrease under Alternative East DS-2 by an estimated \$20,000 annually. (2009 tax year source)

DS1 \$267,000 DS2 \$287,000

(Exhibit3-56) (3-105)

(Exhibit 3-60) (3-109)

Reduction of available commercial businesses and properties near Robal Rd, Nels Anderson Rd. (and near Clausen & Grandview with DS2) should be mitigated with additional adjacent rezoning.

The East DS-2 north interchange plan with its associated over-crossing, fill and ramps are placed in a constrained area, they may require modification of typical road standards. It should be noted in the EIS that elevated road structures such as curved over-crossings and ramps including compound radius, like those included in this alternative, are often accident-prone.

Also this over-crossing and related structures may not be the most efficient use of funding, when the same funds could provide for a safer full-design north interchange, offering both improved access to the larger community and the ability to accommodate future long range planning horizons, (see interchange area management plan ES-19)

It appears East DS-2 has several concessions and limitations.

#### 005

This comment is similar to P48 005; please see response to that comment.

#### 006

This comment is similar to P48 006; please see response to that comment.

This comment is similar to P48 007; please see response to that comment.

### 800

This comment is similar to P48 008; please see response to that comment.

# P142: James Beauchemin

Other notable concerns or additions to the EIS include the following:

008 cont

Residential displacements and other landowner encroachments should be minimized whenever possible. The residential nature of any affected property or neighborhood should be preserved to the highest extent possible by applying standards to best maintain desirable characteristics while also facilitating traffic flows. Appropriate road standards and landscape treatments should always be used to preserve quality of life for residents. For example; there appears little need to extend 4-lane road sections into long-established neighborhoods

010

Likewise, local road extensions outside the UGB should utilize standards to best preserve rural landscape characteristics, while also facilitating traffic flows.

011

NOTE: Cooley Road has the highest concentration of residential displacements, but there does not appear to be a need for 4 lanes (for queuing purposes) eastward from the railroad ROW) (reference 3-66). Cooley redevelopment should include turn islands with landscaping also bike lanes, sidewalks and shoulder landscaping to calm traffic and control noise in this large residential area. Residential standards should apply. (@2-4)

US 97, improvements and new local roads within the API should use treatments consistent with existing ODOT facilities, such as those used on the Bend Parkway and other local roads in Bend. (reference Oregon Highway Plan, see1-15)

There should be a vegetative medium strip and adjacent landscaping where possible along US 97. (reference exhibit 2-12) (2-15) (reference exhibit 2-14) (2-16)

01

Moreover, these treatments should visually blend roads and US 97 with surrounding vegetation and geologic features. Local road improvements should also be consistent with the roadway standards for the City of Bend or Deschutes County, including any associated requirements such as street lighting, pedestrian improvements, bicycle lanes and aesthetic landscaping. (2-20)

Thank you for this opportunity to comment on this important manner.

Sincerely, James Beauchemin Barbara Beauchemin

#### 009

This comment is similar to P48 009; please see response to that comment.

## 010

This comment is similar to P48 010; please see response to that comment.

#### 011

With the Preferred Alternative, Cooley Road east of the BNSF Railway will have one eastbound travel lane, one westbound travel lane and a center turning lane as shown Exhibit 2-11 FEIS. This reduces the total number of residential displacements from nine to five in this area. The Cooley Road improvements will include sidewalks and bicycle lanes that will connect to existing sidewalks and bicycle lanes east of US 97 to maintain safe travel routes for pedestrians and bicyclists.

Please also see Topic 28 – Cooley Road design and operation.

### 012

This comment is similar to P48 011; please see response to that comment.

# P143: John Dollhausen

John Dollhausen 20510 Bowery Ln. Bend, OR 97701

Comment on The US 97 Bend North Corridor Draft EIS

August 24, 2011

My name is John Dollhausen and I am a resident of Bowery Lane. I object to both draft proposals put forth by ODOT on the grounds that they would force urbanization of rural residential communities north of the urban growth boundary. The plan seems to be to eliminate local access to Highway 97, turning it into a truck route. Meanwhile people living in the project area will be forced to diffuse out over a system of roads that currently provides local residents access to the highway. Bowery Lane, Harris Way, Hunnell Road, and Rogers Road will see a tenfold increase in traffic as they become driveways to the malls. An acceptable plan for highway improvement must accommodate local access and improve connectivity to points east of Highway 97. Bend is more divided by the railroad tracks than by the Deschutes River, and I would like to see that change. Until ODOT and the City of Bend address these concerns I must support the no build alternative.

The comments provided in this letter are similar to other comments received from John Dollhausen. Those comments are included in the record of comments as P54 and P110.

#### 001

This comment is similar to P54 001; please see response to that comment.

### 002

This comment is similar to P54 001; please see response to that comment.

## 003

This comment is similar to P54 003; please see response to that comment.

001

002

# P144: Crystal Dollhausen

Draft EIS Public Hearing
Riverhouse Convention Center
2850 NW Rippling River Court
Bend, Oregon 97701
August 24, 2011

My name is Crystal Dollhausen. I live at 20510 Bowery Lane. Our parcel at Rock O' The Range contains many rock outcrops and we enjoy a stable habitat for wildlife and native plants. This fulfilled my mother's vision when she purchased the parcel from the Bowers in the 1970's and built our home.

I treasure our Rock 0' The Range community. The East DS1 Alternative would route thousands of cars and trucks a day right through our rural residential community and destroy it. The sounds of birds singing, the wind in the trees, and my neighbors' chickens, cows and sheep would vanish in the noise of traffic. Indeed, many of the wild and domestic animals currently living here would be eliminated.

At night, the Bowery Lane traffic count is usually zero. Our nights are tranquil and dark. The East DSI Alternative would cause a dramatic change, and dominate the night with the glare of lights and traffic activity. When I read ODOT's claim that traffic noise and lights could "slightly alter the character of neighborhoods", I say there is nothing "slight" about it.

The speed limit on Bowery Lane is 15 mph. It is common to brake or even stop to allow wildlife to move off the road or horses to pass. With ease and safety, I can walk or ride my bike to my neighbors or the mailboxes.

Furthermore, while our parcel is largely rock outcrops, the East DS1

The comments provided in this letter are similar to other comments received from Crystal Dollhausen. Those comments are included in the record of comments as P15, P53, and P72.

#### 001

This comment is similar to P53 001; please see response to that comment.

### 002

This comment is similar to P53 002; please see response to that comment.

## 003

This comment is similar to P53 003; please see response to that comment.

## 004

This comment is similar to P53 004; please see response to that comment.

001

003

# P144: Crystal Dollhausen

Alternative would cut through the good agricultural land of my neighbors.

004 cont.

My first reaction to DS1 remains as one of despair at the thought of my neighbor's homes that would be buildozed and the degraded living conditions for those of us remaining. I think most people want to cooperate when public projects are undertaken, however, the longer I examine the documentation, the more I am convinced that both DS1 and DS2 are flawed and unacceptable. I support the No Build Alternative.

# P145: Tim Larocco

NELS AND LILIAN ANDERSON HOMESTEAD PROPERTY DRAFT EIS TESTIMONY – 08/24/2011 Tim Larocco 541 280-5574 The comments provided in this letter are similar to other comments received from Tim Larocco. Those comments are included in the record of comments as P58.

# 001

This comment is similar to P58 002; please see response to that comment.

#### 002

This comment is similar to P58 004; please see response to that comment.

## 003

This comment is similar to P58 001; please see response to that comment.

## 004

This comment is similar to P58 002; please see response to that comment.

# 005

This comment is similar to P58 003; please see response to that comment.

# 006

This comment is similar to P58 004; please see response to that comment.

# 007

This comment is similar to P58 001; please see response to that comment.

## MY NAME IS TIM LAROCCO

I OWN INSTANT LANDSCAPING COMPANY AT THE SOUTH END OF NELS ANDERSON ROAD. THE NUMBER IS 63160.

THE SITE IS THE HOMESTEAD PROPERTY THAT WAS THE CENTER OF THE NELS AND LILIAN ANDERSON DAIRY.

WE ARE LICENCED BY THE DEPARTMENT OF AGRICULTURE WE ARE DISTRIBUTORS FOR MCPHEETERS TURF FARM. WE HAVE 3 ACRES OF SWALLEY WATER RIGHTS AND IRRIGATE THE TURFGRASS SLABS AND TREES.

INSTANT ALSO BLENDS SPECIALTY SOILS, AND SELLS AGRICULTURAL AND FOREST BUY PRODUCTS FOR LANDSCAPERS AND GARDENERS.

# I HAVE DEVELOPED MUCH RESPECT FOR THE LOCAL ODOT STAFF, BUT THE PROCESS IS A BIT FRUSTRATING.

## SUGGESTIONS:

- 1) A bit more Evaluation of 1st Parkway project.
- 2) Increased flexibility in obtaining contracted parts of technical studies.
- 3) Time the 45 day comment period is too short.

# **EVALUATION OF PAST PROJECT - EXAMPLE:**

NELS ANDERSON ROAD YEARS AFTER FIRST PROJECT HAS FOUR SECTIONS ON TWO SIDES OF PARKWAY.
SIGNAGE PROBLEM NEVER RESOLVED
MULTI AGENCY COMMITMENT WITH CITY, COUNTY AND ODOT

NEEDED.

FLEXIBILITY TO SHARE ALL STUDY INFORMATION.

INCLUDING THE TWO INTERCHANGE AREA STUDYS YET TO BE DONE.

TIME IN ADDITION TO HUGE DRAFT MANY OF THE TECHNICAL STUDYS JUST PUBLISHED.

006

001

002

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004

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# P145: Tim Larocco

THE LOSS OF A "SENCE OF PLACE" IS THREATENING TO MANY STAKE HOLDERS.

IN SMALL BUSINESS IT IS NO SECRET THAT IF YOU ARE NOT UNIQUE IN CARVING YOUR NITCHE YOU WILL FAIL.

OVER 20 YEARS AGO WE STARTED AN EXTENSIVE SEARCH FOR A UNIQUE SITE THAT WAS VERY RURAL, WHERE WE COULD OPPERATE AN AGRICULTURAL RELATED BUSINESS AND AT THE SAME TIME ABUT A HIGH TRAFFIC ROADWAY.

WE FOUND A UNIQUE PIECE OF OLD BEND THAT WAS THE VERY CENTER OF THE NELS AND LILIAN ANDERSON HOMESTEAD. THE FIT WAS PERFECT.

IT WAS AND IS QUITE RURAL,

FOR 96 YEARS IT WAS AND IS AGRICULTURALLY INCOME RELATED.

IT IS RIGHT NEXT TO OF ONE OF THE HIGHEST TRAFFIC COUNT SECTIONS OF THE NORTH BEND PARKWAY.

THIS HAS ENABLED US TO ADVERTIZE LESS AND PRESERVE THE HISTORICAL NELS AND LILIAN ANDERSON FARM HOUSE.

IN 2009 MIKE SCHMIDT COMMENTED AT A STERING COMMITTEE MEETING THAT THE MANY BUSINESSES IN RIGHT OF WAY AREAS WERE IN DANGER OF BEING DISPLACED OUT OF THE CORE AREA.

SOME BUSINESSES HAVE NEVER UNDERTAKEN A MAJOR MOVE.

IT IS SO - COSTLY AND DISRUPTING TO MARKET SHARE MANY
BUSINESSES AND JOBS WILL NOT SURVIVE.

AS MUCH AS I LIKE REDMOND TO SUGGEST THAT THERE IS AVAILABLE PROPERTY IN REDMOND IS INSULTING.

### 800

This comment is similar to P58 005; please see response to that comment.

# P145: Tim Larocco

THE FIRST SECTION OF LAND THAT NELS ANDERSON PURCHASED WAS IN 1915 FROM THE DEPT OF INTERIOR SIGNED BY WOODROW WILSON.

THE ANDERSONS HAD ONE OF THE FEW ENGLISH TUDOR BUNGALO FARM HOUSES CONSTRUCTED IN BEND. EST 1929.

008 cont.

THE NATIONAL PARK SERVICE ADMINISTERS THE NATIONAL REGISTER OF HISTORIC PLACES.

REGISTERED AND ELIGIBLE PROPERTYS HAVE SIGNIFIGANCE TO THEIR COMMUNITYS.

THE STATE HISTORIC PRESERVATION OFFICE DETERMINATION ON THE NELS AND LILIAN ANDERSON HOUSE IS FOUND IN THE DRAFT DOCUMENT CHAPTER 3.

CHAPTER 3 ALSO DESCRIBES "AFFECTED ENVIRONMENT"

HOW THE RE ROUTE PROJECT LANDSCAPING WILL LOOK AFTER COMPLETION.

BOTH DS1 AND DS2 REFLECT THAT THE VISUAL IMPACT WOULD REMAIN THE SAME?

THAT SEEMS TO CONTRADICT A DESCRIPTION ON PAGE 126 OF CHAPTER 3 DISCUSSING THE NELS ANDERSON HOMESTEAD PROPERTY. OUOTE: "THE VEGITATION ON THE PROPERTY WOULD BE REMOVED".

009

THE NELS AND LILLIAN ANDERSON HOMESITE PROPERY HAS QUALITY GROVES OF PIONEER PLANTED ASH, POPLAR, FRUIT TREES, PINES, GRAPES AND BERRYS THAT WILL ALSO BE LOST WITH OUT A PLAN.

BOTH BUILD ROUTES IN THE DRAFT DOCUMENT ARE PROPOSED TO INCLUDE DEMOLITION AND / OR REMOVAL OF THE NELS AND LILLIAN ANDERSON HOUSE.

ODOT HAS INFORMED THE BEND COMMUNITY THAT MITIGATION

MEASURES ARE CURRENTLY BEING CONSIDERED

YET NO SOLUTIONS HAVE COME FORWARD!

### 009

This comment is similar to P58 006; please see response to that comment.

# P146: Leonard Weitman

Comments of BendBroadband US 97 North Corridor Project Public Hearing, August 24, 2011

I am Leonard Weitman, Vice President of Technical Operations for BendBroadband, located at 63090 Sherman Road, off Empire Blvd. Since May 2010 I have attended several open houses and public meetings regarding the US 97 North Corridor Project. In each case I have stated our concern regarding the interruption in service that would result from having to cut, relocate, and splice the 390 fiber optic conductors that leave our Sherman Road property in route to our customers. Further, when asked to do so by ODOT, we provided statements regarding the potential impacts of the project, depending on the alternative designs under consideration. In each case, until last week, we were reassured by ODOT personnel that they did not see a need to realign Empire Blvd. in such a way that our business or our fiber optic lines would need to be relocated. However, despite past reassurances, the DEIS does exactly that.

We have the following concerns with Alternatives EAST DS1 & DS2 as they are now designed:

 Last week we became aware that the utility poles that are along the south side of Empire Blvd. will need to be relocated as part of the realignment. This will cause us to cut and splice 360 fiber optic conductors, interrupting service over a three week period, to hospitals, public safety providers, banks, other businesses, and 42,000 customers. The impact to the community is substantial due to the length and severity of the interruption.

The proposed alignment of Empire Blvd. appears to eliminate paved access to the rear of our Sherman Road building. This prevents fire department trucks from using the existing fire lane and having access to that portion of the structure.

- 3. The proposed elimination of traffic access to Empire Blvd. from Sherman Road requires the redesign and construction of the south end of Sherman Road and Mervin Sampels Road to allow access to 3<sup>rd</sup> Street. This change will increase traffic on Mervin Samples and 3<sup>rd</sup> Street by 1,000 trips per day. No traffic signal is planned at 3<sup>rd</sup> Street. 200 customers, 20 suppliers, 200 employees, visit BendBroadband daily using the Empire and Sherman route. Under the proposed design, the customers, employees and suppliers of BendBroadband, and other businesses on Sherman Road, will be required to use Mervin Samples Road. The proposed design creates an unsafe level of uncontrolled traffic, crossing the lanes of heavily travelled 3rd Street from and to Mervin Sampels Road. We strongly advocate for the installation of traffic signals at this intersection as part of the project.
- 4. Mervin Sampels Road and the south end of Sherman Road will need to be constructed in such a way that full sized tractor-trailers will be able to continue to have safe access to BendBroadband's existing warehouse operation, located between Nels Anderson Road and Sherman Road, and to the other commercial and industrial businesses on Sherman Road.

BendBroadband asks that the risks to public safety detailed above be mitigated by designing the project to:

- A. Eliminate the need to relocate poles and disrupt broadband service to the community;
- B. Maintain access for fire trucks to the rear of our Sherman Road facility;
- C. Provide a traffic signal at the intersection of 3<sup>rd</sup> Street and Mervin Sampels Road, and
- D. Construct Sherman and Mervin Sampels Roads to safely support tractor-trailer traffic.

The comments provided in this letter are similar to other comments received from Leonard Weitman in P67 and P129, which are also included in the Record of Comments.

#### 001

This comment is similar to P67 001; please see response to that comment.

### 002

This comment is similar to P67 002; please see response to that comment.

### 003

This comment is similar to P67 003; please see response to that comment.

## 004

This comment is similar to P67 004; please see response to that comment.

002

003

003

# Record of Public Comments and Responses | Appendix N

# P147: Toby Bayard

From: Toby Bayard [tobybayard@hotrnail.com]
Sent: Wednesday, September 07, 2011 5;19 AM
To: PFEIFFER Amy L; HOLLOWAY Rex A
Cc: Michel L Bayard; Michel Bayard; Hunnell United Neighbors

Subject: Please place this testimony into the Public Record - Parts 1, 2, 3 and 4

Importance: High

Attachments: Safety Data Summary derived from ODDT\_Rev1.pdf; Analysis of ODDT Traffic Data from ATR Stations 09-20, 09-007 and 09-009.pdf; Economic Viability of the US97 Bend North Corridor Project.pdf; Summary of Final Socioeconomic and Environmental Justice Technical Report.pdf Good morning, Amy and Rex:

With this message, and others that will follow it, I am now beginning to place testimony into the Public Record associated with the US97 Bend North Corridor Project. I am doing so on behalf of the Hunnell United Neighbors (the HUNS), and myself as an individual and member of the HUNS. For the Record, the HUNS, Inc. is a neighborhood action organization incorporated in the State of Oregon.

The four (4) separate pieces of testimony attached to this message have to do with:

- Safety Data Summary Derived from ODOT Draft EIS Rev. 1 8 pages
- Analysis of ODOT's Traffic Data from ATR Stations 09-20, 09-007, and 09-009 2 pages
- Analysis of the Final Socioeconomic and Environmental Justice Technical Report 18 pages
- The Economic Viability of the US97 Bend North Corridor Project (Comments regarding ODOT's HERS-ST/BCR analyls) 1 page

By no later than September 12, 2011, I will send you a summarizing email that lists all the testimony that I have placed into the public record on behalf of the HUNS, and myself as a member of the HUNS.

Michel Bayard, president of the HUNS, Inc., will also be placing data into the Public Record on behalf of the HUNS. Some of it may be the same as that which I have attached to this message, or will be attaching to others.

All best,

Toby Bayard

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Comments begin on next page.

Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS

## SUMMARY

- The least safe portion of the US 97 Bend North Corridor's API is the local street network.
- OB Riley and Deschutes Market Roads are the API's two most dangerous intersections.
  - OB Riley Road had three (3) fatalities and one (1) serious injury accident.
  - Deschutes Market had 1 fatality accident and two (2) serious injury accidents.
- TPAU Appendix A, page A-6 states that the two segments of US97 that contain Cooley and Robal Roads have lower crash rates as compared to other roadways of their type;
  - The section of US 97 that contains Cooley Road "has a crash rate of 0.35 crashes per million vehicle miles (MVM) compared to the statewide rate for rural expressways and rural principal arterials of .68 crashes per MVM". In other words, Cooley's crash rate is only half that of similar roads.
  - The section of US 97 from Bend's UGB to Robal Road, has an overall 2009 crash rate of 0.88 crashes per MVM vs. a comparable statewide rate of 2.02 for urban principal arterials. Robal's crash rate is less than half that of similar roadways.
- Per the TPAU Appendix A, page A-3, during the six year study period from 2004 to 2009:
  - \* There were no fatalities at US97 and Cooley Road
  - . There was one fatality at US97 and Robal Road (5% of the total in the API)
    - That fatality appears to have been caused by a medical condition or event
  - The other 95% of fatalities that occurred within the API between 2004-2009;
    - Were primarily on either local roads or US20, as opposed to US97
    - Three were on the northern edges of the API, in the rural area at or near to the Deschutes Market Rd. Junction
- The intersection with the highest percentage of injuries was <u>Deschutes Market Road</u> and US97, located at the northern-most boundary of the API.
- Another very dangerous road segment is <u>OB Riley</u>, west of 3<sup>rd</sup> St. and southeast of US 20. It had three fatalities in the 2004-2009 study period and one very serious injury accident
- The crashes at US97 Cooley and Robal are overwhelmingly rear-end collisions
  - Crashes could be greatly reduced by placing an underpass at Cooley Rd, and one below the BNSF railroad tracks, combined using TDM and TSM to further improve the functioning and safety throughout the API, including local roads.

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#### 001

This comment has been superseded by comment P154 002 submitted by Toby Bayard on September 11, 2011. Please see the response to that comment.

001 Cont.

#### US97 BEND NORTH CORRIDOR PROJECT PURPOSE:

On page ES-3 (Executive Summary, page 3) of ODOT's and the FHWA's US Draft EIS for the US 97 Bend North Corridor Project, one of the purposes of the project is that it:

"...improves safety and operations on US 97 as an expressway between the Deschutes Market Road / Tumalo Junction interchange and the Empire Avenue Interchange..."

Yet in ODOT's Traffic Planning Analysis Unit's Appendix Λ, page A-2. Crash Analysis, the lead paragraph makes this statement:

"Along US97 the segment crash rates are lower than comparable statewide rates ..."

#### PROJECT NEED:

On page ES-3 (Executive Summary, page 3) of ODOT's and the FHWA's US Draft EIS for the US 97 Bend North Corridor Project, one of the project's three key needs is identified as Safety:

"The number of severe injury or fatal crashes has increased in the API over the past six years. Specifically, the intersections of US97 with Cooley and Robal Road are listed in the top five percent of ODOT's 2010 Safety Priority Index System, which represents locations with the highest collision history and ODOT's highest priorities for safety improvements."

This statement is misleading. Analysis of the DEIS' Final Transportation Planning Analysis Unit (TPAU) Report's Appendices shows that the majority of the API's severe injury / fatal crashes occurred on local streets. In the six year period from January 1, 2004 to December 31, 2009, there were no fatal crashes at US97/Cooley and only one at US97/Robal. There were liree other fatal crashes on US97 but all were between Fort Thompson Lane and Deschutes Market Rd., an uncongested portion of US 97.

The crash at US97/Robal occurred mid-day on a November 1, 2006 when a pick-up truck driven by a 55 year old man failed to stop at that intersection's traffic light. An investigation concluded that Edward Shelton likely suffered a medical event that caused the crash. Neither speed nor drugs/alcohol played a role. Visibility was good and the roadway was dry. The Oregon State Police could not explain the crash.

On page A-2 of the Final TPAU Report's Appendix A, this statement is made:

"There were nearly 292 crashes on US97 and 79 on US20 highway segments in the proposed area. Typically over two-third of crashes occurred in dry, daylight conditions. The crash types are typical for urban and rural portions of this project with numerous intersection crashes in the urban segments. Along US97 the segment crash rates are lower than comparable statewide rates although there are two 2010 top five percent sites identified on this roadway." (Emphasis added)

It is true that the two US97 2010 top five percent sites (Cooley and Robal) had a number of accidents, but few were serious and, when compared to the local street network, these two intersections performed well.

To determine the above, we used the raw data provided in the DEIS' Final TPAU Report's Appendix B. While Appendix A of the TPAU report did provide summarized crash data for US 97, it did not identify where the crashes took place. We were able to determine where these crashes occurred on US97/Robal and US97/Cooley by using milepost data for these two intersections to analyze the raw data (drawn from what appears to be a computer print-out) in the DEIS Final TPAU Report, Appendix B.

While there was no detailed crash data provided for US97/Robal and US97/Cooley, this data was provided for the local street portions of Robal and Cooley Roads. We suggest that in its Final Ets, ODOT and the FHWA do a better job of depicting crash data for US 97 at Robal and Cooley Roads.

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Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS the US 97 Bend North Cor Table I: Crash

	Crash Rate/ Injury	feyear total of crashes	Rear- end	Side / Swerve	Turn	Fixed	Angle	Backing or Non- collision	Head- on	Prop. Damage only	Fatal / Inj. A	Injuries as % of crashes	Read Surface	Speed /drugs alcohol?
US97 Des. Mkt. S. to UGB (incl. Cooley)	-35 MVM	95	94	3	3	4	4	Ţ	.1	27 (48%)	I Inj. A	29 (51%)	Ice-7 Wet-4	10 - spee 2-D/A
US97 UGB to Robal (low crash rate for rural expressway)	88 MVM	53	4	2	90	3	i	2		28 (49%)	1 Fatal	28 (49%)	Ice-8 Wet-6	9 - spee
US97 - Robal S. to Empire (low relative crash rate)	38 MVM	16	6	*		2	i	1	1	8 (50%)	1	8	Jee-3 Wet-2	7 - speed
US20 from Old Bend Redmond / Cooley	.10 in 2009	Actual er and 12/31	ashes no	Actual crashes not broken out for this segment, but of 79 crashes between 1/1/04 and 12/31/09, only 6% were near Cooley.	ut for thi	s segment	, but of	9 crashes	between	1/1/04	1	Not	Not	Not avail.
US20 from Robal to Empire	.89 (high) ir '09	Actual cr Robal to rating on	Empire US20. O	Actual crashes not broken out for this segment (they were grouped for US20 from Robat to Empire inclusive). Robal / US20 was rated .35 / MVM, the bighest crash rating on US20. Other DEIS info indicates Robal / US20 has numerous crashes.	ut for thi Robal / U info indi	S segment IS20 was 1 cates Rob	rated 35	/ MVM, th	d for US.	20 from t crash shes.	2 Fatal	Not avail.	Not avail.	Not avail.
Boyd Acres focal segment w/f API	No rating	97	1		*	3	4	н	ri	18 (%69)	l hij. A	(31%)	Not avail.	Not avail.
Cooley Rd. local segment w/ff API	No rating	15	3	1	+	3	2	-	f	(40%)	1 Fatal 1 Inj. A	9 (83%)	Nor avail.	Not avail.
Deschutes Market local seg. w/i API	No	14	i	İ	÷	n	4	9	n	9 (64%)	1 Femil 2 Inj. A	5 (29%)	Not. avail.	Not avail.
Empire Ave. local segment w/i API	No	32	6	i	91	•	40	÷	1	18 (56%)	2 loj. A	14 (44%)	Not avail.	Not avail.
Nets Anderson local seg. w/i API	No	s	4	t	9	1.	-	1	1	(50%)	1 foj.	(50%)	Not avail.	Not avail.
OB Riley local segment w/i API	No	77	in	ı.	9	7	m	-	ī	(38%)	3 Fatal 1 Ioj. A	(50%)	Not avail.	Not avail.
Robal Rd. local segment w/i API	No	91	-6	13	1	3	4	4	-	(37%)	11nj. A	10 (%69)	Not avail.	Not

\* Per Appendix A. A-5, the API's highest crash rate was on US20 between Old Bend Redmond Hwy, and Cooley Rd. It had a 2009 rate of .89 / million vehicle miles (MVM) compared with .68 / MVM statewide for other principle arterials. US97 had lower than average segment rates.

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### Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS

Page ES-3 of the Executive Summary for the Draft EIS states that:

"The number of severe injury or fatal crashes has increased in the API over the past six years. Specifically, the intersections of US 97 with Cooley Road and Robal Road are listed in the top five percent of ODOT's 2010 Safety Priority Index System, which represents the locations with the highest collision history and ODOT's highest priorities for safety improvements."

This is misleading. Yes, it is most likely true that there was an increase in crashes at the Cooley and Robal Road intersections, but these crashes were not unusual and in fact, these sections of US97 performed better than did other roadways of their class. The Final TPAU Report, in Appendix A, page A-4 states that:

The 2009 intersection crashes at Cooley Rd. and Robal Rd. are 0.39 and 0.31 crashes per million entering vehicles, respectively. These intersections are substantially below the 1.0 crashes per million entering vehicles rule of thumb for indicating a need for further investigation.

Data drawn from various parts of the Final TPAU Technical Report and its appendices suggest that rearend, turning and angle crashes are typical for this type of intersection, and that injuries are generally not serious. On page A-2, Appendix A, this statement is made about US 97 and Cooley Rd.:

"the number of crashes generally remained constant over time from 2004 to 2009"

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As the previous table reveals, the crashes on US 97 at Robal and Cooley Roads were, for the most part, rear end or turning collisions.

#### Fatal erashes on US 97 not due to congestion

As is illustrated in Table 1 above, the real problems are on the local street network and on US20, and not on US97. There were six (6) fatal crashes on these roadways during the six year study period, as opposed to four on US 97. While there was one fatality crash on US 97 and Robal, and while the actual cause was unknown, it was reported in the media that the driver likely suffered a medical event,

A 55-year old Bend man died at the emergency room of St, Charles Medical Center Wednesday evening after his pickup failed to stop for a traffic light at the intersection of Highway 97 and Robal Road in north Bend, authorities noted. Edward Shelton was driving south on Highway 97 and failed to stop behind other vehicles waiting for the traffic light on Robal Road. His 2003 Chevy pickup hit the rear-end of a Ford pickup driven by 33-year old Brooke Running, and her truck was pushed forward and crashed into a Nissan Altima driven by Richard Doeffer, 26. Neither Running or Doerfler were injured in the accident, said Solars. The crash investigation proved inconclusive. Alcohol and speed did not appear to be a factor. Shelton was not wearing a seat belt, and his vehicle's air bags did not deploy. It was unclear whether Shelton suffered a medical condition prior to the crash or if he died from injuries sustained during the crash.

There were three other fatal crashes located on within the API on US97. For more, see <u>Appendix A</u>. For some reason, these crashes were not reported in the TPAU Appendix A tables, although they were discussed within the body of the document. Perhaps this is because none of the accidents were close to the Cooley Road or Robal Road intersections; all took place at least 3 miles (and in one case 8 miles) north of the Cooley Rd. / US97 intersection, as follows:

One occurred on December 1, 2008, on a snowy Monday morning, at Milepost 131.9 (about one
mile north of Fort Thompson Lane). A southbound driver was speeding and crossed the center
lane, striking a northbound vehicle head-on. Both the driver and the passenger in the northbound
vehicle died. (I found no mention of this accident in the Oregon State Police database; I would be
interested in knowing more about it from ODOT.)

Page 4 of 8

### Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS

- On December 18th, also at Mile post 131, a Bend-area man died when the vehicle he was driving slid off Highway 97 about three miles north of Bend and rolled onto its top. The victim was not using safety restraints and was partially ejected, A passenger who was using safety restraints was not injured.
- On November 23, 2009 a 69 year-old Bend woman, Jeanne Coward, was killed at around 2 PM near the Deschutes Market Junction with US 97 when her car was struck by a SUV driven by a 47 year-old man, also of Bend. There was no evidence of speeding or intoxicants as factors, and authorities were baffled as to what might have caused the crash; however, KTVZ.com reported that Hook's erratic driving may have resulted from a medical condition. A friend of Hook's told KTVZ that Hook was diagnosed with juvenile diabetes, a condition that was not detected until he was in his 20s and was drafted for professional baseball. According to Hook's friend, who asked not to be named. Hook "most likely" passed out from low blood sugar.

To summarize, none of the four fatality accidents that occurred on US 97 between t January 1, 2004 and December 31, 2009 were caused by congestion on US 97 within the API. Two appeared to be related to medical events, one involved excessive speed and snow, causing the driver to lose control of his vehicle and cross the center line. The last involved a roll-over accident where the driver, who was not wearing a seathelt, was partially ejected from the vehicle; his passenger who was wearing a seat belt was not injured.

#### Fatal crashes on US 20

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There were two fatalities on US 20 within the API, an area which (according to Appendix  $V_*$  of the Final TPAU Report), is within the  $95^{th}$  percentile for intersection queuing. The first crash was an angle collision located at the stop-controlled Cooley Road intersection. It occurred in November, 2006. A westbound vehicle ran a stop sign, striking a northbound vehicle and killing its driver. The conditions that day were cloudy but dry and the crash took place mid-day. The second crash occurred early on a Thursday morning in May 2007. An eastbound vehicle failed to maintain its lane, crashing and killing the passenger. Neither of these crashes were congestion related.

The US 97 Bend North Corridor project plans no improvements for the US 20 area between O.B. Riley and Cooley. It is expected to become even more congested in 2015 with the East DS1 option. (See Final TPAU Report, Appendix L, page L-241).

#### Fatal crashes on Local Streets in the API

#### Cooley Rd

There was one fatality on Cooley Rd, and Hunnell Rd., us was described on page 18 of the Final TPAU Report, on page 18:

• There was one fatal crash on Cooley Road during the six year reported period, it occurred on the Veteran's Day holiday in 2006 Friday at about 3 pm. A northbound vehicle ran a stop sign in cloudy but dry conditions, striking a westbound vehicle. The driver and two passengers were injured in the creant vehicle, while the elder driver of the stuck vehicle was the fatality.

#### OR Riley Road

There were three fatal crashes on OB Riley Road between 2004 and 2009, as described on page 18 of the Final TPAU Report, on page 20:

- The first fatality was a fixed object collision which occurred on a Monday evening in April 2005 on a cloudy but dry evening located at the signalized US 20 intersection. The driver failed to maintain his lane and ran off the road and struck a tree.
- The second fatality was also a fixed object collision on a Thursday evening in March 2008. A
  southbound motorcycle that was driving too fast for conditions failed to stay in his lane, The

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# Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS

cyclist lost control hitting the ditch, fell off, and struck a fixed object. The crash occurred on a clear, dry night.

The third fatality occurred on a Monday evening in July 2009 in unknown conditions. A northbound motorcycle struck a westbound moped that did not yield the right of way and was obscured from view. Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS

Appendix A - Fatality Crash Data for US 97 in the API between 2004 and 2009

Fatal Traffic Crash - Highway 97 north of Bend (1.5 Miles N. of Ft. Thompson)

#### 12/18/2008

Lieutenant Carl Rhodes Oregon State Police - Bend Office: (541) 388-6213

Photograph link valid for 30 days - Source; Oregon State Police http://www.flashnews.net/images/news/121898.fatal.hwy97mp131.1.jpu

A Bend-area man died Thursday morning when the vehicle he was driving slid off **Highway 97** about three miles north of Bend and rolled onto its top. The victim was not using safety restraints and was partially ejected. A passenger who was using safety restraints was not injured.

According to Oregon State Police (OSP) Senior Trooper Terry Miller, on December 18, 2008 at approximately 8:30 a.m. a 1998 Dodge 2500 4x4 pickup driven by DAVID LAWRENCE BIRCHEM, age 32, from Bend, was northbound on Highway 97 near milepost 131 on the snow-covered roadway. The pickup slid off the east side of the highway and rolled onto its top.

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BIRCHEM was not using safety restraints and was partially ejected. He was pronounced deceased at the scene.

Passenger JUSTIN M. MAYES, age 25, from Bend, was using safety restraints and was not injured.

OSP troopers from the Bend Area Command office are completing the investigation. Speed and slick road conditions were contributing factors.

Deschutes County Sheriff's Office, ODOT and Bend Fire Department assisted at the scene.

Fatal Traffic Crash - Highway 97 near Deschutes Market Junction

#### 11/23/2009

A Bend, Oregon woman, Jeanne Coward, 69, was killed November 23, 2009, around 2 PM, on Highway 97 near the Deschutes Market Junction when her car was struck by an SUV driven by Dodd Hook, 47, also of Bend. The crash also involved a third vehicle, an SUV driven by Lois Gruver of Bend.

The Deschutes County Sheriff's Office and Oregon State Police were called to the crash involving the Ford Explorer, driven by Hook, which had been reported for driving erratically, weaving, and possible striking the median barrier. The crash occurred minutes after 911 received the erratic driving call.

Hook lost control of his vehicle and sideswiped Gruver's car in the encoming southbound lanes. Hook's car then overturned and rolled into Coward's car. Coward was pronounced dead at the scene-Hook suffered non-life-threatening injuries; he was taken to St. Charles Medical Center, where he was treated and released from the emergency room. Gruver was not injured.

There was no evidence of speeding or intoxicants as factors, and authorities were baffled as to what might have caused the crash; however, KTV2.com reports that Hook's erratic driving may have resulted from a medical condition. A friend of Hook's told KTV2 that Hook was diagnosed with Juvenile diabetes over 20 years ago. The condition was not detected until he was in his 20s and was drafted for professional baseball. According to Hook's friend, who asked not to be named, Hook "most likely" passed out from low blood sugar. "We're really upset about what happened to this lady," the friend told KTVZ. "It was a freak thing. We don't know exactly what happened. If his blood sugar goes very low, very fast," trouble can arise.

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#### Safety Data Summary derived from ODOT's US 97 Bend North Corridor Draft EIS

#### Fatal Traffic Crash - Location not identified in TPAU Appendices

December 1, 2008 (Milepost 130.19 - South of Deschutes Mkt. Junction; north of Fort Thompson Lane on US 97)

Per the ODOT Transportation Planning Unit's Appendix A, and the Final Transportation Planning Unit Final Report, December 2010

The Appendix A of the Final 19AU Report states this: A southbound vehicle that was speeding and over the centerline just after noon on a clear dry Monday. This errant vehicle struck another vehicle head-on killing both the driver and passenger of the second vehicle.

It should be noted that neither the Oregon State Police report nor any other local agency has information on this crash. No local newspaper or television station reported on this crash. We are interested in seeing ODOT's documentation of this crash so that we can better understand the particulars associated with it.

### 001 Cont.

### Fatal Traffic Crash - Highway 97 near Deschutes Market Junction

#### 11/1/2006

A 55-year old Bend man died at the emergency room of St. Charles Medical Center Wednesday evening after his pickup falled to stop for a traffic light at the intersection of Highway 97 and Robal Road in north Bend, authorities noted.

Officers and fire department personnel were enroute to the scene near Home Depot about 6:10 p.m. November 1 when they learned the injured driver, Edward Dennis Shelton, went unconscious.

According to Office Shad Soliars in a news release issued by Bend Police, officers and Bend Fire emergency medical technicians provided medical care on-site before Shelton was transported by ambulance to the hospital, where he later died.

Shelton was driving south on Highway 97 and failed to stop behind other vehicles waiting for the traffic light on Robal Road. His 2003 Chevy pickup hit the rear-end of a Ford pickup driven by 33-year old Brooke Running, and her truck was pushed forward and crashed into a Nissan Altima driven by Richard Doefier, 26. Neither Running or Doerfler were injured in the accident, said Solars.

The crash investigation proved inconclusive, Alcohol and speed did not appear to be a factor. Shelton was not wearing a seat belt, and his vehicle's air bags did not deploy. It was unclear whether Shelton suffered a medical condition prior to the crash or if he died from injuries sustained during the crash.

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#### Analysis of ODOT Traffic Data from ATRs Stations 09-020, 09-007 and 09-009

#### How the data used in the analysis was developed

The data presented below was gathered from ODOT's Traffic Counting Program website; www.oregon.gov/ODOT/TD/TDATA/Ism/Ivt.shtml/shtml

All vehicles were counted and averaged over one day between 2004 and 2010. The acronym AADT is used to represent the volumes that result from this activity.

Traffic is measured using Automated Traffic Recorders (ATRs). ATRs are in place along the entire API, from its north to south end and provide complete coverage of the US97 corridor study area.

- The first ATR used to count traffic is referred to as Station 09-020; it is located 0.79 mile south of Yew Avenue in Redmond.
- . The second ATR station (09-007) is located 0.49 mile south of Empire Avenue in Bend.
- The third ATR station (09-009) is located 0.16 mile south of NW Lafayette Avenue in Bend.

#### Trends based on ODOT's ATR data

Based on the data collected from these ATRs, it was possible to develop three graphical representations of the traffic trends for the API between 2004 and 2010 for these areas:

- Deschutes Market Road Junction. (Figure 1 shows the trend on US97 0.10 mile south of Deschutes Market Road).
- Nels Anderson Place at the entrance of the Cascade Village Shopping Center. (Figure 2 shows the trend on US97

   0.05 mile north of Nels Anderson Place at this shopping mall entrance, which ODOT refers to as the "Mountain View Mall in Bend")
- Empire Avenue. Figure 3 shows the trend on US97 0.49 mile south of Empire Avenue in Bend.

NOTE: A graphical representation of the above is included at the end of this report. Also included is Table 1: Traffic Data on US97 between Yew Avenue in Redmond and Powers Avenue in Bend.

#### 002

#### Observations

The following observations can be made from AADT data from the three ATR stations mantiened above:

- The maximum amount of traffic growth (26% of total) between the years 2004 2007 took place 0.05 mile north
  of Nels Anderson Place
- All other API locations had growth rates ranging between 2.5% 13% during the same 2004 2007 time period.
- The US97 corridor's highest truffic volumes (46,600 AADT in 2007) are located 0.3 mile south of the Empire Avenue interchange, although the rate of growth in that area was only 13% from 2004 - 2007. Traffic volumes in 2011 are the same as those in 2004.
- Most of the traffic congestion on US97 takes place between the Empire Avenue interchange and the Colorado Avenue interchange. This calls into question the US 97 Bend North Corridor Project's Purpose and Need.
- The Robal Road / Cascade Village Shopping Mall intersection showed an AADT of 32,500 in 2010, down from an AADT of 36,000 in 2004.
  - Page 34 of the Final Traffic Planning Analysis Unit Technical Report (Final TPAU Report) states that traffic volumes at this same location were 44,500 ADT in 2007.
  - In fact, ODOT's Truffic Counting Program data shows traffic volumes in this location were actually 38,200 ADT.
  - Page 34 of the Final TPAU Report also states that the Robal Road intersection will experience a 32% increase in ADT in 2035, bringing volumes up to 58,700 ADT.
  - Even assuming a 32% increase, when today's volumes of 32,500 are used to project 2035 volumes, this location's 2035 ADT would be only 42,900, only a 12% increase over the peak volumes seen in 2007.

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#### 002

This comment has been superseded by comment P154 001 submitted by Toby Bayard on September 11, 2011. Please see the response to that comment.

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#### Questions resulting from observed data

ODOT uses peak traffic periods (2006-2007) as a starting point to analyze how traffic volumes can be expected to increase to the levels projected for 2035.

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- ODOT states that 2007 counts are functionally equivalent to 2009 values (DEIS, pg. 1-4, 1.3.1).
- Yet ATRs 09-020, 09-007, and 09-090 show a 9 15% decrease in volumes from 2007 to 2009.
- We do not understand how ODOT was able to project a growth rate of 32% in the API, when its own AADT traffic data show much slower rates of growth.
- Throughout the Draft EIS and its associated technical reports, there appears to be a pattern of overstating traffic counts, particularly with respect to projecting future volumes.

ODOT's own data shows US97's real congestion problems lie between the Rotal Road and Colorado Avenue interchanges. As such, why does the US 97 Bend North Corridor project propose to build a northern interchange north of Cooley Road and connect it to a northern extension of 3rd Street (also north of Cooley Road)? How does this approach resolve US97's real congestion issues which are south of Robal Road? Is the northern interchange intended to alleviate further congestion generated by the city of Bend's Juniper Ridge project? Is it also aimed at creating a connection to US20 for those traveling south on US97? What is the real purpose and need of this project? How do ODOT's own data support this purpose and need?

ODOT's projected 32% increase in traffic volumes between 2009 and 2035 must be further explored:

- US Census Bureau's population trends since 1990 (graph attached, Figure 4) reveals that Bend's population peaked in 2009 and is now declining.
- Population trends typically lag economic trends by one and one-half to two years<sup>1</sup>. Thus, analysts should expect a
  further decrease in Bend's population in the coming years.
- The consensus of economists, including those focused specifically on Central Oregon, is that economic growth will remain sluggish for at least five more years. If not a decade (please refer to documentation we have placed into the Public Record).
- Vet ODOT has assumed that Bend's growth will resume and trend at an even higher rate than what was experienced during its "boom" years (2004 to 2007).

Another area of concern relates to a statement on page 34 of the Final TPAU Report: "The (traffic) volumes were post-processed using procedures from the National Cooperative Highway Research Council Report 255".

- Inspection of this report makes clear that considerable latitude has been used in the past, and is still being used, to
  determine future traffic volume trands.
- Many different assumptions, models, and procedures can be used. Which did ODOT use to arrive at its growth model?
  - Did it use standardized FHWA or UMTA procedures to perform the travel demand forecast? How can we view the base (present) validations runs, used as part of the computerized travel demand process for highway project planning or design studies?
  - Who provided land use and socio-economic data used in the forecasting process (MPO, local agencies, ODOT, others)?
  - What modal choice process was used in the travel demand forecast (computer and/or manual models)?
  - 4. Was ODOT's computer assignment process, all-or-nothing, capacity-restrained, or stochastic?
  - Which model did ODOT used for the computerized forecast, and did ODOT code global speed/capacity tables or separate speeds and capacities for each link in the network?
  - 6. In areas where computerized traffic assignments are not available how did ODOT perform traffic forecasts and where is that process documented to be reviewed?
  - For each alternative, No-Build, East DS1, and East DS2, please describe the methodology used and more specifically, what weight was given to historical trends, land use laws, and professional judgment?
  - What capacity analysis did ODOT use both on arterial and expressway: 1965 High Capacity manual, TRB Circular 212, or just V/C ratios?

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US 97 Bend North Corridor Project

# Economic Viability of the US97 Bend North Corridor Project

It is reasonable to ask that when taxpayers' dollars are invested in infrastructure projects, those projects produce significant future benefits that exceed the cost to build them. To that end, ODOT performed a Benefit-Cost Ratio (BCR) analysis of the US97 Bend North Corridor Project prior to its narrowing of the build alternatives down to the two present ones: East DS1 and East DS2. A number of system performance measures were evaluated using Oregon's version of the Highway Economic Requirements System (HERS-ST). ODOT's analysis is described in Appendix T of the Final Traffic Analysis Technical Report (Final TPAU Report), Pages T-359 to T-384. Three roadway scenarios were considered:

- The No-Build: Intersection scenario is the existing road system. This is the "no-build" condition and the base case against which the build scenarios are compared.
- The Build: Interchange scenario replaces the existing Cooley Road signalized intersection with a full interchange and removed all access points to US97.
- 3. The Build: Bypass scenario made no change to the existing alignment, but added a "new" bypass alignment around the analysis area. This is essentially what East DS1 and East DS2 would do by re-routing US97 on the east side of the present alignment, thus bypassing the analysis area.

Two assumptions were made regarding the funding of the scenarios:

- The project would cost either \$50 million or \$100 million. This project cost assumption was developed simply for the purposes of analysis and had no bear on actual project costs.
- While it is not particularly relevant to the BCR study, ODOT, in its Draft EIS, states that East DS1 and East DS2 build alternatives will cost between \$170 and \$220 million.

After completing the analysis, the BCR process returns a grade of economic performance. A grade of 1 shows the project breaks-even. For every dollar invested in infrastructure, a dollar of benefit is produced. There is no visible benefit to the community. A grade greater than 1 indicates that a project will produce some economic henefit. A grade of 3 or 4 reveals that it is economically advantageous to build. The higher the project's BCR score, the greater its benefit to the community. ODOT's results for the US97 Bend North Corridor Project show the Build Bypass scenario is not economically attractive:

- If \$50 million is being spent, the BCR is 3.37 for Scenario 2 (Build: Interchange)
- 4 If \$50 million is being spent, the BCR is 1.87 for scenario 3 (Build: Bypass)
- . If \$100 million is being spent for Scenario 2 (Build Interchange), the BCR 3.05
- If \$100 million is being spent for Scenario 2 (Build Bypass), the BCR is1.71

On page T-373 of the Final Traffic Analysis Technical Report, Appendix T, ODOT's report states that "at some point, probably about \$160-180 million, the system benefits will no longer justify the construction costs". In other words, once the project costs more than \$180 million, it is not worth building. On page D-9 of the Draft EIS' Appendix D, ODOT states that the estimated cost for the build alternatives "range from \$170-5220 million". On page ES4 of the Draft EIS' Executive Summary, ODOT states, "Based on past experience and forecasts for Central Oregon, it is conceivable that the proposed action could receive up to \$250 million.

Both the East DS1 and East DS2 alternatives combine an Interchange solution with a Bypass solution. Their true costs are not clearly presented in the Draft EIS, but their design premise is. A Northern Interchange connects to a city arterial (a northern extension of 3rd Street) which removes local trip traffic from US97. US97 becomes a highly access controlled expressway; 3rd Street is a "bypass". Both the project's East DS1 and East DS2 alternatives are "hybrids" that disregard the BCR analysis ODOT performed early in the project. Hybrid projects of this type produce a very low BCR score.

In addition to BCR, the traffic performance of the project's three alternatives is presented on page T-368 of Appendix T:

- No-Build: V/C = .75, VMT = 24.4, Average Speed (mph) = 36, Delay (hr/100 VMT) = 35.1
- Cooley Interchange: V/C = .54, VMT = 24.2, Average Speed = 54, Delay = 0.5
- Bypasses: V/C = 0.36, VMT = 26.3, Average Speed = 53.1, Delay = 7.2

ODOT's analysis suggests that overall, a Cooley Road interchange has performance somewhat similar to a bypass; in some cases, better. It can also be assumed to be less expensive as far less right of way must be acquired (20% of project cost).

Cost analysis: A typical EIS usually include a detailed cost analysis of each build alternative. NEPA clearly specifies that when there are no important qualitative differences (like traffic performance) as is the case for Alternatives East DS1 and East DS2, a cost analysis must be provided as it will influence the choice between alternatives. Such analysis is missing from the US97 Bend North Corridor project.

-1-

#### 003

We acknowledge your concerns regarding the economic viability of the project. We acknowledge your support of the No Build Alternative and your preference for the East DS2 Alternative over the East DS1 Alternative. ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that would have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

A revised and more detailed benefit-cost analysis was conducted in November 2013 for the Preferred Alternative and is presented in Appendix R of the Updated Traffic Analysis Report referenced in the Final EIS. The benefit-cost ratio for the Preferred Alternative, as determined by the Highway Economic Requirements System (HERS-ST), is 1.4. In general, a benefit-cost ratio of 1.0 or greater indicates a worthwhile project for the cost. Therefore, the benefit-cost ratio of 1.4 indicates that the economic benefit of the Preferred Alternative exceeds the cost of the Preferred Alternative.

Estimated costs for the alternatives were provided on page i of the Draft EIS and Exhibit 15 of the Draft Section 4(f) Evaluation and are updated in Chapter 2.5.3 of the Final EIS. Cost estimates for the alternatives in the Draft EIS were provided at a level of detail consistent with the level of engineering design that was available when the Draft EIS was published. The estimated costs for the East DS1 Alternative and the East DS2 Alternative studied in the Draft EIS were similar – \$170 to \$220 million – and were not a significant differentiator. The estimated cost for the Preferred Alternative is approximately \$174 million (2016 dollars).

Please also see Topic 25 – Cost and benefit-cost analysis.

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#### Comments on Final Socioeconomic and Environmental Justice Technical Report

Page 3 — States that the purpose of the US 97 Bend North Corridor project is to improve safety and mobility for trucks and automobiles on US 97 by implementing a practical design solution that is affordable within the potential 20-year funding opportunities.

004

- The Draft EIS fails to share project costs with either alternative in sufficient detail for a
  member of the taxpaying public to assess if the design solution is affordable. This
  information is necessary for the Levins to determine whether or not alternatives are
  affordable.
- Page 3 NEPA of 1969 "established that the federal government use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings".

005

- If ODOT selects East DS1 as the Preferred Alternative, it must do more to mitigate
  impacts. We ask that it budget for 3<sup>rd</sup> Street neighborhood-friendly features such as
  sidewalks, a landscaped median, parking, roundabouts to calm traffic and two
  pedestrian overpasses in the Bowery Lane area.
- Page 3 Sates that project will reduce ... "congestion and improve safety and operations on US 97 as an expressway between the Deschutes Market Road/Tumalo Junction interchange and the Empire Interchange"

006

However, the East DS1 alternative will shift the traffic congestion and safety problems to
the northern part of the API (where the Northern Interchange is constructed) and divert the
congestion and the associated safety problems to a rural residential neighborhood. This is
a direct effect which will likely lead to indirect effects over time.

Page 4 through 6 – Executive Order 12898 on Environmental Justice addresses only minority and low-income populations. "However, concentrations of the elderly ... are protected by Title IV of the Civil Rights Act of 1964"

007

- Block group data provided by PSU (Charles Rynerson) shows that for Block Group 991201.2 ODOT's figures are outdated. Toby Bayard passed updated information to Amy Pfeiffer on 8/29/2011.
- Average age of Hunnell Neighborhood property owners is 62 (HUNS database)

00

Page 12 – "Until 2007, the average unemployment rate in the City of Bend and Deschutes County was lower than the average unemployment rate in Oregon. However, beginning in 2007, the City and County experienced substantially higher unemployment than the rest of Oregon, jumping two and three percentage points higher than the statwide average as shown in Exhibit 9. The County lost approximately 2,800 (4.5 percent) jobs between January 2009 and March 2010 (Oregon Employment Department 2010c). However, consistent with the primary Deschutes County industries, employment incrased in both leisure and hospitality (7.5 percent) and the federal government (3.8 percent) during the same period."

 The above conflicts with assumptions of rapid growth that are made throughout the Draft FIS

Page I of 18

#### 004

This comment is similar to P147 003; please see the response to that comment. Please also see Topic 25 – Cost and benefit-cost analysis and Topic 16 – Funding.

#### 005

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. As shown in Exhibit 2-3 FEIS in the Final EIS, the Preferred Alternative will not include any new roadways through the Hunnell Neighborhood and 3rd Street will remain within the City of Bend urban growth boundary, as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range) influenced identification of the Preferred Alternative.

#### 006

The indirect impacts of the alternatives were disclosed by resource in Chapter 3 of the Draft EIS (see Sections 3.1.3, 3.2.3, and so forth for each resource). The Draft EIS discloses the PM peak traffic volumes on Bowery Lane and Hunnell Road under the East DS1 and East DS2 Alternatives as shown in Exhibit ES-7. Under the Preferred Alternative, there will be no improvements to Bowery Lane and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel, as shown in Exhibit 2-3 FEIS (Map 7) in the Final EIS. The Preferred Alternative eliminates most of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 007

Under Title VI and related statutes, each Federal agency is required to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of race, color, national origin, age, sex, disability. *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* requires that each Federal agency shall, to the greatest extent allowed by law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid "disproportionately high and adverse" effects on minority and low-income populations. The Socioeconomic and Environmental Justice Technical Report and the Final EIS have been updated to include the most current census data available (2010).

Based on the discussion and analysis in Section 3.4.3 of the Final EIS and the Final Socioeconomic and Environmental Justice Technical Report, the Preferred Alternative will not cause disproportionately high and adverse effects on any minority or low-income populations in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23. No further EJ analysis is required.

As included in Appendix C of the Final EIS, it is ODOT's policy to assure that no person shall, on the grounds of race, color, national origin, disability, age or sex, as provided by Title VI of the Civil Rights Act of 1964 and related statutes, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of the programs or activities ODOT administers.

#### 800

An average annual population growth rate of 1.03 percent was used based on adopted Deschutes County Population Estimates, which is a reasonable assumption. The Socioeconomic and Environmental Justice Technical Report and the Final EIS have been updated to include the most current population and growth data available. Exhibit 2 in that report shows that in 2010 the City of Bend had negative population growth (-0.7 percent), but had positive population growth in 2011 (0.3 percent) and 2012 (0.7 percent). For the Final EIS, ODOT and the Bend Metropolitan Planning Organization determined that applying a 10 percent reduction to the traffic volumes would more accurately represent the existing traffic conditions. For the Final EIS, the traffic analysis for the No Build Alternative and the Preferred Alternative was updated to reflect the 10 percent reduction in traffic volumes. Please also see Topic 24 – Traffic analysis.

Page 14 - Hunnell Neighborhood described, including roadways. Picture (page 14) shows Levin's property and the open space and native vegetation that characterizes the Bowery Lane neighborhood. The Final Socioeconomic and Environmental Justice Technical Report notes that Bowery Lane and Hunnell Rd, are unimproved and unpaved.

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· Page 37, the East DS1 alternative will cause, "vehicular and road noise, visual impacts from new and expanded local roads and elevated structures, and air impacts from vehicle exhaust would increase in the immediate vicinity of the 3rd Street extension." This is illustrated by examining the picture of Levin's property on page 14. (See more images of Levin's in Appendix A of this document.)

Page 16 - Community Character and Cohesion. Within the API, the community can be characterized as ... predominantly rural residential within Deschutes County in the Northern portion. "Community cohesion is the ability of people to communicate and interact with each other in ways that lead to a sense of community, as reflected in the neighborhood's ability to function and be recognized as a singular unit. The indicators of community cohesion include longevity of residency tenures."

Page 17 - ODOT notes that "a community that has longer than most residential tenure is the Hunnell Neighborhood).

- Bowery Lane residents have an average tenure length of 17 years (1995):
  - Toby and Michel Bayard 1998
  - John Hansen 1972
  - Bruce and Susan Levin 1990
  - Rick Lloyd and Kate Blake 2004
  - Duane and Dina Barker 1989
  - Ray and Anita Hasart 1986
  - Patrick Murphy 1987
  - Crystal Dollhausen 1995

- Josh and Holly Steele 2004
- Sara Rose Brown 2009
- · Vickie Dimeo 2001
- Brad Cox 1999
- Van and Loel Jensen 1994
- Randy Olano 2006
- Jerry Morris 2001
- Kristen Boatman 1989
- Page 16 17. Household size (where occupancy is 2 or more) leads to a higher degree of community cohesion.
  - Bowery Lane households average 2.6 people (average occupancy w/i the API is 2.5); the area has a high level of community cohesion. Further all Bowery Lane properties but one are owner occupied and all but one are developed with a home. Dollhausen - 2 (owner occ.)
    - Levin 2 (owner occ.)
    - Cox 1 (owner occ.)
  - Steele 4 (owner occ.)
  - Barker 2 (owner occ.)
  - Bayard 2 (owner occ.)

  - Hansen-2 (owner occ.)
  - Dimeo 1 (owner occ.)
  - Blake/Lloyd 2 (owner occ.)
- Brown 4 (owner occ.)
- Hasart 2 (owner occ.)

Jensen - 2 (owner occ.) Olano - 4 (rental)

Murphy - (raw land)

Morris - 3 (owner occ.)

Boatman - 2 (owner occ.)

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#### 009

ODOT and the FHWA have identified East DS2 Modified Alternative in the Final EIS as the Preferred Alternative. The impacts referenced in this comment will not occur under the Preferred Alternative. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. As shown in Exhibit 2-3 FEIS in the Final EIS, the Preferred Alternative will not include any new roadways through the Hunnell Neighborhood and 3rd Street will remain within the City of Bend urban growth boundary as shown in Exhibit 2-3 FEIS (Inset Map 7) in the Final EIS.

#### 010

Page 3-37 of the Draft EIS acknowledged that "the Hunnell Neighborhood has longer residency tenures than most other neighborhoods in the Bend area. Many of the homes in the Hunnell Neighborhood were constructed about 30 years ago, and many of the original homeowners still reside at the same home." The Socioeconomic and Environmental Justice Technical Report has been updated to describe the residential tenure in the Hunnell Neighborhood.

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Page 17 - Community Activity and Communication. There appears to be substantial community activity and communication within the separate neighborhoods indentified within the API. "This is evidenced in the Hunnell Neighborhood by a neighborhood website and coordinated public input to this project. Although the Hunnell Neighborhood is more rural and does not have many community amenities, such as sidewalks, this appears to be a defining characteristic preferred by the neighborhood residents."

 The HUNS area has a high degree of community communication. The HUNS send out regular neighborhood updates to an email list that contains 88 email addresses.

Page 26 – Established Business Areas. Notes that the majority of businesses (76 percent) reported 10 or fewer local freight trips (within the Bend area) to and from their facility each week.

• This statistic fails to discuss the size or type of the business (large retail, e.g., Target, Home Depot, Staples, Trader Joes, Food 4 Less, Dicks Sporting Goods, Best Buy, Bed Bath and Beyond, etc.). We require more precise data so as understand the impacts from freight delivery coming through the Bowery Lane neighborhood on 3rd Street). We request that ODOT break out (by individual merchant) the number of freight deliveries for the "big box" stores.

Page 26 - Many of the businesses that have a high proportion of drive-by clients are restaurants and coffee shops, or retail facilities.

- This business type comprises virtually all of the Cascade Village Mall, the Bend Associates Mall (Target, Home Depot, Staples, etc.), and the Newman Development Group (Lowes, Sherwin Williams and American Tire) mall.
- A large percentage of the trips that will exit US 97 via the Northern Interchange and travel along 3<sup>rd</sup> Street will be heading for the stores in these shopping / dining areas.
- Further, as the average business in the area employs 23 persons, and as there are 51 such businesses in the area between Robal Road / Cooley Rd., there is a potential for hundreds of employee trips / day to travel through the Bowery Lane area. These trips are in addition to the freight trips and the trips made by those going to or coming from the malls. We request that ODOT share its trip volume assumptions for trips exiting US 97 at the Northern Interchange (and continuing south on 3rd Street) and also for trips traveling northbound on 3rd Street and accessing the Northern Interchange, This trip traffic volume is not made clear in the Draft EIS.
- In addition, trips to and from businesses south of the malls (for instance, around Empire) can also be expected to use the Northern Interchange and 3<sup>rd</sup> Street. ODOT, in its traffic volume assumptions, assumed no trips south of the US 97 (Parkway) / existing 3<sup>rd</sup> Street intersection will use the Northern Interchange or travel on the northern extension of 3<sup>rd</sup> Street. We ask that ODOT revisit this assumption.
- The loss of access incorporated into the East DS1 Alternative poses an economic hardship to the businesses in these malls. We think that ODOT did not adequately address or account for the economic impacts to these established businesses.

Page 27 - Exhibit 18. Proportion of Customers as Destination Clients and Drive-By Clients.

Page 3 of 18

#### 011

The community activity and communication in the Hunnell Neighborhood was acknowledged on page 3-88 of the Draft EIS, and the Final EIS has been updated to include the Hunnell United Neighbors (HUNs).

#### 012

We acknowledge your concerns regarding freight traffic through the Hunnell Neighborhood. The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. As shown in Exhibit 2-3 FEIS in the Final EIS, the Preferred Alternative will not include any new roadways through the Hunnell Neighborhood, and 3rd Street will remain within the City of Bend urban growth boundary as shown in Exhibit 2-3 FEIS (Inset Map 7) in the Final EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

#### 013

The Preferred Alternative avoids many of the impacts in the Hunnell Neighborhood that could have occurred with the East DS1 and East DS2 Alternatives evaluated in the Draft EIS. As shown in Exhibit 2-3 FEIS in the Final EIS, the Preferred Alternative will not include the northern interchange referenced in this comment or new roadways through the Hunnell Neighborhood, and 3rd Street will remain within the City of Bend urban growth boundary as shown in Exhibit 2-3 FEIS (Inset Map 7) in the Final EIS.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

013 Cont.

 We request that ODOT provide more information as to the size of business (number of employees). This chart is incomplete without this information.

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Page 29 - "Through public involvement and conversations with the residents of the Hunnell Neighborhood which is within the census block group and nearest to or within the API, few low-income residents of this census block reside within the API.

 We request that ODOT provide better documentation than simply to state that "conversations with the residents" of "the Hunnell Neighborhood" are the basis for its findings. With whom did ODOT speak, and when?

015

016

Page 29 - Exhibit 19, Income below Poverty Level by Census Block Groups within the API.

More current data is available from PSU. We ask that ODOT update this table.
 Toby Bayard forwarded an email to Amy Pfeiffer from Charles Rynerson of PSU with more current information on Wednesday August 29, 2011

Page 34 – East DST Alternative. When discussing 3<sup>rd</sup> Street, the Draft EIS states, "Neighborhoods and businesses would benefit from these improvements through more transportation connectivity and enhanced safety on US 97 compared to existing conditions".

- Residents of the Bowery Lane neighborhood would not, however, benefit from the increased trip traffic volumes that will be routed on 3<sup>rd</sup> Street with the East DSI Alternative. This traffic will bisect the rural residential Bowery Lane neighborhood and destroy its community character and cohesion. ODOT must more clearly explore the direct and indirect impacts associated with these changes to the Bowery Lane neighborhood, including a discussion of Foreseeable Actions that might further impact the neighborhood.
- The Transportation Planning Analysis Unit (TPAU) Technical Report shows a connection of 18th Street to the overpass over US 97 that can be expected to direct traffic from Juniper Ridge through the rural residential Bowery Lane neighborhood. This is a foreseeable action that will result in an indirect effect on the rural residential Bowery Lane neighborhood. We ask that ODOT more thoroughly discuss this and similar growth inducing foreseeable actions and discuss the associated, potential indirect effects.
- Residents in the Bowery lane neighborhood will be negatively impacted by far greater
  threats to their safety once 3<sup>rd</sup> Street is routed through their rural residential
  neighborhood. The Draft EIS does not overtly recognize this, but it should. We ask
  that ODOT explore this direct effect.
- "The East DSI Alternative would have beneficial and adverse impacts on the
  community cohesion in the APL." Clearly, there will be adverse impacts on Hunnell
  Neighborhood residents, particularly those who reside on Bowery Lane, Harris Way
  and to a slightly lesser degree Rogers and Hunnell Roads. The EIS should more
  thoroughly address these adverse impacts on the Hunnell Neighborhood.

017

Page 35 – Community Character and Cohesion. "The East DSI Alternative would not change the community character within the API .... The northern portion would remain predominantly rural residential."

Page 4 of 18

#### 014

The statement referenced in this comment has been removed from the Final Socioeconomics and Environmental Justice Technical Report.

#### 015

The Socioeconomic and Environmental Justice Technical Report and Section 3.5.2 of the Final EIS have been updated to include the most current census data available (2010).

#### 016

Under the Preferred Alternative, there will be no northern interchange, and improvements to Hunnell Road will be limited to the installation of a traffic signal at the intersection with Cooley Road as shown in Exhibit 2-3 FEIS (Map 6) in the Final EIS. The Preferred Alternative eliminates most of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives, including impacts to Bowery Lane and Hunnell Road north of Loco Road. Under the Preferred Alternative 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Direct and indirect impacts of the alternatives considered in the Draft EIS were disclosed in Chapter 3 (see Sections 3.1.3, 3.2.3 and so forth for each resource).

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 33 – Induced growth.

#### 017

This similar is similar to comment P147 016; please see the response to that comment.

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The above statement greatly understates the dramatic impact that accompanies the placement of urban facilities (a major expressway interchange and a business arterial) through the middle of the rural residential Bowery Lane neighborhood. We ask that ODOT more thoroughly discuss how this neighborhood's community character

018

The extension of 3rd Street into the Bowery Lane area will attract substantially more traffic (many orders of magnitude) to this area where today, Bowery Lane is unimproved and only one lane wide. We ask that ODOT provide more specific traffic volume projections and further describe the direct effects (and potential indirect effects) that this action will cause.

019

The community character of the Hunnell Neighborhood would be directly and negatively impacted. Testimony given at 8/24/2011 ODOT Public Hearing on the US 97 Bend North Corridor Project demonstrates this: Crystal Dollhausen, Dina Barker, John Dollhausen, Michel Bayard and Toby Bayard all testified as such. We ask that the Draft EIS for the US 97 Bend North Corridor Project overtly acknowledge neighborhood opposition with respect to loss of Community Character and Cohesion and present more realistic measures to prevent such a change.

Page 35 - Third (3rd) St. is a busy commercial arterial designed to remove local trip traffic from US 97 (where local trip traffic comprises as much as 75% of total trips). The proposed interchange and arterial will be sited in a rural residential neighborhood, necessitating the displacement of four residents and the acquisition of strips of land from others. Despite this, the Property Acquisition and Residential Displacements section of the Final Socioeconomic and Environmental Justice Report states, "The proposed transportation improvements and the acquisition of residential property with the East DSI Alternative would not change the zoning in this area".

· A transportation project that places a full diamond interchange and extends an arterial through the middle of a rural MUA10 zoned area will radically change its community character and cohesion. Urban facilities such as these were not planned for the rural residential Bowery Lane neighborhood. Such facilities will become the dominant feature of the MUA10 zoned neighborhood and redesign its community character.

020

ODOT's Purpose Statement, presented on page 1-3 of the Draft EIS, identifies that the project "supports economic development consistent with local agency plans". Elsewhere throughout the Draft EIS and related Technical Reports it is made clear that the local agency is the city of Bend and the economic development Juniper Ridge.

Should ODOT elect to make East DS1 its preferred alternative, we ask that the city of Bend, during its UGB expansion remand process, develop a Finding that brings the Bowery Lane area into the expanded UGB with zoning (e.g., mixed employment, commercial neighborhood, PO/RM/RS, etc.) consistent with the major urban transportation facilities described in the US 97 Bend North Corridor project

The inclusion of the Bowery Lane area in Bend's expanded UGB is particularly justified given that ODOT's Draft EIS documents a "foreseeable action": a connection between the Northern Interchange and N.E. 18th Street, where N.E. 18th Street passes directly through the portion of Bend's Juniper Ridge Phase I development that is within its UGB. (It should be noted that since 2007 when the city brought Juniper

018

The Draft EIS acknowledged the PM peak traffic volumes on Bowery Lane and Hunnell Road under the East DS1 and East DS2 Alternatives as shown in Exhibit ES-7. The Preferred Alternative will not cause the traffic volumes on Bowery Lane to increase or decrease, since all design improvements avoid the county road network in the Bowery Lane area. Traffic volumes on Bowery Lane will be the same as the No Build Alternative

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

This similar is similar to comment P147 016; please see the response to that comment.

019

We acknowledge your opposition to the East DS1 Alternative. This comment is similar to comment P147 016; please see the response to that comment.

020

Under the Preferred Alternative, there will be no northern interchange, and improvements to Hunnell Road will be limited to the installation of a traffic signal at the intersection with Cooley Road as shown in Exhibit 2-3 FEIS (Map 6) in the Final EIS. The Preferred Alternative eliminates most of the impacts in the Hunnell Neighborhood that were associated with the East DS1 and East DS2 Alternatives, including impacts to Bowery Lane and Hunnell Road. Under the Preferred Alternative 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. The Preferred Alternative has been designed to minimize improvements that will occur outside of the City of Bend's adopted urban growth boundary. As a result of these modifications, and through coordination with Deschutes County and the Oregon Department of Land Conservation and Development, goal exceptions to the statewide planning goals will not be required.

Please also see Topic 5 – Statewide goal exceptions, Topic 18 – Juniper Ridge, and Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Page 5 of 18

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Ridge Phase I into its UGB, the project maps associated with this developed have identified exactly this 18th Street / Northern Interchange connection).

The NEPA process requires that there be consistency between federally funded projects and the state's and local agencies land use and transportation policies and local plans. Further, to avoid conflict with Oregon's Statewide Land Use Planning Goals 11 and 14, the city of Bend and Deschutes County should take action to ensure orderly and efficient urbanization and consistency in community planning.

021

Page 35 - Four (4) residences would be displaced from the Hunnell Neighborhood in the vicinity of the proposed 3<sup>rd</sup> Street extension north of Cooley Rd.

 Residents of Bowery Lane request more specificity as to which properties will have displacements, and which will have "strips of land" acquired by ODOT as part of a ROW action.

022

Page 36 – Neighborhood Connectivity / Quality of Life. "Concerns regarding potential impacts to quality of life have been raised by residents ... throughout the API. These include the following impacts: increased air, noise and visual impacts of new and expanded local roads, elevated structures ...".

 Those who live in the Hunnell Neighborhood have repeated raised the above issues; during the NEPA phases that preceded the Draft EIS phase, ODOT received more than 40 neighborhood letters noting these impacts, and also citing concerns about safety, loss of privacy and light pollution.

Page 36 — "The extension of 3" Street through the Hunnell Neighborhood, as well as the local street improvements and extension of Harris Way and Fort Thampson Lane, may alter the rural lifestyle associated with this neighborhood. However, as shown in Exhibit 26, in both the southbound and northbound direction traffic volumes on Hunnell Road during the PM peak period would be higher under the No Build Alternative conditions than under the East DSI Alternative."

- The above may be true but the residents of the rural residential Bowery Lane neighborhood find no evidence of this. These residents see almost no "cut-through" traffic on Hunnell Rd. today. How did ODOT estimate this increase in traffic during the PM peak period? How does it compare to the peak period traffic that would pass down Hunnell Rd. to access the Northern Interchange with the East DS1 alternative?
- The traffic volumes that will pass through the Bowery Lane and Harris Way areas with the northern extension of 3<sup>rd</sup> Street are the real issue. Bringing up traffic volumes on Hunnell Road in 2035 appears to be an attempt to distract the public from what will happen on 3<sup>rd</sup> Street with East DS1.
- ODOT failed to clarify its assumptions that lead it to conclude that Hunnell Rd. traffic will increase as dramatically as is indicated in Exhibit 25. We need more information to verify that this is the case. Hunnell Rd. is unimproved today. In order to develop a true "No Build" comparison with the two Build alternatives, the same assumptions must be made. If, in fact, improvements are made on the south end of the Hunnell Neighborhood (3<sup>rd</sup> Street passes through the Bowery Lane area) and if these improvements afford residents along and to the north of Hunnell Rd. a convenient path to reach the commercial areas to the south (via 3<sup>rd</sup> St.), traffic on Hunnell Rd.

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#### 021

The Preferred Alternative will not displace any Hunnell Neighborhood residences. Exhibit 3-38 FEIS in the Final EIS illustrates the anticipated right of way acquisitions by parcel.

#### 022

ODOT acknowledges and appreciates the continuing public participation in the National Environmental Policy Act process by the residents of the Hunnell Neighborhood. Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Direct and indirect impacts of the alternatives considered in the Draft EIS were disclosed in Chapter 3 (see Sections 3.1.3, 3.2.3 and so forth for each resource).

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 023

Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. There will be no improvements to Bowery Lane, Harris Way or Fort Thompson Lane; thus, traffic volumes on these roads will be the same as the No Build Alternative. Improvements to Hunnell Road associated with the Preferred Alternative will only occur at the intersection of Cooley Road where a traffic signal will be installed.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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will increase dramatically with either of the Build alternatives and these increases will dwarf those that will result from cut-through traffic caused by congestion on US 97.

• It is true that, "The East DS1 Alternative would bring more traffic to 3rd Street (in the vicinity of Bowery Lane) than experienced on Bowery Lane under both the existing conditions and the No Build Alternative because of traffic entering and existing US 97 and continuing on 3rd Street. ODOT should also consider that Hunnell Rd. traffic will seek the convenient path of 3rd Street – thus increasing traffic on Hunnell with the East DS1 Alternative.

Page 37—"Extending Harris Way to Hunnell Rd, would complete an east-west access route between US 20 and US 97 via Rogers Road, Hunnell Road, Harris Way and 3<sup>rd</sup> Street to the new north interchange with US 97". According to traffic modeling results, because this route is not direct, it would not attract a significant amount of new traffic.

- The Hunnell Neighborhood completely disagrees with ODOT's conclusion (i.e. that because the route is not direct, it would not attract a significant amount of new traffic). We would like ODOT to share its assumptions with us and explain how it modeled traffic to reach this conclusion.
- We request that ODOT study the impacts on the Hunnell Neighborhood of the US 97-Harris-Hunnell-Rogers-Old Bend Redmond-US 20 connection, and develop its assumptions out so that our neighborhood can understand the indirect effects of such a connection. We believe that there will be significant effects (both direct and indirect) that result from this connection, and that the improvements that will follow it are a "foresceable action" that warrants study.

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Page 37 — "New roads and existing roads that are sub-standard for the East DSI Alternative traffic volumes may be improved to City of Bend or Deschutes County standards, which may include: resurfacing; widening; and constructing sidewalks, planter strips, and/or bicycle lanes on local streets. It is assumed that these improvements would occur within existing local street rights of way. These improvements would contribute to the existing pedestrian and bicycle amenities and would complete the bicycle and pedestrian network on local API streets. Community cohesion would be enhanced by providing more opportunities for people to be outdoors, interact with other members in the community, and reduce reliance on motor vehicles. Pedestrians and bicyclists would benefit from the improved safety as many of these facilities would be separated from vehicular traffic via striping, curbs and planter strips."

- We request that ODOT specifically identify which roads are sub-standard for the East DSI Alternative and identify the traffic volumes assumed to pass over them during the life of the project (from 2015 to 2035).
- If the above-mentioned improvements occur within existing local street rights of
  way, how will property owners be impacted? Will they lose portions of their
  property to ROW condemnations and if so, how will they be compensated? We
  ask that ODOT identify the direct and indirect effects associated with these
  "improvements" and describe them in more detail.

025

Specifically how will ODOT enhance community cohesion by providing more
opportunities for people in the Hunnell Neighborhood to be outdoors? Elsewhere
in the Draft EIS, ODOT states that 3<sup>rd</sup> Street north of Cooley Road will not have
sidewalks. Those who live in the Bowery Lane area find it difficult to believe that

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#### 024

We acknowledge your disagreement. Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Direct and indirect impacts for the alternatives considered in the Draft EIS were included in Chapter 3 (see Sections 3.1.3, 3.2.3 and so forth for each resource). ODOT and FHWA will work directly with individual property owners where improvements, including improvements to local roads, may require right of way acquisitions, and ODOT and FHWA will comply with Public Law 91-646, the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative and Topic 30 – Right of way acquisition.

#### 025

Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Therefore, there will be no adverse impacts to community cohesion in the Hunnell Neighborhood under the Preferred Alternative.

### Record of Public Comments and Responses | Appendix N

### P147: Toby Bayard

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with an extension of 3<sup>rd</sup> St. through their neighborhood, they will seek out more opportunities to be outdoors, interact with their neighbors and/or feel as comfortable riding their bicycles (or their horses) as they currently do.

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Page 38 – Exhibit 26. Approximate PM Peak Period Traffic Volumes on US 97, 3<sup>rd</sup> Street and Nearby Local Streets East DS1 Alternative, compared to Existing and No Build Alternative.

- Exhibit 26 is inaccurate and creates an erroneous picture of the future. With respect to the "Existing Conditions (2007) Traffic Volumes:" 3rd St. between Grandview Drive and Bowery Lane", 3rd Street does not extend north beyond its intersection with the Bend Parkway. This measure makes no sense. We ask that ODOT compare Bowery Lane traffic volumes today (approximately 30-40 vehicles / day) to the traffic volumes that will pass through this rural residential neighborhood if the East DS1 northern extension of 3rd Street is constructed?
- "Existing Conditions (2007) Traffic Volumes:" Bowery Lane Between Hunnell and 3<sup>rd</sup> Street. Bowery Lane does not extend between Hunnell and 3<sup>rd</sup> Street. The "Existing Conditions" numbers are meaningless and not based on fact. How will the redirected local trip traffic from US 97 (both north and southbound) impact the Bowery Lane area? Until ODOT can articulate this, it is impossible to assess socioeconomic impacts.
- "Existing Conditions (2007) Traffic Volumes:" Hunnell between Clausen Drive and Rogers Rd. This section of Hunnell Rd. is impassable except by the highest-clearance 4-wheeled drive vehicles. Today, no vehicle traffic exists on this stretch of road.
   Large boulders have high-centered vehicles attempting to navigate this stretch of road.
- How were Exhibit 26's existing volumes measured? Per communications with HUNS' residents, no resident in the Bowery Lane, Hunnell Road or Rogers Road neighborhoods reported back that ODOT had measured traffic in the area or contacted them for input about traffic levels.

Page 38 — "All ... residents of the AFI would benefit from the improved traffic conditions on US 97 (reduced congestion, improved sofety and traffic flow) that would result from the East DSI Alternative ...."

- This statement is inaccurate. The residents of the API would only derive benefit when they use US 97 for through trips. Otherwise, the facility adds very little value for API residents and is, in fact, constitutes a major barrier. As the vast majority of trip traffic on US 97 today is local, and as few residents use the facility for out-of-area trips, its conversion to a limited access expressway adds no value. This statement reflects an ODOT mindset which appears throughout the Draft EIS, and which appears to be "out of touch" with public sentiment.
- ODOT goes on to say that, "Many of the safety problems associated with numerous public road approaches and private driveways, and interrupted traffic flow on US 97 associated with the signals at Cooley Road and Robal Road, would be eliminated." It should be noted that there have been virtually NO complaints from the public about safety problems associated with public road approaches and private driveways. To the contrary, the vast majority have complained about losing their access to the roadway. If the public has made comments that support ODOT's benefit statements, ODOT

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#### 026

Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel as shown in Exhibit 2-3 FEIS (Inset Map 7).

We appreciate the identification of a confusing point in the Socioeconomic and Environmental Justice Technical Report. The roadway that was called 3rd Street refers to the current section of US 97 north of US 20. Although this section of roadway is currently US 97, the facility name will change in the future to 3rd Street. A footnote has been added to the report to clarify that for existing conditions, the street being referenced is US 97.

Exhibit 26 in the Socioeconomic and Environmental Justice Technical Report is based on hourly traffic volumes; therefore, the four vehicles per hour shown for Bowery Lane is the equivalent of 30 to 40 vehicles per day (10 to 15 percent of the daily traffic travels within the peak hour in a rural/suburban area). Because the Preferred Alternative will not modify Bowery Lane, future traffic volumes on this road will not change. The traffic volumes shown for Hunnell Road are for the section south of Loco Road as the road is not passable north of that location.

Exhibit 26 is based on traffic counts that ODOT obtained in March 2009 during a 3-hour peak period (from 3:00 to 6:00 pm) at US 97 and Bowery Lane, Bowery Lane and Harris Way, and Hunnell Road and Rogers Road intersections.

#### 027

The Socioeconomic and Environmental Justice Technical Report has been revised to clarify that residents making regional trips on US 97 will benefit from improved traffic conditions on US 97.

#### 028

ODOT uses crash data to determine the presence and magnitude of a safety problem. Public input and feedback may help provide an understanding of the human factors involved in a crash problem and how to resolve it.

Please also see Topic 37 – Safety.

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should produce them and capture these comments in an Appendix, along with the oppositional comments entered into the Public Record.

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ODOT continues by saying, "Specific benefits to all population groups would include sidewalks and bike lanes on improved facilities as required by the City of Bend's or Deschutes County's design standards; increased mobility and connectivity within neighborhoods; safer access to and from US 97 and the local street network; and increased traffic flow and reduced congestion on US 97 and the local street network." None of these benefits will accrue to the Hunnell Neighborhood. ODOT does not propose to put sidewalks along 3<sup>rd</sup> Street north of Cooley Rd. The ability to travel safely through the area will be negatively impacted, with the introduction of a full diamond interchange and a main arterial that connects to the local roads in the area.

Page 39 — "With the East DSI Alternative a full diamond interchange would provide access from the mobile home parks to destinations in the greater Bend area (Exhibit 27), Mobile home park residents would travel on a new local street adjacent to the railroad tracks and then on to 3rd Street where there would be on and off-ramps for both the northbound and southbound directions of US 97".

- This fails to mention a Foreseeable Action illustrated ODOT's Transportation Planning Analysis Unit Report (page J208) that shows ODOT has considered an "East DS1 with 18<sup>th</sup> Street Extension" Alternative. In this alternative, the 18<sup>th</sup> Street extension runs through Juniper Ridge, then crosses over (or under) the BNSF railroad tracks, passes through the middle of the Environmental Justice properties, connects to the US 97 overcrossing, then to the Northern Interchange and through it to the northern extension of 3<sup>rd</sup> Street. (Page J208, Transportation Planning Analysis Unit Report, issued on December 10, 2010).
- The above-mentioned Foreseeable Action will have a dramatic direct effect on
  the EJ property residents and will also result in a number of indirect effects. We
  ask that ODOT address these indirect effects, both on the E.J. properties and on
  the Bowery Lane area and the "Hunnell Neighborhood" as a whole.

Page 42 — "The East DSI Alternative would require travel route changes for emergency service providers located within the Public Safety Complex, Jamison Road would no longer connect to US 20 via Xanthippe Lane. Instead, emergency service providers would travel to US 20 via the extended Britta Road that would connect to the extended Road, Jamison Road would still connect to Empire Avenue, which connects to 3rd Street/US 20 and US 97. One private driveway on Fort Thompson Lane would allow right-in/right-out movements only for emergency service providers".

- The response times for ESPs would increase under the East DS1 Alternative for US-97 at Cooley Rd. and US 20 at Robal Road, and in 2035 would be 25 seconds longer than the response times with 2007 existing conditions.
- Per ODOT's Transportation Planning Analysis Unit Report (page 14) "there were concentrations of crashes at four intersections within the project area, on US 20 and Robal Road. Page 15 of the Transportation Planning Analysis Unit Report shows that 52% (41 crashes) were located at or near the intersections of US 20 and Empire, Robal Road and Cooley Rd. There were 19 crashes on or around the Robal Rd. / US 20 intersection between 2007 and 2009 (the second highest in the study area, second

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#### 029

With the Preferred Alternative, 3rd Street will be located within the City of Bend's urban growth boundary. The Preferred Alternative does not include construction of an interchange. Roads within the urban growth boundary will be built to city standards, which include sidewalks. Therefore, with the Preferred Alternative, sidewalks will be constructed on both sides of 3rd Street.

Please also see Topic 12 – Bicycle and pedestrian facilities.

#### 030

Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Access to and from the mobile home parks will not change. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development. Direct and indirect impacts to environmental justice groups are disclosed in the Draft EIS in Section 3.4.3. Based on the discussion and analysis in Section 3.4.3 of the Final EIS and the Final Socioeconomic and Environmental Justice Technical Report, the Preferred Alternative will not cause disproportionately high and adverse effects on any minority or lowincome populations in accordance with the provisions of E.O. 12898 and FHWA Order 6640.23. No further EJ analysis is required.

Please also see Topic 18 – Juniper Ridge.

#### 031

The Preferred Alternative will preserve the right-out from Xanthippe Lane onto southbound US 20 for emergency service vehicles only. This will preserve the existing travel routes to locations south of the Public Safety Complex. The Preferred Alternative will require travel route changes for emergency service providers located within the Public Safety Complex to areas in the northeast portion of the API. For example, to access the mobile home parks along US 97, emergency service providers will travel south on Jamison Road to Empire Avenue, east a short distance on Empire Avenue to the US 97 northbound on-ramp, and then access the mobile home parks by the existing access off of US 97.

Additional information has been added to the footnote to Exhibit 30 in the Socioeconomic and Environmental Justice Technical Report to better describe the locations identified. The concentration of crashes at the US 97 and Cooley Road location is on the access-controlled expressway portion of US 97. Eliminating the signalized intersection of US 97 and Cooley Road will improve traffic safety at this location. The Socioeconomic and Environmental Justice Technical Report and Section 3.5 Socioeconomic Analysis of the Final EIS have been revised to reflect forecasted emergency service travel times with the Preferred Alternative.

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With the Preferred Alternative, emergency vehicles located within the Public Safety Complex will access southbound US 97 at this location by turning left onto Jamison Road and then heading north on Britta Street, to Robal Road, to the northern signalized intersection with 3rd Street and then south on US 97. To access northbound US 97 at this location emergency vehicles located within the Public Safety Complex will travel south to the Empire Avenue northbound on ramp to US 97. With the Preferred Alternative (2036) emergency response travel times are forecasted to decrease compared to the No Build Alternative (2036).

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only to Cooley Rd, and US 20 which had 22 crashes). Page 16 of the Transportation Planning Analysis Unit Report states that, "the segment rate has been trending higher since 2007, with the last three years more than 15% higher than average".

 We find it unacceptable that ESP response times would be longer with East DS1 and also want to understand how ODOT calculates these response times.

Page 45 – "Overall, the East DSI Alternative could reduce the number of drive-by clientele to businesses; however, many of these businesses indicated that they cater to clients that seek out their establishment (Parsons Brinckerhoff 2008a).

- On page 26 of this document it states, "Many of the businesses that have a high proportion of drive-by clients are restaurants and coffee shops, or retail facilities".
- ODOT also states, "the larger retailers within the Robal Road/Cooley Road business area, such as the Cascade Village Shopping Center, Target, Lowes and Home Depot, could experience a greater loss of drive-by customers".
- On Page 11 of this document, ODOT states that, "The retail trade and leisure and hospitality industries, represent nearly 60 percent of all employment in the county in 2009".
- Elsewhere in the Draft EIS, ODOT states that the commercial area between US 20 and US 97 is the region's largest. It is our position (and the position of the Cascade Village Shopping Mall/SIMA Group, Bend Associates and Newman Development Group) that the loss of access will have a dramatic negative impact on their businesses. (See Public Record for supporting comments).
- Given that nearly 60 percent of all employment in Deschutes County comes from the retail, leisure and hospitality industries, what does a loss of drive-by customers (not to mention the loss of access to these areas) mean to the economy of this region?
- We ask that ODOT to be more precise. How many businesses indicate that they
  cater to clients that seek out their establishments? What percentage of these were
  retail or hospitality (restaurants)? What are the direct and indirect effects that
  will accrue as a result of an implementation of the East DS1 Alternative?

Page 46 – "Jurisdiction of 3rd Street. Transferring jurisdiction of 3rd Street (former US 97) from ODOT to the City of Bend would similarly transfer the responsibility of road maintenance. The City of Bend would likely require an increase to their maintenance budget to accommodate this transfer."

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 We have placed into the Record a number of Bulletin articles that discuss the budget problems faced by the City of Bend, problems that have caused the city to dramatically decrease its snow removal and road maintenance activities. We object to any alternative that transfers the jurisdiction of 3<sup>rd</sup> Street to the City of Bend.

Page 49 – With respect to the East DS2 Alternative, ODOT makes this statement: "Similar to the East DS1 Alternative, these improvements may also increase traffic on roads above current conditions and could also bring cut-through traffic to neighborhoods.

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 Yet cut-through traffic is only described as being reduced with East DS1 (pages 35, 36, 68), while it is presented as being increased with East DS2, creating an impression that East DS2 has more negative impacts on neighbors than does East DS1 (while in

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#### 032

We acknowledge your concern about impacts to businesses in the commercial triangle bound by US 20, US 97 and Cooley Road. The Preferred Alternative provides access to the businesses in this area and business signage on US 97 will be considered during the final design phase of the projects. Please also see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts, and Topic 19 – Business directory signs.

No additional business surveys to obtain more precise data on business patrons were conducted as part of the Final EIS. Direct and indirect impacts on businesses that will result from the Preferred Alternative are described in Section 3.5.3 of the Final EIS. The Draft EIS disclosed the impacts of alternatives considered in that same section.

#### 033

We acknowledge your opposition to transferring jurisdiction of 3rd Street to the City of Bend. For additional information please see Topic 23 – Jurisdiction of roadways.

#### 034

The Socioeconomic and Environmental Justice Technical Report acknowledged the potential for cut-through traffic with the East DS1 and East DS2 Alternatives by stating that local road improvements may increase traffic on roads above current conditions, and that cut-through traffic could also occur as an indirect impact of the No Build Alternative. The Final EIS has been revised to explain that the East DS1 Alternative would bring more traffic to Bowery Lane and 3rd Street. Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Therefore, cut-through traffic is not anticipated in the Hunnell Neighborhood with the Preferred Alternative.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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fact, the opposite is true). In fact, the decreases in cut-through traffic apply specifically to the Boyd Acres neighborhood, and impacts to this neighborhood will be identical under either the East DS1 and East DS2 alternatives. We request that ODOT remove its apparent bias from its Alternatives comparisons; this bias ris apparent throughout all of the Draft EIS and related Final Technical Reports.

Page 49 – This statement is made: "As shown on Exhibit 34, under the East DS2 Alternative, traffic volumes on Hunnell Road and Bowery Lane would be greater than the East DS1 Alternative. This is because 3rd Street would end at the new northern interchange, which would be located south of Bowery Lane. Therefore, with the East DS2 Alternative, to access locations on or north of Bowery Lane vehicles would need to use unimproved Hunnell Road and Bowery Lane."

- This may be true that Bowery Lane and Hunnell Road may remain unimproved (although there internal inconsistencies throughout the Draft EIS and its Final Technical Reports that call this into question). Nevertheless, the traffic introduced into the Hunnell Neighborhood (specifically the Bowery Lane neighborhood) with East DSI's northern extension of 3<sup>rd</sup> Street dwarfs the above comparison, rendering it almost "silly". It seems intentionally deceptive that ODOT even mentions this point, as the differences in how these two alternatives will impact the Bowery Lane / Hunnell Neighborhood are so great.
- As is true of the entire Draft EIS, there are many inequitable comparisons made between the East DS1 and East DS2 build alternatives. To comply with NEPA, ODOT must make even-handed comparisons. ODOT has a lot of work to do here to avoid an appeal in this area.

Page 50 – "Motorists, pedestrians, and bicyclists traveling to and from the mobile home parks, and customers and freight traveling to and from a wrecking company, would travel on Bowery Lane to Hunnell Road, rather than US 97, to reach destinations within the API (Exhibit 35).

- How can it be that ODOT has proposed an alternative which projects that 830 vehicles / hour (traveling in both the north and southbound directions), vehicles that are driven primarily by residents of the Environmental Justice properties on the east side of US 97 will pass over unimproved Bowery Lane (a single lane road) and the unpaved (and nearly impassible) section of Hunnell Road between Loco and Bowery, to reach destinations within the API? This is flagrant deception designed to steer the alternative selection toward East DS1. ODOT must come up with a more realistic way to route the E.J. (and heavy truck traffic including semi-truck / trailer units) to reach destinations within the API.
- Why would ODOT not propose to widen, straighten and pave Bowery Lane and Harris Way? Again, ODOT's failure to develop the East DS2 alternative using the same rigor and high standards that were used to develop East DS1 is suspicious and appears designed to "direct" the public toward East DS1, even though of the two alternatives, it is by far the more costly.
- As is true of the entire Draft EIS, there are many inequitable comparisons made between the East DS1 and East DS2 build alternatives. To comply with NEPA, ODOT must make even-handed comparisons. ODOT has a lot of work to do here to avoid an appeal in this area.

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#### 035

ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Under the Preferred Alternative, there will be no northern interchange, and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. The Preferred Alternative will not change the traffic volumes on Bowery Lane or Hunnell Road north of Loco Road.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 036

Comparative traffic analysis in the Draft EIS was based on modeling the future traffic conditions (2035) of the No Build, East DS1, and East DS2 Alternatives and took into account driver route choices based on speed, delay, and distance. This analysis was applied objectively and evenly for all alternatives. The traffic analysis was updated for the No Build and Preferred Alternatives in the Final EIS. Chapter 3 summarizes the direct and indirect impacts associated with East DS1, East DS2, and the No Build Alternatives, by resource. The resource impacts analyses associated with each of these alternatives are consistent amongst the three alternatives. No alternative analysis in the Draft EIS was developed to a higher level of detail than another.

#### 037

This comment is similar to comment P147 035; please see response to that comment.

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This comment is the same as comment P147 036; please see response to that comment.

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Page 51 – As shown in Exhibit 35, all local trips to and from the mobile home parks would travel over a new bridge crossing US 97, then could use local streets such as Bowery Lane, Hunnell Road, Harris Way, Rogers Road, and Old Bend-Redmond Highway to travel to connect to major travel routes.

• The above statement seems to be a thinly disguised attempt to provoke the maximum number of "Hunnell Neighborhood" residents as possible. The component of the East DS2 alternative (where E.J. property residents are directed over a bridge and dispersed on local roads in the Hunnell Neighborhood to reach API destinations) is absurdly "underdeveloped". It borders on the ridiculous and seems designed to "steer" the decision to East DS1.

Page 51 – "The main difference between the East DS1 Alternative and the East DS2 Alternative would be access to US 97. For all residents in the API, including mobile home park residents, the route to access southbound US 97 would require more travel on local streets and would make travel routes longer as Empire Avenue would be the only point to access southbound US 97 in the API."

 In that case, ODOT has not provided a "reasonable range of alternatives" but rather, is attempting to steer the decision toward East DS1. We expect ODOT to do a better job of presenting the public with a reasonable range of alternatives.

Page 51 — "To access northbound US 97, mobile home park residents would need to travel across US 97 via a new bridge and south on Bowery Lane and Hunnell Road, turn north on to 3rd Street and then access US 97 at the new north interchange. This route would be about 3 miles longer in distance than the No Build Alternative and would include out-of-direction travel. It would also require travel on unimproved Bowery Lane and Hunnell Road. During peak hour, there would be between 60 and 90 vehicles per hour on Bowery Lane, depending on the direction of travel."

 Again, the above statement appears to be an attempt to provoke the maximum number of "Hunnell Neighborhood" residents as possible, particularly those living in the Bowery Lane area. The component of the East DS2 alternative (where E.J. property residents are directed over a bridge and dispersed on local roads in the Hunnell Neighborhood to reach API destinations) is absurdly "underdeveloped" and seems designed to "steer" the decision to East DS1. This would not stand up on appeal.

 Where did ODOT derive the "60 to 90" vehicles / hour Bowery Lane traffic volumes. Why did ODOT not use "peak traffic counts" as it has done elsewhere in the Draft EIS? Is there really this level of traffic coming from and going to the E.J. properties? Where are the studies to prove this?

Page 53 – "Community Facilities. Impacts to most community facilities, including schools, churches, transit, and bicycle and pedestrian facilities would be the same as the East DSI Alternative. The Deschutes Memorial Chapel and Gardens would no longer have a private driveway on US 97: local access would be provided for all travelers destined for the facility via a new street extended south from Bowery Lane, which may be improved to Deschutes County standards".

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#### 039

This comment is similar to comment P147 035; please see response to that comment.

#### 040

The Socioeconomics and Environmental Justice Technical Report and the Draft EIS disclosed the out-of-direction travel that would be required. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

Please also see Topic 32 – Range of Alternatives, alternatives screening and identification of the Preferred Alternative.

#### 041

This comment is similar to comment P147 035; please see response to that comment.

#### 042

The 60 to 90 vehicle per hour range was derived from the 2035 peak (design) hour volumes in Appendix M of the Traffic Analysis Report. These numbers are based on traffic counts in the neighborhood performed in 2009 along with estimates of generated trips based on property characteristics such as the number of dwelling units. These traffic volumes were then re-routed onto the East DS2 Alternative network to obtain the reported values. With the Preferred Alternative, these local roadway changes will not occur and traffic volumes on Bowery Lane will not increase as a result of the Preferred Alternative.

#### 043

As noted in the response to P147 035 and P147 042, the Preferred Alternative will not change the volume of traffic traveling on Bowery Lane as the design improvements associated with extending 3rd Street are limited to the area south of Deschutes Memorial Gardens and Chapel. Access to Deschutes Memorial Gardens and Chapel will be via driveway of 3rd Street as shown in Exhibit 2-3 FEIS (Inset Map 7), not via a new street extended south from Bowery Lane. Improvements to City of Bend and Deschutes County roads that are included in the Preferred Alternative have been coordinated with those agencies and will be designed to meet the appropriate standards.

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 For the first time in the Final Socioeconomic and Environmental Justice Report, on page 53, there is a mention that a new street may be extended south from Bowery lane which "may be improved to Deschutes County standards". This statement appears out of nowhere, buried deep in this report and is inconsistent with other statements made in the document.

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Page 53 - Emergency service providers would experience many of the same impacts as discussed under the East DS1 Alternative. Exhibit 37 shows the response times for several routes under the East DS2 Alternative. Response times for emergency service providers would increase under both the No Build Alternative (2035) and the East DS2 Alternative (2035) compared to the existing conditions (2007) due to increased traffic volumes and congestion in the future. However, travel times would decrease under the East DS2 Alternative compared to the No Build Alternative (2035) for routes from the Public Safety Complex to 3<sup>rd</sup> Street at US 97 and Northbound 97.

 ODOT fails to mention that Emergency Services Providers would experience greater response delays with the East DS1 alternative, although this point is made elsewhere in the Draft EIS

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Page 54: Exhibit 37 (East DS2 Alternative: Emergency Service Provider Estimated Response Times)

 The data in this section conflicts with other areas of the Draft EIS and its associated Final Technical Reports.

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Page 58 – The construction costs for East DS2 are not presented in the Final Socioeconomic and Environmental Justice Report, although those for East DS1 are (estimated at \$93 to \$102 million).

 Again, ODOT has not provided the same level of information for each of the two build alternatives, which inhibits the public's ability to equitably compare them side by side.

Page 59 — When discussing No Build Alternative impacts, ODOT states: "This cut-through traffic would bring associated vehicle and road noise and light and glare closer to residents, and would increase vehicle exhaust through these neighborhoods and business areas. On unimproved local roads, there would also be the potential for more dust to be stirred up from dirt or gravel as more vehicles use these unimproved facilities to avoid congested areas. Furthermore, an increase in vehicle traffic through neighborhoods would increase the likelihood of conflicts between vehicles and pedestrians and bicyclists, particularly in areas without sidewalks. In the Humell Neighborhood, the noise, light, glare and exhaust coming from cut-through traffic would likely encroach upon the rural residential lifestyle."

In painting this doomsday picture, ODOT fails to mention that the same types of
impacts (but of a much greater magnitude) will be present for either of the Build
alternatives, particularly the East DS1 alternative, which extends 3<sup>rd</sup> Street north into
the Bowery Lane neighborhood.

In its description of the East DS1 alternative in the Draft EIS, ODOT states that it will
not build sidewalks along 3<sup>rd</sup> Street. This greatly increases the likelihood of conflicts
between pedestrians and vehicles, particularly as vehicular traffic will be dramatically

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#### 044

Please see the response to comment P147 031 for a discussion of emergency response times. Exhibit 3-54 FEIS in the Final EIS provides a comparison of the emergency response times with the No Build Alternative and the build alternatives to representative destinations in the area of potential impact. The forecasted emergency response times vary depending on the destination.

#### 045

Emergency service response times in the Socioeconomic and Environmental Justice Technical Report and the Final EIS are consistent. As noted in the Draft EIS, the East DS2 Alternative would have had more congestion and a more constrained transportation network than the East DS1 Alternative, resulting in longer travel times. Also, because of the longer travel paths, in some cases the travel times under the East DS2 Alternative would have been longer than the No Build Alternative even though traffic congestion would be reduced.

The emergency response times for the Preferred Alternative are shown in Exhibit 3-54 FEIS. In general, preserving the emergency vehicle right out from Xanthippe Lane to southbound US 20 as part of the Preferred Alternative will reduce response times compared to the No Build Alternative (2036). Please also see the response to comment P147 031 for a discussion of emergency response times.

#### 046

The Socioeconomics and Environmental Justice Technical Report has been revised to explain that the construction costs for the East DS1 Alternative are estimated to be approximately \$102 million (2013 year dollars) and approximately \$97 million (2013 year dollars) for the East DS2 Alternative. These estimated costs include utility relocation costs but not right of way acquisition. Section 2.5 of the Final EIS identifies the cost estimates for the No Build East DS1, and East DS2 Alternatives. Section 2.6 of the Final EIS identifies the cost estimates for the Preferred Alternative.

#### 047

The Preferred Alternative avoids the impacts noted in this comment as the extension of 3rd Street will be limited to just south of Deschutes Memorial Gardens and Chapel. Traffic volumes on Bowery Lane will not change as a result of the Preferred Alternative. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

#### 048

The Preferred Alternative avoids the impacts noted in this comment as the extension of 3rd Street will be limited to just south of Deschutes Memorial Gardens and Chapel. Traffic volumes on Bowery Lane will not change as a result of the Preferred Alternative. Section 3.5.3 of the Final EIS has been revised to state that new roads and existing local roads that are sub-standard for the anticipated traffic volumes will be improved to City or County standards; including sidewalks, planter strips, and/or bicycle lanes.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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increased with East DS1 which diverts thousands of local trips off of US 97 and through the Bowery Lane area.

- Today, those riding mountain bikes find it easy to ride down the middle of Bowery Lane, perhaps headed for the shopping malls to the south. There is never any cutthrough traffic on Bowery Lane as it doesn't lead anywhere. If improvements are made on Hunnell (thus attracting traffic onto Bowery Lane) they will be made for not only the No Build alternative but also the Build alternatives.
- ODOT mentions that, "in the Hunnell Neighborhood, the noise, light, glare and
  exhaust coming from cut-through traffic would likely encroach on the rural residential
  life style" but describes these same impacts as "slight" for East DS1, which routes
  thousands of local trips through the same area.
- All in all, the above description of the No Build Alternative has the effect of mocking the residents in the Bowery Lane area who will be forced to live with real "cutthrough traffic" (as opposed to incidental trips on Bowery Lane, a road that doesn't lead anywhere). The language used here insults the intelligence of members of the public who must try to make meaningful comparisons between the two build alternatives and the no build alternative.

Page 59 – "Congestion wastes time and affects peoples' quality of life"... "Congestion has safety and environmental impacts".

- It should be noted that an inspection of the traffic volumes presented in the Traffic Planning Analysis Unit Final Report reveal that the two-lane northern extension of 3<sup>rd</sup> Street envisioned in the East DS1 alternative will be congested from the "get-go". The traffic volumes that the East DS1 alternative will direct to this two-lane facility in both the 2015 and 2035 timeframes are inherently congestion producing. Yet, ODOT does not address the issue in this document, or elsewhere in the Draft EIS.
- We ask that ODOT present clear information on the volume of southbound traffic that will be diverted onto the Northern Interchange from US 97 and through the Bowery Lane neighborhood and also the volume of traffic that will pass through the Bowery Lane area heading north to access US 97 on the Northern Interchange, both in terms of average daily trips and peak hour traffic. Nowhere is this meaningful traffic volume data presented to the reader of the Draft EIS, although a great deal of far less meaningful information is presented in the 589 page Draft EIS and the over 800 pages of Final Technical Reports that accompany it. ODOT owes this information to the residents of this neighborhood who will be greatly impacted by the East DS1 build alternative. We ask that this information be provided rapidly, and in a format that can be easily assimilated by the lay person.
- We ask that ODOT provide a clear statement of the type of traffic that might
  pass through the Bowery Lane area if a connection is made between the US 97 /
  Bowery Lane overpass and 18<sup>th</sup> Street, which runs through Juniper Ridge and
  which can be expected to pass high volumes of traffic through the Bowery Lane
  area if / when Juniper Ridge is ultimately developed.

Page 60 – "Over two-thirds of all businesses estimated that 76-100 percent of their customers are destination clients who specifically seek out businesses, and relatively few customers are

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We acknowledge your opposition to the East DS1 Alternative and concern about substantial impacts to quality of life in the Hunnell Neighborhood. ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel.

Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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Under the Preferred Alternative, the extension of 3rd Street is limited to just south of Deschutes Memorial Gardens and Chapel; this segment of 3rd Street will have two travel lanes in each direction. The Preferred Alternative will not divert or otherwise change the traffic volumes on Bowery Lane. The traffic analysis has been updated for the No Build and Preferred Alternative in the Final EIS and the Updated Traffic Analysis Report.

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The Preferred Alternative, as shown in Exhibit 2-3 FEIS in the Final EIS, does not include a new northern interchange. No direct connection to Juniper Ridge is planned as part of the Preferred Alternative, but the Preferred Alternative does not preclude such a connection in the future as a separate project. Under the Preferred Alternative, traffic will travel on 3rd Street to Cooley Road to access the Juniper Ridge development. Please also see Topic 18 – Juniper Ridge.

052

This comment is similar to P147 032; please see the response to that comment. Every comment that was received during the public comment period has been entered into this record. Responses have been provided for every comment that has been received including those individuals referenced in this comment.

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considered drive-by customers who stop in due to convenience or visibility of the business (Parsons Brinckerhoff 2008). Therefore, it is expected that most businesses would not experience a substantial loss of patrons in the near-term as destination clients would continue to seek out these businesses."

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• The above statement is not properly documented (over two-thirds of these businesses may or may not represent the largest and most significant of those in the area). The attorneys who represent Cascade Village, Bend Associates, Lowes and Newman Development Group have made very different statements about the impact that a loss of drive-by traffic will have on their clients' business. This consistent and well-stated opposition should be acknowledged somewhere in the Draft EIS, but is generally glossed over by ODOT.

Page 61 – "The East DSI Alternative would be constructed in ... a rural area in the north. The East DSI Alternative would either introduce new roadways to locations in the northern area (north of Cooley Road) where they do not currently exist or it would expand existing facilities which could increase vehicular traffic and associated impacts. Over time, increasing traffic on these roads could increase visual distractions from vehicle movement, light and glare, and noise and exhaust emissions. These indirect impacts could slightly alter the character of neighborhoods."

053

• Again, ODOT resorts to the use of the word "slightly" to describe the major impacts that will accrue to the residents of the Bowery Lane area if a major city arterial is extended northward through the neighborhood and an interchange off of US 97 is constructed. These impacts are not slight, particularly as the interchange will replace three that are further south (Cooley Rd., Robal Rd., and Empire Avenue) – these three interchanges are already clogged with the very local trip traffic that ODOT wants to divert to the Bowery Lane area. Again, the residents of the Bowery Lane area request that ODOT provide precise and easy-to-understand statements of the local trip traffic that will be diverted through this area. It is beyond belief that the Draft EIS and its accompanying documents do not present this information in a way that is readily accessible.

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Page 62 - "The indirect impacts of the East DS2 Alternative would be similar to those described for the East DS1 Alternative."

This is certainly not true for the residents of Bowery Lane. ODOT makes no

attempt to truly compare and contrast these two alternatives so that those who are affected can assess their potential indirect impacts.

Page 63 - Exhibit 40. Population in Bend 1904 - 2008.

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 Elsewhere in the Technical Reports (the Technical Planning Analysis Unit documentation, ODOT reveals that the actual population of Bend is closer to 77,000 (precisely, the US Census counts for 2010 reveals it to be 76,639). The 2010 US Census Bureau population numbers were made available in late February 2011. We ask that ODOT update its documentation to accurately reflect Bend's population.

Page 64 - The data with respect to minorities and Hispanic percentages in Central Oregon is from 2000.

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#### 053

The Preferred Alternative avoids the impacts noted in this comment as the extension of 3rd Street will be limited to just south of Deschutes Memorial Gardens and Chapel. Traffic volumes on Bowery Lane will not change as a result of the Preferred Alternative. The traffic analysis has been updated for the No Build and Preferred Alternative in the Final EIS and the Updated Traffic Analysis Report.

#### 054

In Section 3.5.3 of the Final EIS the discussion of the indirect impacts has been updated to describe the substantially lower indirect impacts to the Hunnell Neighborhood from the Preferred Alternative, as compared to the East DS1 and East DS2 Alternatives.

#### 055

Sections 3.4 Environmental Justice and 3.5 Socioeconomic Analysis of the Final EIS and the Socioeconomic and Environmental Justice Technical Report have been updated to include the most current census data available (2010).

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Please update this data. Much more recent data is available. Please see the Bulletin article dated 3/31/2011, "The Changing Face of Central Oregon", which we have entered into the Public Record. This document presents the most recent population numbers for Hispanics and other minorities.

055 Cont.

Page 66 – Exhibit 43 Projected Population Growth in Bend and Deschutes County 2010 – 2025

 The population numbers presented for 2010 are outdated. Per the US Census Bureau 2010 population counts, population in Bend in 2010 was 76,639 and in Deschutes County is was 157,733. Please see The Bulletin article dated February 24, 2011 (Deschutes led state in population growth", which we have entered into the public record.

Page 68 – Community Facilities. "... pedestrian and bicycle improvements that would be included under the East DS1 Alternative would improve connectivity between community facilities within the geographic boundary."

 But not for the Hunnell Neighborhood or the residents of Bowery Lane, as no sidewalks are proposed for 3<sup>rd</sup> Street and no bicycle improvements are envisioned that could compare to the safety and lack of congestion that mountain bike "road riders" enjoy in this area at the present time.

Page 69 – "The roadway improvements of the East DSI Alternative, in combination with the other roadway improvements planned, could cumulatively benefit businesses and the economy by enhancing customers' ease of travel to businesses, although customers may need to learn new travel routes to reach some businesses may change."

 The above is speculative, not supported by credible findings, and the final portion of the statement does not make sense.

Page 70 – "Minimization Measures. The project was designed so that it would minimize the amount of private property acquired which, in turn, would reduce the number of residences and businesses displaced. It was also important that the new US 97 facility minimize dividing neighborhoods or business areas."

- However, the project does divide the Bowery Lane rural residential neighborhood in half, by placing a high-traffic-volume city arterial through the heart of the area where previously, residents lived on an unpaved country lane with virtually no traffic except for that generated by the residents themselves.
- Those residents who will have merely a strip of their property taken for road right of
  way will rightfully be unhappy when they find themselves living on the edge of a
  rural arterial.

Page 71: Conclusions (Summary of Impacts). Direct, indirect, and construction impacts of the two build alternatives are generally similar. <u>The East DSI Alternative would be slightly more intrusive to the Hunnell Neighborhood as it would route a city arterial through the eastern corner; the connection of minor local streets included in both alternatives would slightly increase through-traffic in this neighborhood</u>. Both alternatives would redirect emergency service provider routes to US 97 and US 20. In general, both alternatives would contribute to

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#### 056

Under the Preferred Alternative, there will be no northern interchange, and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. Under the Preferred Alternative, sidewalk, bike lanes and multi-use paths are included. Please see Exhibit 2-3 FEIS in the Final EIS for a depiction of the pedestrian and bicycle facilities included in the Preferred Alternative.

Please also see Topic 12 – Bicycle and pedestrian facilities.

#### 057

Section 3.5.3 of the Final EIS has been revised to state that businesses in the commercial triangle bound by US 20, US 97, and Cooley Road provide important services to the residents of the greater Bend area who will likely continue to frequent the establishments within this business area regardless of the change in travel routes. The text has also been revised to explain that it can be reasonably stated that customers will continue to seek many of these businesses in the future via a different travel route. Therefore, the separation of local and regional traffic on 3rd Street and US 97, respectively, will have minimal to moderate changes in patronage of businesses.

Please see Topic 4 – Access to the commercial triangle bound by US 20, US 97 and Cooley Road and drive-by business impacts.

#### 058

ODOT and FHWA consideration of comments on the Draft EIS resulted in our agencies identifying the East DS2 Modified Alternative as the Preferred Alternative in the Final EIS. Under the Preferred Alternative, there will be no northern interchange and 3rd Street will terminate at the new signalized intersection with US 97 south of Deschutes Memorial Gardens and Chapel. The impacts noted in this comments will be avoided by the Preferred Alternative.

#### 059

This comment is similar to comments P147 031, P147 044, P147 045, and P147 049; please see the responses to those comments. Please also see Topic 1 – How analysis of neighborhood impacts (including Hunnell, Boyd Acres and Rock O' the Range areas) influenced identification of the Preferred Alternative.

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economic development locally and regionally through improved mobility on US 97, US 20, and most local streets. Neither of the build alternatives would have disproportionate effects to populations subject to environmental justice executive orders and both of the build alternatives would provide safer travel routes to US 97 for mobile home park residents. Page 71 – Indirect impacts of the build alternatives would be a slightly diminished rural lifestyle for residents living in the Humell Neighborhood, who have property adjacent to the project improvements. Similarly, residents in the Boyd Acres Neighborhood could have quality of life impacts from the portion of US 97 that would be realigned to the east of the existing facility.

059 Cont.

- In the above, ODOT understates the impacts on the Bowery Lane area (the East DS1 Alternative would be slightly more intrusive to the Hunnell Neighborhood, as it would route a city arterial through the eastern corner. This understated observation also fails to mention the "cut-through" traffic that will be enabled once the city arterial is built cut-through traffic that would not be present with the East DS2 alternative.
- Indirect impacts of the build alternatives could be a slightly diminished rural lifestyle
  for residents living in the Hunnell Neighborhood ... ODOT again understated the
  impact of East DS1, which not only proposes to build a city arterial (designed to route
  as much as 75% of the local trip traffic off of US 97 from that facility to one that runs
  through the heart of a rural residential area).
- We ask that ODOT take a hard look at impacts on the Hunnell Neighborhood and more specifically on the Bowery Lane neighborhood and drop its use of the word "slightly" to describe these impacts.

Pages 72 – 74. Comparison of Indirect Impacts to the Economic and Social Conditions and Environmental Justice Populations in the API.

060

 The above comparison groups the East DS1 and East DS2 Alternative, despite the fact that there are differences between them and fails to highlight these differences. There are a number of conflicts between the data in this section and in other parts of the Draft EIS.

Page 75 - Community Character and Cohesion (with respect to cut-through traffic, increased vehicle and road noise, light and glare, and vehicle exhaust in neighborhoods):

061

- The East DS1 and East DS2 Alternatives are grouped, and this statement appears
  below them: "Increasing traffic on local roads may slightly alter the rural residential
  character the Hunnell Neighborhood. The realignment of US 97 closer to the Boyd
  Acres Neighborhood could also have associated are, noise and visual impacts that
  would alter the existing quality of life."
- The above does not fairly compare the differences between the East DS1 and East
  DS2 alternatives and how these differences will impact Hunnell Neighborhood. It
  dramatically understates the impact on the Bowery Lane neighborhood which will be
  more than "slightly" altered in terms of its rural residential character.

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#### 060

In Section 3.5.3 of the Final EIS and the Socioeconomic and Environmental Justice Technical Report the comparison of impacts has been updated to include the Preferred Alternative. The analysis in the Final EIS and this technical report are consistent.

#### 061

This comment is similar to P147 049 and P147 060; please see responses to those comments.

# Record of Public Comments and Responses | Appendix N

# P147: Toby Bayard

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Appendix A - Photographs of the Levin's house and land - 20620 Bowery Lane





Figure 1: Bowery Lane to south of Levin's driveway

Figure 2: Levin's house





Figure 3: Rock outcroppings would be lost to 3rd St.

Figure 4: Another view of Levin's rock outcrops





Figure 5: Area in immediate vicinity of the 3rd St. to Northern Interchange connection (Levin's land)

Figure 6: Small log cabin on Levin's property within 50' of where 3rd Street begins to bend to the South

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