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**Subject: Testimony to the Portland Planning and Sustainability Commission  
related to Comprehensive Plan Policy 9.6, September 23, 2014**

Comprehensive Plan policy 9.6 "Transportation hierarchy for movement of people" appears to be a politically motivated carryover from the Adams administration. In actuality, it is a blatant form of discrimination. It is no different than if there was a hierarchy for fire service protection tied to the type, heating system or energy efficiency of a structure; or who can testify at a public hearing tied to the transport mode utilized to arrive at the hearing. Continually pumping tax dollars into downtown Portland while there is a deficiency in delivery of services in East Portland is yet another example of hierarchy discrimination.

Hierarchies are part of an obsolete monarch system of government whereby the surfs were excessively taxed to pay for the lifestyles of royalty. There is no royalty status as it applies to transport mode. Hierarchies which can also be described as modern day social engineering have no place in a democratic society that constitutionally protects equality. If they legitimately did, groups at the top of the hierarchy would be taxed at higher rates for the privilege as opposed to those groups at the bottom. That however is not the case. Currently the users of vehicle modes listed at the top of the hierarchy list rely on royalty like funding subsidies that are poached and siphoned off from the user tax dollars paid by the group(s) ranked lowest on the list. Respectability of public servants support for hierarchies is well below that of magic elixir dealers and snake oil con artists.

Nonetheless, language in the Oregon Constitution forbids special privileges and immunities - the likely intent to be applied in a very broad sense of purpose rather than with a narrow focus. Policy 9.6 is all about conveying special privileges to the users of specific modes of travel on the top part of the list that historically have received immunity from financial self-sustainability. The special privileges and immunities clause in the Oregon Constitution appears to disallow such hierarchies.

It should also be noted that setting specific right-of-way safety standards for the movement of people and vehicles - but not one size fits all in every situation - is entirely different than establishing a transport mode hierarchy list. Examples of right-of-way safety standards include requiring that all vehicles stop for pedestrians in crosswalks and laws relating to following traffic control devices such as stop signs and traffic/pedestrian signals.

Since policy 9.6 "Transportation hierarchy for movement of people" is about exclusive privilege and therefore discriminatory, it needs to be completely removed from the comprehensive plan. If 9.6 is retained as policy, the "City that Works" automatically becomes the "City that Discriminates"

Respectively,

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