



Access Management Committee Meeting
OREGON DEPARTMENT OF TRANSPORTATION
355 Capitol Street NE, Room 122
Salem, OR 97301
June 1, 2010
1:00 – 3:45 PM

Facilitator: Del Huntington.

Attendees: Doug Whitsett, Mark Whitlow, Bob Russell, Don Forrest, Jamie Jeffrey, Brent Ahrend, Jim Hanks, Craig Campbell, Craig Honeyman, Mike Eliason, Art Schlack, Matt Garrett, Doug Tindall, Bob Bryant, Doug Bish, Harold Lasley, Michael Rock, Robin Freeman, Patrick Cooney, Victor Dodier.

Meeting Notes: Karen Elliott.

Meeting Purpose

Identify areas of concern in the existing Oregon Administrative Rules (OAR's) related to access management and to consider potential modifications to the rules with a goal to focus on the balance between safety, flow of traffic, while recognizing the need to support economic development.

Introductions and Approval of Minutes

Self introductions were made and the April 29, 2010 Access Management Committee meeting minutes were approved with the following changes:

- Add a reference to Oregon Transportation Commissioner John Russell's comment when the OAR's were adopted in April 2000, that approach spacing standards along a cross road as measured from ramp terminals at interchanges, standards will not necessarily apply in metro areas. Commission Russell was concerned the Oregon Department of Transportation (ODOT) was not intending to apply new spacing standards that would completely change the character of the urban environment.
- Dr. Layton, Oregon State University (OSU), led the process to develop background data in support of ODOT's access management approach spacing standards. This work included documentation that when an approach is limited to a right-in/right-out only, or left-in/left-out only, the access spacing for approaches could be half the distance as compared to approaches where all turning movements are allowed. Due to an oversight, this work never became part of the

Highway Plan; and was not made a part of the approach spacing tables for statewide, regional- and district-level highways.

- *Note: See additions recommended by Bob Russell and Michael Rock at the bottom of page 5 of the following meeting minutes.*

Del Huntington asked if there were any items to add to the agenda today. No additions noted.

Review of Membership

Access Management Committee members were confirmed as follows:

Legislative Members	Development/Business Interests
Representative E. Terry Beyer	Mark Whitlow, RTF & ICSC
Senator Betsy Johnson	Bob Russell, Oregon Trucking Associations
Senator Rick Metsger	Don Forrest, Fred Meyer
Senator Bruce Starr	John Chandler, Home Builder’s Association
Senator Joanne Verger	
Senator Doug Whitsett	
Practitioners	Other Participants
Jamie Jeffrey, City of Portland	Craig Campbell, Automobile Assoc. of America
Brent Ahrend, Group Mackenzie	Craig Honeyman, League of Oregon Cities
Jim Hanks, JRH Engineering	Mike Eliason, Association of Oregon Counties
Mark Becketl, City of Salem	Art Schlack, Association of Oregon Counties
Oregon Department of Transportation	
Matt Garrett, Director	Harold Lasley, Access Management Manager
Doug Tindall, Deputy Director	Doug Bish, Traffic Engineering Services Mgr.
Robin Freeman, Govt. Relations Manager	Michael Rock, Long-Range Planning
Bob Bryant, Region 4 Manager	

Discussions began with focus in the following four areas:

- 1) Senate Bill 1024 required the Oregon Department of Transportation to develop separate rules related to access management for low-volume state highways within Oregon (under 5,000 Average Daily Traffic [ADT] volumes).***

Harold Lasley indicated that ODOT staff is developing concepts for the proposed changes, and would be shared at a later meeting. Doug Tindall pointed out the Access Management Committee will have an opportunity to review and comment on the proposed rules.

- 2) Medians and physical barriers. An agreement is needed on when physical medians (non-traversable medians) can be required and how to get local buy in.***

Doug Tindall commented that non-traversable medians should be considered as a last resort to manage traffic flow and operations; they are not part of ODOT’s usual considerations; and wondered about the possibility of lowering the speed limit on the roadway as a potential mitigation measure. Part of the criteria should involve traffic volumes, and crash data to determine the appropriate type of median to be installed.

Bob Bryant said that if a turning movement failed, that may be criteria to consider.

Doug Tindall pointed out the operational aspect is important.

Jim Hanks brought up the subject of small fixed islands, how they can pose some safety concerns and, in California for example, using double lines as no-left-turn barriers is an effective tool instead of a raised median. Is this something for Oregon to consider? Del Huntington indicated this should be considered as the location of existing driveways prevent the installation of a raised median, or the roadway cross-section and/or existing right-of-way often prevent roadway widening to accommodate a raised median in the center of the roadway.

Brent Ahrend asked for clarification about medians and access. Bob Russell offered some observations on non-traversable medians. Matt Garrett inquired about developing a hierarchy of mitigation measures to consider when median questions arise. Jim Hanks confirmed there was a hierarchy in place. Don Forrest commented this was an important issue to them. Mr. Forrest also indicated that economic impact is often overlooked; Fred Meyer will walk away from a potential property if problems are anticipated by traffic-related restrictions such as a raised median restricting turn movements, as access locations and turning movements to and from the approach are critical to retail enterprise.

Senator Whitsett stated that impacts on businesses, property values, highway access, and mitigation costs to the individual are concerns that need to be included; developer's should not be required to pay for a traffic signal a half-mile away from the property, especially if all that is needed, for example, is putting in a turn lane to serve the site.

3) *Reasonable access. The concept is in the rule now, but is not interpreted consistently. The concept needs more definition.*

Mark Whitlow provided background from the Access Management Advisory Group (AMAG), 1999 and 2003. Not being compensated for the closure of an approach as a result of case law in Oregon is a roadblock to achieving good solutions. ODOT staff may inaccurately apply points from earlier court decisions, which may not be relevant due to Oregon Revised Statute (ORS) amendments. Approving a permit and not closure was a notion to consider. Protecting the highway while providing reasonable access to land owners abutting the highway was an issue with AMAG. This task force tried to provide interpretation about what "landlocked" constituted. ORS 375 recognizes the "way of necessity" for access as a separate issue than ORS 374 "reasonable" access, though this is often considered in the same manner when applicants apply for an approach permit. The fact that the statute distinguishes between the two proves that "reasonable" is not "right of necessity" which suggests that access by any means is acceptable. Private businesses would like to see focus on reasonable highway access, looking at this issue from a commercial point of view. AMAG also spent time on policies and standards. The outcome in 1999 and 2003 was to look at highway approaches more holistically, considering the need of the highway user and adjacent land use. Improving existing language is doable. The more this can be expressed in the statute the better. This is

partly an exercise in understanding or recognizing the other point of view (ODOT and the adjacent property owner).

Del Huntington asked Jamie Jeffrey about a proposed development in Portland that due to the size and estimated traffic volumes, required more than one access to serve the property. She provided information that the local city side street abutting the property restricted any commercial access as a means of protecting the residential area. The developer attempted to gain approval for two approaches to the state highway, one of which was denied. Del explained a few of the issues surrounding reasonable access. As in this situation; it was the developer's and traffic consultant's opinion that one access was "unreasonable" to serve the site. This topic would be discussed later in the agenda, and the whole area of training on "reasonable access" should be considered.

4) Balance between safety, flow of traffic while recognizing the need to support economic development.

Jim Hanks discussed the area of optimum accesses. He identified specific locations in the state where accident rates are high, adjacent to a rural signalized intersection with a high number of closely-spaced accesses; while in a similar situation with the same amount or more accesses, the accident rate is low. Jim recommended this may be an area worth having someone like Bob Layton review. Jamie Jeffrey mentioned when looking at driveway requests in Portland, they do not deny the application based on crash data, as their records show the majority of crashes occur at public street intersections.

Del Huntington commented that when working for ODOT and presenting crash data to the OTC, public and private approaches were treated similarly. However, crash rates at public intersections are generally much higher than crash rates at private approaches. Harold Lasley was asked to determine if the agency can pull crash data that distinguishes public approaches from private approaches. These are good topics to consider as the committee moves forward.

Identification of areas of concern in the existing Oregon Administrative Rules (OAR's) related to access management and potential rule modifications.

Harold Lasley shared an observation about spacing standards – the standards are seldom achieved in urban areas.

Jim Hanks spoke about small businesses wanting to know if they can do what they want without the need to negotiate every request for an approach permit. Small businesses don't have the money to hire traffic consultants and planners. Over time, the cost is hurting business in Oregon. This is a problem he would like to see discussed.

Del Huntington commented that reasonable access ties into this issue and pointed to a case where the land owner has been involved in a seven-year process to protect reasonable access to the site. A proposed ODOT roadway improvement project would eliminate one existing permitted access. The negotiation process came at considerable

expense and was unresolved until Doug Tindall became involved. Timely and less costly solutions are necessary.

Senator Whitsett talked about Biddle Road and Highway 62 reasonable access issues during the re-construction of an interchange on I-5 in Medford. Eleven of the businesses are now out of business since the project was completed. There is no access to get onto Highway 62 from some of the sites. It is not just new accesses, but existing accesses that need to be looked at.

From the comments provided, Doug Tindall summarized three areas to focus on when modifying the existing Oregon Administrative rules related to access management:

- Need to look at the entire system, think broader;
- Spacing standards, in terms of how much trouble people must go through when requesting an approach permit;
- Need to work towards the goal – gaining improvements to the roadway system where possible while supporting economic development – you need to provide a way to get to good solutions; because now you can't, the standards won't let you.

Doug Tindall recommended putting together work groups to come up with suggestions on how to accomplish this.

Bob Russell suggested the concept was already in the rules.

Matt Garrett indicated attitudes are hard to change; words need to be crafted for better balance.

Jim Hanks suggested redesigning the appeals process so it doesn't look like a decision has already been made; rather, make the rules easier to say "yes".

Don Forrest expressed appreciation for ODOT's leadership; his primary concern was the prohibitive timeframe when requesting an approach permit.

Mark Whitlow also agreed wording needed improvement.

Jamie Jeffrey suggested aiming for lower spacing standards. Something like an engineering study guide could be put together providing all sorts of engineering situations to help staff make better decisions.

Bob Russell asked about drafting legislation based on specific standards not applying to all situations. Allow ODOT staff to focus on the more difficult situations. On page 3 of the April 29, 2010 meeting minutes, driver expectation was an important area. Make highways convenient and reasonable. Also, on the same page is risk assessment. Risk avoidance needs to be added.

Michael Rock recommended adding another area to the Vision, mentioned on page 3 of the April 29 meeting minutes. Better defined function/purpose along the road; function statement is important; embellish that more. This concept was affirmed by many of the committee members and a suggestion was made that “If you’re on a real city street, why not have the same rules as the city?” However, merely changing rules to match city standards may not be prudent in all cases.

Jamie Jeffrey would like to see consistent access management techniques applied in metro areas across the state. There should be one mind-set along those lines.

Jim Hanks talked about anomalies – a statewide highway has a higher need for mobility and access than a district highway – but a driver doesn’t distinguish what kind of highway they are on.

Bob Russell commented about highways today being designated a Special Transportation Area (STA), Urban Business Area (UBA), etc.

Craig Campbell talked briefly about school zones and how drivers react to those designated areas.

Doug Tindall advised an important distinction is that even though drivers are on a state highway, there will still be times when users are going to have congestion. Harold Lasley talked about applying STA’s and/or UBA’s as potential tools. Director Garrett asked if STA’s or UBA’s were being maximized.

Senator Whitsett asked about risk avoidance. He explained a situation where more than one ODOT employee had told him they understood if they changed a rule, and harm or injury occurred as a result of ODOT’s failure to adhere to the written rule, the ODOT Professional Engineer (PE) could be held personally liable for any unfavorable result of that change or failure to adhere to the rule. Matt Garrett indicated, and Doug Tindall agreed, that many ODOT PE’s held that unfounded assumption and the reality is that many, if not most PE’s will not deviate from the written rule for that reason. Making highways better is ODOT’s intent. Some discussion of how to make the highway “better” continued.

Mark Whitlow read a portion of Section 2 of SB 1024. His observation was it is totally discretionary how to apply the rule. There has to be some risk involved.

Bob Russell commented this is a complex area – the preceding discussion shows that. Bob distributed a list of issues that he believes are critical as the process moves forward. (Bob’s list of issues is attached on page 9 of the meeting minutes. Committee members shared their thoughts on items provided by Bob Russell.

Doug Tindall said that criteria for approving approaches in rural and urban areas may be different, though he is concerned about the amount of detail some would like to place in an amended statute.

Bob Russell provided the following perspectives: highway standards got to the issue of approach design; if there is an issue with an approach removal, ODOT should have the ability to shut it down; and, put something here to the effect that in certain instances an approach cannot be approved.

Mark Whitlow indicated it was important to add change of approach use to the criteria.

Bob Bryant commented the list of items provided by Bob Russell was broad and covered any issues he had.

Del Huntington provided information that a Transportation Research Board committee's Access Management Guidelines are being developed by OSU and may be available by the end of 2010. The data and research would be a good reference for later use.

Art Schlack suggested an acknowledgement be included in the statute that special access management standards can be developed for STA's and UBA's. Another piece that needs to be recognized in the statute is Transportation System Plans – one size does not fit all.

Under removal of an approach, Del Huntington would like to add there are many mitigation measures to improve the safety at an approach that may be appropriate rather than simply removing an approach. Jim Hanks mentioned earlier that he would like to have less restrictive wording within the OAR, a concept that Brent Ahrend agreed would be a good idea.

In summary, Doug Tindall agreed three areas were high priority:

1. Mitigation/medians
2. Reasonable access
3. Discussion of standards that conform to reality – the context issue

Jamie Jeffrey suggested when talking about mitigation, medians need special attention. One is a policy issue and one is more about design. Medians can be very different than simply a mitigation measure.

Brent Ahrend recommended adding a fifth area. Create a task force to look at language to satisfy SB 1024.

Del Huntington clarified the five areas to concentrate on:

1. Reasonable Access
2. Standards that conform to reality (also tying in to urban and rural)
3. Mitigation
4. Medians

5. Reviewing the proposed text for temporary administrative rules that Harold Lasley's group is developing to satisfy SB 1024.

Harold Lasley offered up the idea that an ODOT employee would be a valuable addition to each of the five task areas above. Doug Tindall volunteered to provide a list of employees to Del Huntington

Proposed timeline for temporary administrative rule to satisfy SB 1024.

Doug Tindall advised the committee that a draft of proposed amendments to the existing statute and administrative rules should be provided to Senator Whitsett no later than November or December, in time for the 2011 Oregon Legislative Session.

Subcommittee volunteers

Bob Russell – medians and mitigation

Don Forrest – economic impacts, timelines

Craig Campbell – medians

Michael Rock – context

Bob Bryant – context

Jamie Jeffery – context – possibly interested in reasonable access

Mark Whitlow – context and reasonable access

Jim Hanks – medians and context – possibly interested in mitigation and policy

Brent Ahrend suggested the June 1 committee meeting minutes be sent out for review before committee members are asked to further volunteer for subcommittees.

Web conferencing, video conferencing and teleconferencing possibilities at future meetings were briefly discussed.

The next full Access Management Committee meeting is July 12, 9:30 to noon, at ODOT's Region 2, Building A, Mt. Hood Conference Room, 455 Airport Road SE, Salem. Telephone conferencing will be offered for this meeting. Details will be provided to participants prior to next month's meeting.

Issues advanced for consideration from Bob Russell

Criteria for approving an approach in a rural area.

- Safety factors
- Spacing standards
- Operational standards
- Mobility standards
- Alternate access – reasonable access
- A construction permit or permit to operate not required when...

Criteria for approving an approach in an urban area.

- Safety factors
- Spacing standards
- Operational standards
- Mobility standards
- Alternate access – reasonable access
- A construction permit or permit to operate not required when...

Benefit to State Highway System

Mitigation measures

Access management and interchange management plans

- Required when mod or pres project planned

Design of approaches

- Oregon Highway Design Manual

Removal of an approach

May not approve an approach when....