



**Sub Group 3 Meeting, Mitigation
Access Management Committee
Transportation Building
355 Capitol Street NE, Room 119
Salem, OR 97301
3:00 – 5:00 PM, July 26, 2010
FINAL**

Working Facilitator: Del Huntington.

Participants: Brent Ahrend, Don Forrest, Harold Lasley, Bob Bryant, Bob Russell, Michael Rock, Brian Dunn, and Shashi Bajracharya.

Meeting Purpose

Identify legislative concepts for potential additions and/or revisions to the Oregon Revised Statutes (ORS), potential revisions to the Oregon Administrative Rules (OAR), and the Oregon Highway Plan (OHP) of objective standards related to “mitigation measures”, to advance to the Access Management (AM) Committee. Identify mitigation measures that ODOT may require as development occurs along the state highways.

Discussion

Del provided a brief summary of the AM sub-group # 1 and # 2 from last Thursday and identified a proposed timeline for sub-groups to advance recommendations to the AM Committee. Bob Russell provided information that allows the timeline to be extended beyond what was initially considered. Senator Johnson is developing a senate bill that will separate the counties from ODOT within ORS 374. The bill will provide a placeholder for other access management related issues that may be advanced by the AM Committee. Senator Johnson’s bill will provide an extended timeline for the AM Committee to work on specific recommendations as concepts may be added to the bill as late as February, 2011.

Don – In the event that the sub-group reviewing “reasonable access” advances a recommendation to modify the method that ODOT applies when considering access to a property, it may provide a lot of benefits and reduce the developer’s concerns of mitigation measures on the state highway.

Bob Russell previously expressed concern with excessive mitigation measures, and the use of “street furniture” that is constructed within the median and along the edges of the roadway to mitigate development. Bob Bryant asked if the existing ORS 366.215 that

provides requirements for truck routes is sufficient for the trucking industry. Bob Russell responded that he would like to have a second tier of requirements for trucks and movement of freight on routes that are not part of the official “freight route” system of highways.

State System Development Charges (SDC)

There was considerable discussion if the concept of an ODOT SDC would be a recommendation to advance to the AM Committee. Potential benefits could include; more equity for each property owner that develops along the highway corridor as each pays a percentage based on the impact to the system, increases certainty for the developer, reduced timelines, and a reduction in the amount of traffic analysis for each independent development. This assumes that a prior planning study has determined the impacts of build-out and has identified necessary mitigation measures and total costs.

Don – a knee jerk reaction is “one more way for agencies to charge the developer for more money”. However, he believes that the issue should be left on the table as a potential option, while researching answers to specific questions related to “when” and “where” the SDC money would be spent. Brent stated that an SDC would have to cover the cost of site frontage improvements. Bob Russell does not believe that an SDC would be compatible with the Highway Trust Fund, and the SDC money would be made part of the state general fund. Bob thought that this would make the funds available for uses other than roadway improvements.

Brent asked if there could be incentives that would encourage the developer to consider off-site access solutions to serve the property. Can ODOT and local jurisdictions work together to develop a transportation network that will support build-out of the land-uses along the state highways? Brian stated that it is difficult to accurately assess build-out within smaller communities across the state as they may lack the planning expertise as compared to larger cities.

Brent raised a concern that developments that do not front the highway would receive the benefits of an improved roadway network, yet would not pay into an ODOT SDC since they do not require an approach permit to the state highway.

Volume/Capacity (v/c) analysis for private approaches to state highways

Harold discussed the possibility of revising the v/c criteria for private approaches to the state highway. Potential criteria could include ADT of the highway, estimated traffic volumes to the site, cross section and number of lanes on the highway, and the cross section and number of lanes on the proposed driveway. Harold suggested a matrix identifying the criteria that ODOT would consider in exempting development from v/c (mobility) mitigation measures if they remained below certain thresholds.

Additional Discussion

Bob Russell asked if there are any occasions where the developer is not required to process an approach application and if so, is there a way to simplify the application process for routine requests. Harold and Brian responded that the application/permit process deals with much more than the precise location of the approach, and includes issues such as a review of access rights, sight distance measurements/analysis, driveway design, construction within the ODOT right-of-way, traffic control during construction, maintenance of the approach, existing safety concerns, proximity of nearby driveways, and drainage along the property frontage. The mitigation measures that are being reviewed by the sub-group deal with improvements related to capacity and mobility thresholds.

As there may be complex issues to consider when reviewing an approach application, Brian and Del suggested that the existing provision in the OAR to “move in the direction of” could provide relief when considering new approaches to the highway. It may be beneficial to develop guidelines with a list of possible improvements that qualify as “moving in the direction of”.

There was considerable discussion to determine if there is an accommodation for a pre-application meeting with ODOT prior to submitting an application. Many of the participants believe that there is a significant benefit in the ability to meet with ODOT staff to discuss the potential project and learn of specific ODOT concerns. There may be occasions where the developer would elect not to have a pre-application Harold will check with each of the five ODOT regions to determine if they encourage and/or allow for a pre-application conference with developers prior to the submittal of an approach application.

Harold was also asked to check with the Region Access Management Engineers (RAME) to determine if there are a set of approach applications that receive immediate approvals without additional analysis and research. If so, what are the similarities between the applications and could this information be broadened to a larger set of approach applications?

Action Items

Harold will develop a draft matrix to establish criteria and thresholds for mobility and capacity related mitigation measures to the state highway. This could involve revising v/c criteria for private approaches and establishing thresholds below which mobility and capacity related mitigation would not be required. This action item will need to include Transportation Development Division as it would require an OHP amendment.

Harold will contact the five ODOT regions to determine if they encourage and/or allow for a pre-application conference prior to the submittal of an approach application.

Harold will ask the RAMEs if there are a set of approach applications that are approved easily and quickly.

It is recommended that ODOT check with legal counsel to determine if an ODOT SDC would be compatible with the Highway Trust Fund and potential implications.

Meeting adjourned at 5:00 PM.

As a follow-up to a discussion at the July 6/2010 Sub Group # 3 meeting on traffic analysis for proposed developments, David Warren provided Del with the following comment and OAR text related to a Traffic Impact Analysis (TIA) requirement.

“Here is the language I was referring to, which dictates when a TIA is required. Notice that ODOT shall require a TIA when there are any operational/safety concerns (no matter the size of the development), but may require a TIA when the ADT is 600ADT or 100 hourly trips. This seems a little restrictive”.

734-051-0070

Application Procedure and Timelines

(e) May require a Traffic Impact Study for:

(A) Proposed developments generating vehicle trips that equal or exceed 600 daily trips or 100 hourly trips; or

(B) Proposed zone changes or comprehensive plan changes;

(f) Shall require a Traffic Impact Study for proposed developments or land use actions where the on-site review indicates that operational or safety problems exist or are anticipated; and

(g) Shall notify the applicant that required supplemental documentation, including an application for a grant of access or indenture of access, must be submitted within 60 days of the date of notice of supplemental documentation or the application expires.