



## **Sub Group 1 Meeting, Reasonable Access**

**Access Management Committee**

**Transportation Building**

**355 Capitol Street NE, Room 119**

**Salem, OR 97301**

**8:00 – 9:30 AM, July 6, 2010**

**FINAL**

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**Working Facilitator:** Del Huntington.

**Participants:** Brent Ahrend, Melinda Merrill, Harold Lasley, Bob Bryant, Jon Chandler, Mark Whitlow, and Victor Dodier.

### ***Meeting Purpose***

Develop expectations and desired outcomes for reaching consensus on definition of “reasonable access”.

### **Discussion**

Brent Ahrend – A considerable amount of commercially zoned property along the state highways within the UGB has no supporting street system, resulting in the property’s owner’s request for all access to the state highway. Brent acknowledged that the type of highway fronting the property can impact what is considered reasonable. From an economic standpoint, direct access to the state highway can be essential.

Harold Lasley – The Oregon Revised Statute (ORS) defines reasonable access, and therefore must be the basis. There is subjectivity in the definition, but how much subjectivity is appropriate? A question to consider; what are the economic factors that should be considered in relation to reasonable access?

Melinda Merrill – ODOT should not box itself in, and therefore the agency needs guidelines to follow. While safety is a concern, eliminating a driveway as a means to gain a safety benefit can result in significant impact to the development adjoining the highway. There should be flexibility when reviewing existing accesses and requests for new and additional access.

Bob Bryant – There appears to be an assumption in ODOT that one size fits all conditions. The state should consider if there are a group of highways that serve the local system and provide for more relaxed standards inside the UGB. There are other state

routes that are more critical to the state interests, and therefore the standards should not be relaxed on these specific routes.

Mark Whitlow – ORS 734 was revised in 2003 and included a definition of “reasonable access”. The definition is not reflected in the current Oregon Administrative Rules (OAR) 375, Division 51. ORS 734,310(3) was intended to consider the property owner’s perspective on access that is reasonable to serve the intended use to help make the abutting property owner successful.

Jon Chandler – In representing the Homebuilder’s Association, they are subservient to the retail industry. It is common that the homebuilder experiences exactions to develop side streets to serve the residential development and can stop the residential project if the cost for street improvements is too high. Jon would like to see more predictability on the ultimate decision for access to serve property within the UGB. Access Management (AM) rules often operate in a vacuum. A broader view of the needs of the city, county and land use considerations should be included.

### **Question for consideration**

Is reasonable access consistent regardless of the level of importance of the highway? I.e., is reasonable access to 82<sup>nd</sup> Avenue in Portland the same as reasonable access to Highway 26?

Responses from the sub-group varied, including;

Driver expectations impact reasonable access as well as distinctions in the urban and rural environments.

Yes and no. There has to a balance within the UGB.

Reasonable access is the same for the property owner regardless of the type of highway. However, other considerations must include mobility, function of the highway and safety. There may be more crashes on 82<sup>nd</sup> as compared to US 26, though they would generally be less severe. ODOT realizes that they cannot achieve zero crashes on the state system.

The Oregon Highway Plan (OHP) establishes the Level of Importance (LOI) of the state highway and its intended purpose. The purpose impacts the amount of access that may be allowed.

A property owner doesn’t care about the LOI, especially when highways of different LOI look the same.

### **Additional Discussion**

Mark does not believe that there is flexibility in the ORS definition of reasonable access and additional direct access would be allowed to the state highway if the definition was

acknowledged. Jon agreed that the text in the ORS supports the concept that access should serve the intended uses of the property.

Bob and Harold suggested that certain state highways within the UGB could be transferred to the city for permitting of driveways, as mobility is not a primary objective.

The concept may have merit and would allow ODOT to concentrate on the more important and critical routes across the state.

### **Summary of initial recommendations for the sub-group to consider**

1. Move/transfer some highways within the UGB to the local jurisdiction for permitting of driveways.
2. New AM standards are required for highways with less than 5,000 Average Daily Traffic (ADT).
3. Review the construct of the ORS as compared to the OAR. The current OAR approaches the question of reasonable access from the wrong perspective and needs to be consistent with the ORS. I.e., the ORS does not include the term “alternate access” yet this is used frequently in the OAR as staff considers applications for access, and impacts decisions as to “reasonable access”.
4. Increased acknowledgement of the urban vs. rural condition, as higher traffic volumes in tandem with higher speeds can result in increased crash severity and increased congestion. There is a need to find the balance.

Mark suggested that there should be a re-examination of the AM spacing standards as they are currently “way too high”. There also has to be a linkage between the work of this sub-group and sub-group # 2 that is considering “AM standards that fit within the context of the environment”.

### **Action Items**

Mark Whitlow will summarize the findings of the sub-group at the Access Management Committee meeting on July 12<sup>th</sup>.

Bob will provide the sub-group participants with a list of potential highways that may be candidates to transfer to the local jurisdiction for permitting of access as discussed in Bullet # 1 above.

### **Future meeting date for Sub-Group # 1**

The sub-group will re-convene in the Transportation Building in Salem on Thursday, July 22<sup>nd</sup>, from 8 – 10 AM.

Meeting adjourned at 9:30 AM.