

FOCUS

LINKING THE RIGHT OF WAY AND ENVIRONMENTAL PROCESS

by Erik Ingebretson

The following is a personal viewpoint. It is not necessarily that of my superiors within my department, nor is it comprehensive of right-of-way or environmental functions.

In our state, the Liaison Agent serves as right-of-way's contribution to the planning team that works on transportation and other public projects. Nine years ago our liaison program was responsible for providing the assessment for social, economic, land use, and environmental project impacts for all properties affected by a project. Our agents were not always specially trained for this job, but we tried to use common sense to do the little that was required in this area.

At that time, the planning effort that right-of-way agents contributed was different from what it is today. Lines were drawn and designs were completed on a drawing board far away from the project location, then the project was built. Public notices, design hearings, and other parts of current projects are recent innovations. This "imperial" planning system was fast, efficient, and relatively cheap, but no matter how much some people miss it, this way of doing things became unacceptable. We started to change our way of doing things, but not fast enough to avoid public displeasure.

In 1972 we held a public hearing for I-505, an urban freeway in Northwest Portland. We had already acquired a number of properties as hardship requests and we expected to build the freeway despite a little neighborhood opposition. The hearing was held in a local school auditorium, packed with angry and upset people who claimed the impacts of the planned freeway had not been adequately answered. One of the main critics was a neighborhood leader who brought down the house by pointing out how the imperial attitude of public officials was evident, even in their seating at the hearing. The many highway officials sat at a long gold-brocade draped table on the auditorium stage, while the

speakers from the public stood nervously below, looking up at the dazzling sight on stage. The perceptive leader (soon afterwards elected to the state legislature) pointed out that it was quite intimidating to stand below and address criticism at a scene resembling the Last Supper.

Public displeasure and court injunctions killed two urban freeways in Portland and delayed another by several years. We did change, but our efforts were often painful and did not come naturally. I overheard one of our first project coordinators say to a local businessman, "You have to tell me what you think about this project because citizen participation is now a legal requirement."

We have continued to learn from our mistakes and have changed our procedures to match the times and the many new and newly interpreted legal requirements in planning. Since 1974 we have operated under an "Action Plan for Transportation", which is frequently updated. I am sure that all states have a similar document. Our Action Plan must comply with the numerous requirements of federal and state legislation. Major requirements include:

- 1) Title 23—USC Sec. 109h (Environmental analysis)
- 2) Title 23—USC Sec. 128 (Public Hearings)
- 3) Title 42—USC Sec. 4321 (National Environmental Politics Act of 1969)
- 4) The Oregon Land Conservation and Development Commission's (LCDC) Goals and Guidelines. In Oregon, all development is subject to comprehensive plans which must be adopted by each city and county and approved, or acknowledged, by the LCDC. All transportation projects must meet the requirements of the Goals and Guidelines, which mandate energy conservation, diversity of



Erik Ingebretson is the Metropolitan Liaison Agent for the Oregon Department of Transportation in Portland, having worked in the right-of-way field for the past ten years. He is a graduate of Princeton University and has studied transportation planning and environmental protection at the University of Oslo, Norway and the University of Oregon, from which he has a master's degree.

transportation modes, protection of productive farm land and discouragement of urban sprawl, among many others.

Three concepts underlie the Action Plan. These are 1) Public participation, 2) Consideration of alternatives, and 3) Identification of impacts. As the plan itself states:

"Closely related to the consideration of alternatives is the policy that the Department identify the social, economic, and environmental impacts of its proposed actions. In all phases of Department activity, interdisciplinary teams evaluate the effects of Department proposals. Because Oregon DOT has a variety of responsibilities, its staff represents many disciplines and is capable of analyzing various effects of proposals (engineering, social, economic, and environmental aspects)."

In coordination with the Environmental staff, the Right-of-Way section provides the information at both the program development and project development stages. For the former, this would include a preliminary assessment of Right-of-Way costs and impacts for project categorization. When alternative corridors are considered during the project development stage, the Right-of-Way

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