



**Access Management Committee Meeting
ODOT Region 2, Building A, Mt. Hood Conference Room
455 Airport Road SE, Salem, OR 97301
July 12, 2010
9:35 AM – 12:10 PM**

Facilitator: Del Huntington.

Attendees: Brent Ahrend, Doug Bish, Bob Bryant, Craig Campbell, Robin Freeman, Jamie Jeffrey, Harold Lasley, Michael Rock, Bob Russell, Mark Whitlow, Victor Dodier and Erik Havig attended in person. Senators Doug Whitsett and Joanne Verger, Jon Chandler and Monte Grove attended by telephone.

Meeting Notes: Karen Elliott.

Introductions and Approval of Minutes

Self introductions were made. The June 1, 2010 Access Management Committee meeting minutes were approved with the following changes:

Page 5 – At the June 1 meeting, Doug Tindall summarized three areas to focus on when modifying the existing Oregon Administrative rules (OAR) related to access management. It was recommended the third bullet be changed as follows:

- 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~~ where now you can't, because the standards won't let you.

Page 6 – It was agreed that different wording be developed to address Senator Whitsett's concerns regarding risk avoidance and Oregon Department of Transportation (ODOT) employee perceptions about being held personally liable as a Professional Engineer for any unfavorable result if that employee changes or fails to adhere to the rule. *Del Huntington indicated he would work with committee members' offline, contact the Oregon Department of Justice to gain an official understanding of the liability issue, and provide that information at the next Access Management Committee meeting on August 16.*

Overview of Binder

Del Huntington provided a brief overview of the binder contents:

- Vision and Goals for the 2010 Access Management Discussion, and Membership
- List of Future Access Management Discussion Meetings, Dates and Locations, and Minutes
- Problem Statements and Background provided for
 - Sub-Group #1 – Reasonable Access
 - Sub-Group #2 – Access Management Standards
 - Sub-Group #3 – Mitigation Measures
 - Sub-Group #4 – Medians
 - Sub-Group #5 – Change of Use
- Copy of Enrolled Senate Bill 1024
- OAR 734, Division 51 – Highway Approaches, Access Control, Spacing Standards, and Medians (*Please note this copy is not intended to be used as a legal document as portions of the rule have been indented for readability.*)
- Notes

Before beginning sub-group updates, Senator Verger commented on a concern about her constituents applying for access permits. More often than not, access decisions made by ODOT are viewed as inflexible. Constituents need to know ODOT will listen and be flexible when possible. Right now, there is a feeling among too many, that the access management process is not successful. There is a need for ODOT staff to gain a better understanding of the client’s perspective on access issues.

Sub-Group Updates and Discussion

For the record, below is a list of the sub-group members.

Sub-Group #1 – Reasonable Access	
Brent Ahrend, Group Mackenzie	Jamie Jeffrey, City of Portland
Bob Bryant, ODOT Region 4	Harold Lasley, ODOT Access Management
Jon Chandler, Home Builder’s Association	Mark Whitlow, RTF & ICSC
Richard Dunlap, ODOT Right of Way	Jinde Zhu, Washington County
Don Forrest, Fred Meyer	Del Huntington, Facilitator
Sub-Group #2 – Access Management Standards That Conform to Reality	
Bob Bryant, ODOT Region 4	Harold Lasley, ODOT Access Management
Jon Chandler, Home Builder’s Association	Rick Nys, Clackamas County
Gary Farnsworth, ODOT	Michael Rock, ODOT Long-Range Planning
Monte Grove, ODOT Region 5	Shawn Stephens, ODOT
Jim Hanks, JRH Engineering	Mark Whitlow, RTF & ICSC
Jamie Jeffrey, City of Portland	Del Huntington, Facilitator
Sub-Group #3 – Mitigation Measures	
Brent Ahrend, Group Mackenzie	Jim Hanks, JRH Engineering
Shashi Bajracharya, Lane County	Harold Lasley, ODOT Access Management
Mark Becktel, City of Salem	Michael Rock, ODOT Long-Range Planning
Doug Bish, ODOT Traffic Engineering Serv.	Bob Russell, Oregon Trucking Associations
Bob Bryant, ODOT Region 4	David Warren, ODOT
Brian Dunn, ODOT	Del Huntington, Facilitator
Don Forrest, Fred Meyer	

Sub-Group #4 - Medians	
Mark Becktel, City of Salem	Craig Honeyman, League of Oregon Cities
Doug Bish, ODOT Traffic Engineering Serv.	Harold Lasley, ODOT Access Management
Bob Bryant, ODOT Region 4	Rick Nys, Clackamas County
Craig Campbell, AAA	Bob Russell, Oregon Trucking Associations
Jim Cox, ODOT	Elaine Smith, ODOT Region 1
Chris Doty, City of Redmond	Del Huntington, Facilitator
Jim Hanks, JRH Engineering	
Sub-Group #5 – Temporary Administrative Rules “Change of Use”	
Brent Ahrend, Group Mackenzie	Harold Lasley, ODOT Access Management
Doug Bish, ODOT Traffic Engineering Serv.	Doug Norval, ODOT
Bob Bryant, ODOT Region 4	Mark Whitlow, RTF & ICSC
Don Forrest, Fred Meyer	Del Huntington, Facilitator
Jim Hanks, JRH Engineering	

Note: For complete minutes of the following sub-group meetings, please go to <http://www.huntingtontrafficsolutions.com/> and follow the link to the Access Management Discussion Forum.

Sub-Group #1 – Reasonable Access

Mark Whitlow advised the sub-group met on July 6, 2010. The following recommendations came out of that meeting for consideration:

- Transfer the permitting of driveways to the local jurisdiction for some highways within the Urban Growth Boundary (UGB).
- New access management standards are required for highways with less than 5,000 Average Daily Traffic (ADT).
- Review the construction of Oregon Revised Statute (ORS) 374-310(3)(a)&(b) as compared to the Oregon Administrative Rule (OAR). The current OAR 734-051-0080 approaches the question of reasonable access from the wrong perspective and needs to be consistent with the statute. For example, the ORS does not include the term “alternate access” yet this is used frequently in the rules.
- Increased acknowledgement of the urban vs. rural condition, as higher traffic volumes, in tandem with higher speeds in the rural areas, can result in increased crash severity and increased congestion. There is a need to find balance.

Committee members provided the following observations:

- Develop guidelines that meet the more common circumstances for reasonable access and then have a process that staff can use when something doesn’t fit. However, the guidelines should not be so broad that every application must go through the entire process. *Jamie Jeffrey will provide a sample guide to Harold Lasley that City of Portland engineers use when making permit decisions.*

Bob Russell and Senators Whitsett and Verger had concerns with a guide that explicitly defines “reasonable access”. Senator Verger commented that if you make the criteria list too long, you go beyond what is reasonable.

- Mark Whitlow indicated we may need to get to some standards on reasonable access. A possible solution is to follow the lead of local jurisdictions regarding the number of trips to the site that are considered when applying the reasonable access test. *Harold Lasley asked Brent Ahrend to provide him with an example of what local jurisdictions use when evaluating reasonable access.*
- Jamie Jeffrey indicated the June 1 Access Management Committee meeting minutes may not have reflected what she tried to say regarding the issues she considers when reviewing an access request for the City of Portland. The city staff is tasked with looking at zoning – and they weigh all the pieces of the puzzle. However, in her experience working with ODOT Region 1, the state focus is “what is best for the state facility?” – rather than considering the big picture. The big picture includes a different perspective on reasonable access and includes context sensitive solutions. Several people agreed that ODOT’s charge should be to make sure a corridor is safe, not determine what the land is used for. Ms. Jeffrey is very interested in the concept of a jurisdictional transfer of permitting decisions on certain state highways within the City of Portland.
- Bob Bryant thought the “jurisdictional transfer” concept was overarching to all the work that the access management sub-groups are developing. This would serve as a means of reducing the size of infrastructure to those highways where ODOT is most concerned about providing mobility across the state. Clearly some routes have the intent of serving abutting properties, rather than the duality of a local and state process.
- Bob Russell suggested the approach permit may not be necessary in all cases and the process should be simplified for many requests. Robin Freeman and Jim Hanks commented the permit tracks several items, including construction details, traffic control, maintenance and not limited to just the specific location.
- Related to a conversation about codifying the existing administrative rule into statute, Senator Whitsett was uncomfortable in placing the entire access management rule into ORS.
- Senator Verger brought up a situation concerning a Coquille mill that operated 24-hours-a-day. The property later changed ownership and an attempt was made to convert the use into a shopping center. ODOT determined there would be too many cars coming into the mall to allow a driveway permit. However, the perception was the former mill generated a similar number of trips on the same driveway. The initial ODOT decision caused considerable concern with the community. Senator Verger noted the importance of communicating information to the communities. She is very interested in access management and the current process to re-evaluate the access management standards and processes. *Del Huntington will send her a committee binder.*

Sub-Group #2 – Access Management Standards that Conform to Reality

Monte Grove advised the sub-group met on July 7, 2010. The following recommendations came out of that meeting for consideration:

- Develop specific access management standards that fit a specific corridor.

- Access management standards. Re-tool so standards can be applied without the need for 90% of the applications resulting in the need for a deviation from the spacing standards. Spacing standards in Oregon are very conservative and can be reduced without compromising safety and operations.
- Recognition that access must be context sensitive.
- Access management spacing standards should reflect what has been permitted and what the local city standards are, especially on district and regional highways within the UGB. There needs to be better balance and increased flexibility when considering access to statewide highways and expressways. The balance should take into account access, mobility, safety and economic considerations.
- There is a need for an honest appeals process when applicants are denied. Current perception is the appeals process is a kangaroo court and applicants are not willing or interested in going through an expensive and time-consuming process that will merely support the earlier ODOT decision.

Sub-group members acknowledged a lot of the potential recommendations would require revisions to the Oregon Highway Plan (OHP), a document approved by the Oregon Transportation Commission (OTC). Any proposed revision would require their prior approval for a plan amendment and would require a review process for cities, counties and other travel modes. The sub-group also acknowledged that to achieve higher density and in-fill with urban areas consistent with state planning goals, congestion on roadways will increase. In the event that accesses to state highways within the UGB are permitted by local jurisdictions, there must be an acknowledgment that local decisions may lead to increased congestion; however, ODOT cannot be held responsible to come back and provide roadway improvements. Additionally, if the ODOT access management standards are modified, it will require revisions to many existing internal manuals and guidelines to ensure consistency.

Committee members provided the following observations:

- Given the notion that lower volume highways within an UGB may be managed closer to local jurisdiction standards – the idea is to have the whole roadway network look and feel the same.
- Appeals process is cumbersome, without enough flexibility. A suggestion was made that more stakeholders be at the table to strengthen the process.
- Interest in looking more in-depth at the number of deviations, and not just in urban areas, but industrial areas as well; i.e., what decisions were made in certain instances, how many have been approved and denied, take a sampling to see if the local street spacing played into the decision. *Bob Bryant will attempt to pull data to address this request.*

Sub-Group #3 – Mitigation Measures

Bob Russell advised the sub-group met on July 6, 2010. The following topic areas came out of that meeting:

- There is a need to preserve and protect a vertical and horizontal dimension along highways to allow for acceptable truck and freight movements through the roadway corridor. Develop standards that clearly convey the amount of mitigation required for various developments based on the traffic introduced onto the roadway.
- The June 1 Access Management Committee meeting minutes did not include Doug Bish's comment that there is a need to consider future, potential safety concerns, including mitigation measures that provide safety for all modes of travel. Examples of mitigation measures may include bulb-outs, turn lanes, raised medians at turn lanes, and roundabouts.
- Given the developer's perspective – which is currently one of uncertainty as to whether or not a site will be approved, and if approved, whether or not the required mitigation will be proportionate to the proposed development – develop a clear policy on improvements, more certainty in the process, and a limit on the extent ODOT may require mitigation measures upstream and downstream of the development.
- OAR revision to allow the state more flexibility in order to dismiss the need for a traffic study in certain circumstances.
- Proportionate share for roadway improvements. Each developer should pay their proportionate share.
- Consider the big picture. Include safety, congestion and other modes as the mitigation issue is addressed.
- Mitigate impacts. ODOT needs the ability to mitigate developer's impacts more efficiently, at a reduced cost, while providing more certainty on the decision and required mitigation.
- Proportionate and fair share. This has been an issue for ODOT for a long time. Cities are beginning to experience traffic impacts from developments outside their jurisdiction and the city doesn't have any mechanism to charge the developer for additional traffic impacts to its transportation system.
- Non-traversable medians should be used only as a last resort. Additionally, a second area of concern relates to a future year analysis in the Traffic Impact Analysis (TIA). Mitigation measures should be limited to the year of opening to solve traffic impacts, not a future year.
- Provide for the ability to get ahead of development and plan/develop solutions prior to development requests. Also provide greater predictability in decisions.
- Disconnect in the timeline between state and local jurisdictions. There are situations where a city cannot approve an application for a local land-use action because it lacks a commitment from ODOT. An example of competing issues relates to differing mobility standards. A city may be willing to accept a certain amount of congestion which may be unacceptable to the state.

Given the above broad and potentially diverse topic areas, Bob Bryant and Del Huntington are developing a draft list of priorities for the sub-group to review.

Committee members provided the following comments:

- Traffic Impact Analysis can be fairly expensive when applying for an access. Could it be done differently?
- Desire to get accesses considered earlier in the process.
- Interest in developing a matrix that identifies a series of mitigation measures required within the UGB.
- Rural and urban distinction is important to define. The statutory speed zone language for residential districts may be a source to help distinguish rural vs. urban.
- A caution was raised that if local jurisdictions took over permitting and mitigation measures on certain state highways within its UGB, the city would need to protect and preserve a vertical and horizontal dimension for truck traffic through the corridor.
- Intersections are mitigatable – driveways are another story. Current calculation methods to determine the volume-to-capacity ratio at a driveway do not accurately reflect reality.

Sub-Group #4 – Medians

Jim Hanks advised the sub-group met on July 7, 2010. The following concerns came out of that meeting:

- Develop a clear set of standards on when and where medians are constructed. The standards should also define when and where median treatments other than non-traversable medians are appropriate. There also needs to be a balance with safety while assuring access to businesses along the corridor.
- The installation of non-traversable medians appear to be an afterthought as a means to correct existing or perceived problems. One county in particular is concerned with ODOT's policy on medians as some county roads may become right-in, right-out only, especially when the median is part of a required mitigation measure as a result of a nearby development.
- ODOT should have clearer standards on when and where non-traversable medians may be constructed.
- When non-traversable medians are planned and constructed, the state must give more thought to providing frequent U-turn opportunities in order to access development on the opposite side of the highway.
- Ensure protection of a vertical and horizontal dimension to allow for truck traffic throughout a highway corridor.
- Construction of non-traversable medians. Mountable curbs are preferable to a vertical face; landscaping within the median can be a problem if the area is needed for a truck to turn to and from development adjacent to the roadway. The median needs to be large enough to provide consistency, predictability and visibility.
- Focus on medians within corridors rather than non-traversable medians as a mitigation measure with a proposed development.
- While non-traversable medians along the corridor may be the #1 priority, the requirement for a non-traversable median as part of a developer's mitigation measure is also important.

- There should be a hierarchy for median types and an accommodation for additional medians that have been used in other states, such as a double, double yellow painted line.
- Improve how ODOT analyses motorists making left turns onto a state highway.
- Better understanding is needed about what is intended with various median applications.
- ODOT must be careful when attempting to construct a non-traversable median through a strip-commercial corridor as a means to eliminate left turns to and from the adjacent property. Developing median corridor solutions through strip-commercial areas is difficult. Strip-commercial corridors require special consideration and creative solutions when median treatments are considered.
- More local jurisdiction involvement when considering median treatments on developed corridors.
- There may be a need to develop a corridor-mobility expectation rather than a mobility standard at a specific location along the roadway.

Comments from committee members included:

- When considering various median treatments, and when considering openings within non-traversable medians to accommodate specific turning movements, it is important to predict how many motorists will access the median.
- ODOT's Bike/Pedestrian Program folks need to be integrated into the planning process earlier vs. later.
- ODOT staff must consider how traffic will be redistributed within an area and the impacts to the level of service at intersections, as the intersection will be impacted when a non-traversable median is constructed. This type of median treatment can have a significant impact on the local roadway network. Corridor Plans are a good instrument to try to get ahead of the game.
- Jim Hanks recommended a hierarchy decision process when considering median treatments, including signage and striping as potential solutions.
- Jim Hanks concurred with Bob Bryant that there are occasions where a non-traversable median is the appropriate solution as part of a corridor. This type of project requires the agency to consider all of the issues along the roadway and hopefully deals fairly with each property owner along the corridor. Mr. Hanks is mostly concerned with median solutions as a mitigation measure during the development phase. He recommends that ODOT start from the bottom and then work up to more complex mitigation measures. Bob Bryant agreed.
- Doug Bish commented that a person needs to see where to get in and out of a development – a clear expectation on how to get to and from the highway – improve the mitigation measure to ensure that there is a clear sense of driver expectancy – we need to consider using more tools in the solution process. Bob Bryant commented this deals mostly with urban arterials. He acknowledged there are challenges when evaluating turning maneuvers, and agreed with Jamie Jeffrey that working with the community ahead of time is critical. Ms. Jeffrey thought that was also good for property owners – gives them more certainty, where uncertainty is more the norm today. Brent Ahrend felt having a plan was key.

Sub-Group #5 – Temporary Rules for “Change of Use” as required in SB 1024

Mark Whitlow advised the sub-group met on June 15, 2010. The following topics came out of that meeting:

- SB 1024 established criteria for a “change of use” which did not include text related to safety or sight distance that would be required. The people who helped develop the bill acknowledged that there are circumstances where the agency should have the ability to review certain criteria related to safety though the existing rules are too subjective. The group reached an agreement that ODOT could consider mitigation measures where there is a demonstrated safety concern, and require a sight distance of 10 times the posted speed or the 85th percentile speed.

Comments from committee members included:

- Bob Russell talked about IGA’s (intergovernmental agreements) for a public approach. Originally, Mark Whitlow said, they thought there was a problem, but a blanket IGA for street connections could be done. Also, there is nothing in SB 1024 that prevents the cities from obtaining a permit for a public approach if it is seen as a simpler process. Brent Ahrend said he felt the intent of the SB was met and mitigation is limited to only that driveway when a change of use permit is requested. Harold Lasley felt more work was needed on the sight distance language – there have been a lot of internal emails – but technical questions are out there. Harold suggested bringing more clarity to the permanent rule than what is identified in the temporary rule. Jamie Jeffrey commented on sight distance issues and Harold Lasley agreed more clarification is needed. Del Huntington believes that a determination on the necessary criteria demonstrating how to measure the sight distance can be part of a guide and training for ODOT staff. Jim Hanks said the rule’s intent is to allow a development to continue under the prior approval, and if the sight distance was acceptable and nothing has changed, it shouldn’t be a problem.
- Mark Whitlow asked what way are we headed? Del Huntington answered the question that the temporary rule for “change of use” is to be adopted by the OTC on July 20, 2010. The temporary rule is effective for 180 days, at which point it becomes void. ODOT will need to begin a formal public process to adopt a permanent rule for “change of use” to meet the intent of SB 1024.

Del Huntington asked committee members if there were any other issues that needed to be discussed before moving on to the next agenda item. Mark Whitlow asked how we were going to change the standards. Bob Bryant thought that it would be wise to determine where deviations were occurring, then target those permit applications to see where a large number of deviations could be eliminated. That might get us a long way down the path of eliminating/reducing deviations.

Additional Agenda Items

No additional agenda items were identified.

Action Items

Del Huntington summarized action items from today's meeting:

1. Make revisions to June 1 meeting minutes based on comments captured.
2. Sub-Group #1 – Ms. Jeffrey will provide sample of engineering guide book.
3. Sub-Group #2 – Look at data from the CHAMPS permitting database and after data is collected, address questions related to spacing standards and how the ODOT standards fit into the existing environment.
4. Sub-Group #3 – No action items noted, other than the understanding that each sub-group needs to be narrowing its focus and getting its work done.
5. Sub-Group #4 – No additional action items were noted. Del Huntington commented that Representative Doherty participated in the sub-group meeting and asked if an adopted corridor plan could be altered if the recommendation from the sub-group results in a median policy that differs from the existing ODOT policy. He does yet not have an answer for this question.
6. Sub-Group #5 – No additional action items noted.

Del Huntington pointed out the maps posted on the wall – one Traffic Flow map showing highways with less than 5,000 Average Daily Traffic (ADT) and another map showing highways with 5,000 and greater ADT. He offered to send copies to interested committee members. *Bob Russell asked for large version of each map.*

In closing, Senator Whitsett noted that he hoped each sub-group would keep in mind the need for creating more economic development and job creation opportunities across the state as they continued to work on the issues at hand.

Next meeting of the Access Management Committee

The next Access Management Committee meeting is August 16, 8:00 a.m. to noon, at ODOT's Human Resources Center, Room A, 2775 19th Street SE, Salem. Telephone conferencing will be offered for this meeting. To conference in by phone, dial 1-877-581-9247, and enter participant code: 280787.

Meeting adjourned at 12:10 p.m.