



**Sub Group 4 Meeting, Medians  
Access Management Committee  
ODOT Human Resources Center, Conference Room F  
2775 ~ 19<sup>th</sup> Street SE, Salem, OR 97302  
1:00 – 3:30 PM, November 5, 2010  
FINAL**

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**Working Facilitator:** Del Huntington.

**Participants:** Bob Russell, Victor Dodier, Bob Bryant, Erik Havig, Craig Honeyman, Brent Ahrend, Doug Bish, Harold Lasley, and Jim Hanks (by phone)

**Meeting Notes:** Michelle Van Schaick.

***Meeting Purpose***

Review the “straw man” legislative concept as developed by Bob Russell (*See Attachment I*) and proposal advanced by Del Huntington (*See Attachment II*). Prepare and reach consensus on a legislative concept on medians to the Access Management Committee at their November 15<sup>th</sup> meeting. Written comments were provided to the facilitator prior to the meeting by Joe Marek, Clackamas County (*See Attachment III*), and Don Forrest, Fred Meyer (*See Attachment IV*).

**Background**

A legislative concept on medians was discussed at the October 27, 2010 AM Committee meeting though did not result in a consensus between the members. It was suggested this topic be brought back to the median subgroup for further discussion. In order to determine areas where there is agreement, it was determined to discuss similarities and distinctions between non-traversable medians constructed through a corridor to resolve a safety/operational concern, and non-traversable median islands required as a mitigation measure as part of a proposed or existing development.

**Discussion**

Highway 199 in Grants Pass and a raised barrier on Highway 22 between Salem and Rickreall were provided as examples of corridor non-traversable median projects that were constructed to address specific safety concerns.

Bob Russell stated that the trucking industry supports these types of projects and does not oppose non-traversable medians on freeways and multi-lane highways. He has a concern when non-traversable medians are constructed on two-lane highways as they can impede acceptable truck carrying capacity. ODOT staff suggested that the existing statute in ORS

366.215 could be applied to these routes as a means to address the industry's concerns. ODOT agreed to discuss all installations of non-traversable barriers in the roadway on two-lane roads with stakeholders as described in the Highway Operations Mobility Manual.

Bob Bryant – “We’re talking about a commitment that would require ODOT to use existing ORS 366215 process when we’re proposing to apply a non-traversable median on two lane highways. ODOT will include a notice process to impacted property and adjoining property owners”.

Regarding construction projects that involve a corridor median treatment, ODOT involves the local agencies, and impacted stakeholders, property owners and tenants. Bob Bryant provided a recent example of a corridor median that is proposed for Highway 214 in Woodburn as part of the I-5/Highway 214 interchange improvement project. A formal Environmental Impact Review (EIR) was conducted and included an extensive process to include and inform impacted property owners and businesses of the proposed project.

There was considerable discussion related to the proposed non-traversable median for Highway 99W through Tigard to determine if the proposed median is the result of a corridor median plan or a required mitigation measure as a result of a proposed development. Brent provided insight that the requirement for a raised median is related to a proposed development. Analysis has shown that the additional traffic resulting from the development will cause the total traffic volumes on Highway 99W to exceed the capacity of the roadway. ODOT has conditioned the driveway approval to require the developer to construct a third through lane on Highway 99W. The additional lane will result in the need to eliminate left-turn movements across the median, and therefore, a raised median is also required as mitigation related to the proposed development.

Del led a discussion of the median proposal as shown on Attachment II to further distinguish between corridor median treatments and medians as a mitigation measure with a proposed development.

In earlier median sub group meetings, there has been an emphasis on the need for a set of escalating, objective mitigation measures to use prior to the installation of a raised median to prevent left-turns entering the highway from a proposed development in situations where the left-turns exceed the acceptable mobility standards. Accomplishing this goal requires additional “tools in the toolbox” that the agency can apply.

The sub group unanimously agreed to advance a legislative concept to allow the use of a double-double yellow solid line, including diagonal painted hash marks as a flush, non-traversable median (*See Attachment V*). When the estimated traffic with a proposed development is anticipated to exceed the ODOT mobility standard, this concept in tandem with signing and striping on the driveway to prevent the left turn and the possible use of “pork chops” in the driveway, (a raised median in the driveway to provide positive direction for motorists entering and exiting the site) provide mitigation measures that the agency can employ rather than requiring a raised median island in the state highway.

The sub group acknowledged that there may be occasions where there is an identifiable safety problem in which the agency may deviate from a set of escalating median/driveway treatments and require a raised median as the initial mitigation measure. In these situations, ODOT agreed to conditionally approve a permit for a driveway so that the applicant's project is not delayed while ODOT completes the notice and hearings processes. The applicant would be required to pay for the cost of the mitigation though the agency would lead the notice and hearings process.

ODOT further agreed that they are responsible for the cost of future safety improvements at a driveway that might be needed as a result of the growth in traffic volumes on the state highway.

Based on the consensus and agreements, Bob Russell agreed to remove his straw man proposal. Victor will work with Del to draft a proposed legislative concept and suggested legislative text for statute and forward to the sub group for review (*See Attachment VI*).

Legislative concepts on medians will include;

- a set of objective, escalating standards when considering median treatments with a proposed development,
- a notification process for impact property owners and tenants prior to installation of a median,
- a process to engage stakeholders when a raised median is considered on a two-lane roadway,
- the use of a double-double line solid line with diagonal hash marks as a flush non-traversable median, and
- a revised U-Turn concept that will allow U-Turns at signalized intersections unless signed otherwise.

The sub group meeting concluded at 3:30 p.m.

*Attachment I – “straw man” legislative concept as developed by Bob Russell*

*Attachment II – Proposed Legislative Concept for Corridor Applications and Development Applications*

*Attachment III – Written testimony submitted by Joe Marek, Clackamas*

*Attachment IV – Written testimony submitted by Don Forrest, Fred Meyer*

*Attachment V – Legislative Concept for Dividers Designated By Pavement Markings*

*Attachment VI – Legislative Concept Concerning ODOT's Use of Barriers*

## ATTACHMENT I

This concept would allow ODOT to install a permanent, non-traversable median barrier on a segment of state highway when the following conditions are met:

- The highway is a divided, access controlled highway; or,
- ~~The highway is located within an urban growth boundary and the application and location of a non-traversable median is identified in the local adopted Transportation System Plan~~
- ~~Has otherwise made part of a land use/site plan condition of approval by the local government; or~~
- ~~There is agreement between the ODOT and local jurisdiction that a non-traversable median is required as a minimum to ensure a reasonable level of safety for motorists, and/or to mitigate impacts to safe traffic operations; or,~~
- The highway is located outside of an urban growth boundary or in an unincorporated area provided that:
  - The annual average daily traffic volume is greater than 5,000; and,
  - ~~The highway has more than one lane in each direction of travel; and,~~
  - The department has installed traversable medians at the location; and,
  - The department has determined that traversable medians have not reduced the number and frequency of traffic crashes; and,
  - The department has determined that installation of non-traversable barrier will not reduce the vehicle-carrying capacity of the roadway; and,
  - The department has provided notice to stakeholders, residents, and businesses along the affected highway segment. (The timeframe and form of notice may be more appropriate to set in administrative rule.) ;~~OR~~
  - ~~There is agreement between the ODOT and local jurisdiction that a non-traversable median is required to ensure a reasonable level of safety for motorists, and/or to mitigate operational impacts.~~

## **Attachment II**

### **Proposed Legislative Concept for corridor applications**

“Direct ODOT to develop policy and specific criteria regarding the installation of a non-traversable median in a corridor application”

### **Proposed Legislative Concept related to development applications and medians when applied as a mitigation measure**

“ODOT is to develop an objective escalating set of median types to apply when reviewing approach applications”

### **Attachment III**

Written Testimony from Joe Marek, Clackamas County

Thanks for the opportunity to review the legislative concept. I believe that land use and transportation are tied together and cannot be considered separately. The decision to install a non-traversable median should be examined in the context of the many transportation issues, first and foremost, safety along with all of the multi-modal issues AND the land uses (existing or planned). to ensure that the trucks can get to the land uses, customers can get there, etc.

In many instances, the need for control such as non-traversable medians is established during the development of a Transportation System Plan which has many reviewers including public input. In my mind, this seems like an important place to set the stage because projects need to be funded and only get funded when they are included as part of a TSP. Installation of a non-traversable median is a decision which has significant affects on the road and adjacent land uses required more effort than just placing the barrier. Because of the costs, projects need to be planned and funding secured. This all takes time.

For isolated development issues, traffic mobility decisions still should be considered in the broader context of the corridor – existing and future.

In all of these cases, ODOT and local agencies need to be at the table working out the issues to balance safety and all the other competing needs to develop the best plan they can.

I think this concept leaves some of this out at a time when agencies and communities want stronger ties between land use and transportation.

So, I think if a median has been identified in and adopted local TSP, implementation should be allowed to move forward, same if there is an agreement between ODOT and the local agency.

If a non-traversable median is part of a land use decision, the decision should consider, or be based on, the needs of the corridor as established in the adopted TSP.

## **Attachment IV**

Written Testimony from Don Forrest, Fred Meyer

Tagging onto what Joe has indicated below, I believe the stakeholder's (especially in developed corridors) are hoping for a place at the table also. For whatever reason, often times the stakeholders are not included in the planning process. Example in point is the planned non-traversable median along OR 99W. My understanding is this was triggered by another development (local land use condition of approval) and because we and others were outside of the notice distance requirements, only became aware after the fact. Understanding that safety is paramount, due to the significant economic impacts of non-traversable medians, stakeholders would request equal consideration whether at the local land use planning or TSP level.

Another consideration. The planning that was put in place several years ago, may not be appropriate for the changing economic conditions wherein, often times, the projected growth, level of service and associated problems have not manifested. I think it is becoming increasingly important to have processes and a willingness to revisit plans that may not be appropriate/necessary especially considering the impacts to existing businesses.

Installation of non-traversable medians and/or restricting turning movements is a consideration and often determining factor for where Fred Meyer and other multi location businesses target capital improvements. Simple equation of return on investment.

## Attachment V

### Legislative Concept for Dividers Designated By Pavement Markings

Dividers designated by pavement markings could be used as a progressive measure to channel traffic and prevent left turns from the highway without installing curbs or other non-traversable barriers. Currently, pavement markings are used to designate highway dividers across the state. However, some dividers designated by pavement markings can and are being used by drivers as left turn refuges while others were designated to prohibit turns.

This concept clarifies existing law concerning driving on a highway divider (ORS 811.430). An area enclosed by double yellow lines and marked with crosshatching will designate a highway divider that prohibits a left turn.

Suggested Language:

**Amend ORS 811.430 to read as follows:**

**811.430 Driving on highway divider; exceptions; penalty.**

(1) A person commits the offense of driving on a highway divider if the person drives a vehicle over, across or within a dividing space, barrier or section that is an intervening space, physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic and that divides a highway into two or more roadways. **A dividing section may be indicated by pavement markings including, but not limited to, solid double yellow lines with yellow crosshatching between the double yellow lines.**

(2) This section does not apply when the movement of a vehicle that is otherwise prohibited by this section is made:

- (a) At an authorized crossover or intersection; or
- (b) At the specific direction of a road authority.

(3) The offense described in this section, driving on a highway divider, is a Class B traffic violation. [1983 c.338 §642]

**Attachment VI**

Legislative Concept Concerning ODOT's Use of Barriers

## Legislative Concept Concerning ODOT's Use of Barriers

1 This concept will establish legislation to direct how ODOT considers traffic control measures to  
2 inhibit or prevent left turns across traffic as a measure both to mitigate traffic at a private  
3 driveway and to improve safety within a highway corridor.

4  
5 With respect to driveways, the concept:

- 6 • Requires ODOT to follow a multi-tier approach beginning with pavement markings and  
7 signage on an applicant's property and moving to well designed "pork chops" and similar  
8 traffic islands located on the property or at the curb line, to pavement markings or  
9 signage on the highway and to permanent non-traversable barriers as a last resort. ODOT  
10 will determine which tier is appropriate depending on projected left turn volume and  
11 crash history.
- 12 • Allows ODOT to deviate from the multi-tier approach described above when ODOT and  
13 the property owner agree on a deviation or for identifiable safety problems. ODOT must  
14 consider deviations within a public process which includes provisions for hearing and  
15 appeal.
- 16 • Requires ODOT to notify property owners and businesses affected by both traversable  
17 and non-traversable barriers before the barriers are placed in the roadway and to provide  
18 a process for hearing and appeal.
- 19 • Allows ODOT to conditionally approve a permit for a driveway so that the applicant's  
20 project is not delayed while ODOT completes the notice and hearings processes. The  
21 applicant will be responsible for the cost of the mitigation required for the driveway.
- 22 • Acknowledges that ODOT is responsible for the cost of future safety improvements at a  
23 driveway that might be needed as a result of the growth in traffic volume. This removes  
24 a major uncertainty from the applicant after the applicant has paid its proportionate share  
25 of the cost of mitigation.

26  
27 With respect to safety improvements within a highway corridor, the concept requires ODOT  
28 to notify property owners and businesses affected by both traversable and non-traversable  
29 barriers before the barriers are placed in the roadway and to provide a process for hearing and  
30 appeal.

31  
32 Finally, the concept requires ODOT to discuss all installations of non-traversable barriers in  
33 the roadway on two-lane roads with stakeholders as described in the Highway Operations  
34 Mobility Manual.

35

Legislative Concept Concerning ODOT's Use of Barriers

1 Suggested Language:

2 New Sections to be added to ORS 374, Control of Access to Public Highways

3  
4 **SECTION X1. (1) The Department of Transportation shall use traffic control measures**  
5 **that are intended to restrict or prohibit turning movements onto a state highway from a**  
6 **private approach or from a state highway into a private approach in the following**  
7 **order of priority:**

8 a. **Measures that may be used when the projected volume of left turn**  
9 **movements is less than \_\_\_\_\_, as determined by traffic studies.**

10 i. **Pavement markings, signage and combinations of pavement markings**  
11 **and signage restricting left turns that are located on private property.**

12 ii. **Well designed traffic islands located on private property, highway**  
13 **right-of-way, or on a combination of private property and right-of-**  
14 **way that prevent left turns, provided that the traffic island does not**  
15 **extend beyond the curb line.**

16 b. **Measures that may be used when the projected volume of left turn**  
17 **movements is \_\_\_\_\_ or greater, as determined by traffic studies.**

18 i. **Pavement markings, signage and combinations of pavement markings**  
19 **and signage that designate a highway divider and prohibit left turns**  
20 **that located on the state highway.**

21 ii. **Curbs, islands and other barriers that physically prevent left turns**  
22 **and that are located on the state highway.**

23 **(2) The department may deviate from the order of priority set out in subsection (1) of**  
24 **this section when the department and the applicant for the approach permit agree**  
25 **on the deviation or when the volume of turn movements at the approach creates**  
26 **identifiable safety problems.**

27 **(3) The department may only employ measures allowed under subsection (1)(b) of this**  
28 **section after the department has provided notice to affected property owners and**  
29 **businesses as required by ORS 374.312 and provided an opportunity for a hearing**  
30 **and appeal.**

Legislative Concept Concerning ODOT's Use of Barriers

1       **(4) The department may only install curbs and other barriers that prevent a left turn as**  
2       **allowed under subsection (1)(b) of this section after the department has consulted**  
3       **with stakeholders as required by section X2 of this 2011 Act.**

4       **(5) The department may conditionally approve an applicant's permit for an approach**  
5       **before completing the notice, hearings, appeals and consultation processes as**  
6       **required by subsections (3) and (4) of this section. The department's conditional**  
7       **approval does not relieve the applicant of responsibility to pay the applicant's**  
8       **proportionate cost of traffic measures required at the private approach.**

9       **(6) After an applicant has completed the requirements of its permit, the department**  
10       **shall bear the cost of traffic measures to improve safety that may be required in the**  
11       **future as a result of the growth in traffic.**

12  
13       **SECTION X2. The Department of Transportation may install a non-traversable barrier**  
14       **on a segment of two lane state highway only after the department has consulted with**  
15       **stakeholders in the highway mobility process.**

16  
17       **SECTION X3. This 2011 Act being necessary for the immediate preservation of the public**  
18       **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on**  
19       **its passage.**