



**Access Management Committee Meeting
ODOT Human Resources Center, Conference Room A
2775 ~ 19th Street SE, Salem, OR 97302
August 16, 2010
8:15 AM – 12:20 PM**

Facilitator: Del Huntington.

Attendees: Brent Ahrend, Doug Bish, Bob Bryant, Victor Dodier, Chris Doty, Matt Garrett, Tom Gibbons (for Don Forrest, Fred Meyer), Jim Hanks, Erik Havig, Craig Honeyman, Jamie Jeffrey, Harold Lasley, Michael Rock, Bob Russell, Art Schlack, and Mark Whitlow attended in person. Senator Whitsett and Jon Chandler attended by telephone.

Meeting Notes: Karen Elliott.

Introductions and Approval of Minutes

Self introductions were made. The July 12, 2010 Access Management Committee meeting minutes were approved.

Update from the Association of Oregon Counties (AOC)

Art Schlack, AOC, advised the Association hoped to accomplish separating out counties in the wording on SB 1024. (Note: This deals with the unintended consequence of SB 1024 that included counties in the “change of use” criteria when the law was enacted that revised ORS 374. ODOT had made a previous commitment to AOC that it would separate out ODOT and the counties in the statute.) Bob Russell confirmed the sub-group had discussed this issue at their last meeting and agreed to add separating out counties to the language in a Senate Bill that Senator Johnson will advance in 2011. Art Schlack said that was what they hoped to accomplish. Bob Bryant indicated the sub-group now needed to focus on how to accomplish separating the counties from the state, as SB 1024 moves forward. *As language is worked out to accomplish this, Art Schlack and Victor Dodier asked to be kept apprised.*

Del Huntington asked if throughways would be included, as ORS 374 is broad, and Del was curious how Bob Russell and Senator Johnson would work on this. Bob Russell will be meeting with the Senator soon and will let Del Huntington know what the outcome is. Art Schlack commented he thought this would be easy. *Once Del Huntington receives the information from Bob Russell, it will be sent to all the other Access Management Committee members.*

Sub-Group Updates and Discussion

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

Jurisdictional Transfer (JT) Update

Bob Bryant passed out two handouts: Total District/Regional Highway Lane Miles and Highway Permitting UGB Analysis 7-21-10 [2]) that identify Regional and District level highways within Urban Growth Boundaries (UGB) with populations greater than 5,000. *(Copies of handouts marked Attachments III and IV are included at the end of the minutes.)*

Bob Bryant noted that the Central Highway Approach Management Permitting System (CHAMPS) records show that approximately 15% of permit records are on highway segments on the jurisdictional transfer (JT) list. It is Bob Bryant's intention to review the highway segments; work with local regions and districts to see if the list is appropriate; and begin discussions on how to approach local governments about JTs.

Committee member comments included:

- Bob Bryant explained that urban areas under 5,000 in population may not have the staff or resources to work through these issues – which is why the “over 5,000 Urban Growth Boundary (UGB)” group will be considered first.
- Del Huntington provided a correction regarding his understanding of the same handouts that were distributed at a previous sub-group meeting for “Reasonable Access” and “Access Management Standards”. He had incorrectly stated that the handouts referred to highways with greater than 5,000 Average Daily Trips (ADT) rather than UGBs with populations greater than 5,000.
- Bob Russell voiced concerns that JTs are time consuming and he would like to see an easier and more expeditious process. Bob Bryant indicated he is working with local jurisdictions and ODOT staff to reach an agreement on some time-saving steps.
- Michael Rock advised that counties and cities with populations greater than 2,500 are required to develop a Transportation System Plan (TSP). Michael suggested that a similar threshold for JTs might be more logical than a 5,000 population cut-off. Bob Bryant agreed they could do an overlay to see how it compared. Jim Hanks asked if Bob Bryant thought 5,000 or 2,500 as a threshold would make a big difference on the list. Bob Bryant didn't think it would. Senator Whitsett noted incorporated areas in Klamath County would most likely be included.
- Senator Whitsett asked how this would affect ODOT's land-use plan appeals. Bob Bryant thought that ideally, full JTs would be accomplished and the highway segment would become a local arterial, handled like any other arterial within the community. Bob Bryant did not see ODOT having particular authority on how the community handles its own system. However, if there were applications to rezone a particular piece of property, ODOT may be interested, as well as the

Department of Land Conservation and Development (DLCD), regarding consistency of the application with the zoning and how it is being administered by the local jurisdiction to ensure consistency with the Transportation Planning Rule (TPR).

- Del Huntington asked if there is a distinction between a full and a partial JT. Bob Bryant confirmed there was.
- Jon Chandler asked what would be included in a partial JT, in the event a full JT did not happen. Bob Bryant advised that ODOT hasn't worked out all of the details, but were looking at the issues.
- Senator Whitsett asked if liability of the highway would shift with the transfer. Bob Bryant indicated that under a full JT, the local jurisdiction would be liable. Under a partial JT, both ODOT and the local jurisdiction could be liable. Bob Bryant also noted there were no freight routes on the transfer list. (*The transfer list refers to the handout mentioned earlier as Highway Permitting UGB Analysis [Attachment IV], included at the end of these minutes.*)
- Jamie Jeffrey commented that for the City of Portland, JTs have been the hardest to finalize. There needs to be legislative assistance to smooth out the transfer.
- Jamie Jeffrey noted a 1944 agreement identifies who has responsibility for state routes on public rights of way within the City of Portland. One idea was to consider finding a way to get at the liability question by looking at those routes on public rights of way.
- When questioned about whether or not JTs would include additional funding for local jurisdictions, Bob Bryant stated ODOT was limited by statute to a one-time transfer for a specific dollar amount. However, if there was a legislative concept allowing ODOT funds to go to a local jurisdiction, that would open the door for allowing other options. This would require a large degree of analysis as the funding formulas between the state, counties and cities are complex. Bob Bryant indicated there are some things they can do today, and others may be possible if there is a change in statute. Matt Garrett stated there are some statutory disciplines we need to look at, as well as policy disciplines. Matt Garrett requested that we make sure we look at the policies already adopted to see if there is anything administratively ODOT can do now to make this easier.
- Bob Russell requested future handout lists include Oregon highway numbers instead of, or in addition to, state highway numbers.
- Jim Hanks asked if a JT would include all decisions on design and operations, including traffic signals, turn lanes, roundabouts, driveway locations, and lane configurations. Bob Bryant stated these issues would ultimately become the local jurisdiction's responsibility to decide how to handle.
- Del Huntington commented on an area Bob Bryant touched on. That is, if the local jurisdiction's decision reduced capacity on the highway following the JT, there would need to be a clear understanding that ODOT would not be held liable to build or reconstruct the highway to add capacity or to make any other improvements.
- Brent Ahrend voiced his concern that the JT process takes a lot of time and that it all comes down to spacing standards – which is what we need to concentrate on.

- Mark Whitlow commented that the irony of JTs is that some simplification is necessary.

Bob Bryant shared the overall idea is to address issues they can and acknowledged that shifting the responsibility to local jurisdictions is not the end all to fix all the issues. Rather, it does put the responsibility in a place where land-use decisions are made. ODOT is not in the land-use business, so having decisions made by the local agency is a better way to look at the bigger picture.

Sub-Group #1 – Reasonable Access

Brent Ahrend provided an overview of its sub-group meeting. They met to 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 for “reasonable access”, to advance to the Access Management Committee.

The following observations were noted:

- The majority of sub-group participants do not believe that a revision to ORS 374.310 specific to “reasonable access” is necessary. It was generally believed the interpretation in the OAR and how agency staff interprets the statute is inconsistent with the law.
- The majority of the sub-group participants acknowledged that OAR 734, Division 51-0080, needs to be revised to be more specific about what reasonable access means in terms of business and development needs.
- It was acknowledged that a legislative concept will be necessary to exclude counties from the impacts of SB 1024 and any subsequent changes to the ORS as a result of the Access Management Committee’s work.
- Guidelines should be developed for agency staff to help determine “reasonable access”.
- Pursue the concept of JTs, recognizing that this is not a near-term solution. [It is acknowledged that a legislative concept will be required if the intent is to allow the local jurisdiction to apply local ordinances or rules inconsistent with the OHP and OAR 734, Division 51, see ORS 374.312(4)].
- Consider the function and environment of the roadway when considering reasonable access and in the review of the existing access management spacing standards.
- There was a brief conversation on the current appeals process – to make the process more unbiased and fair. It was noted that an improved understanding of reasonable access within the agency and an improved set of spacing standards may reduce the need for appeals.

Brent Ahrend distributed a handout that was briefly discussed at the sub-group meeting entitled Access Management – Criteria for Approving a Driveway Application. It identifies the number of driveways that might be necessary to provide reasonable access based on various uses and estimated traffic volumes to the site. It also includes possible

access management spacing standards intended for statewide and regional highways and does not include district highways. (*Copy of handout is included at the end of these minutes, marked Attachment V.*)

Mark Whitlow distributed a handout with a proposed statutory amendment wording for ORS 374.310 as it deals with “reasonable access”. (*Copy of handout is marked Attachment I and included at the end of these minutes.*) For the benefit of those on the phone, Mark Whitlow read the wording as noted below:

ORS 374.310 Rules and regulations; permits.

“(3) The powers granted by this section and ORS 374.315 may not be exercised so as to deny any property adjoining the road or highway reasonable access. In determining what is reasonable, the department or county court or board of county commissioners shall apply the following criteria:

- (a) The access to the road or highway must be sufficient to allow the authorized uses for the property identified in the acknowledged local comprehensive plan.
- (b) The type, number, size and location of approaches to the road or highway must be adequate to serve the volume and type of traffic reasonably anticipated to enter and exit the property, based on the planned uses for the property.”

Comments from Access Management Committee members included:

- Jamie Jeffrey asked Mark if the proposed ORS revision refers to just a state facility or city streets? Need to clarify or change wording in the statute to make it clearer.
- Del Huntington noted “alternate” is not included in the statute ORS 374.310 though it is used throughout OAR 734 related to the issue of reasonable access.
- Mark Whitlow provided a brief background on the intent of the revisions to ORS 374.310 in 2003 as court precedent on the issue of reasonable access in Oregon is based on ORS prior to 2003. The court precedent has established that “reasonable access” is considered only from the ODOT perspective. The 2003 revision to statute was intended to ensure that ODOT would consider access that would be reasonable for the approved lane use as identified in the local comprehensive plan. However, ODOT staff has not acknowledged this distinction and no Oregon Supreme Court or Appellate Courts have examined the issue on reasonable access since the statute was revised.

Mark stated the purpose of his proposed amendment as identified in the handout was intended to affirm that ODOT has to consider direct access to the highway for all properties adjacent to the highway. As proposed, the text would impact ODOT and the counties. Art Schlack recommended separating the counties out of the text, as the state highway is the focus.

Mark acknowledged that ideally the ORS would not be revised, but rather ODOT staff would identify new ways to consider access that is “commercially reasonable”. The sub-group is trying to focus its conversation on expediency similar to the discussions underway in the AM standards sub-group. If ODOT could change the administrative rule, that would be good and would reduce the need to amend ORS 374.310.

- Director Matt Garrett asked if anyone reviewed the proposed access management OAR to determine if it would work on the ground before it was adopted in 2000 and if anything has happened since that time that made the rules unworkable. Mark Whitlow stated that Oregon Transportation Commission (OTC) member Gail Achterman wanted the OAR simplified in 2003, and many changes occurred, especially in OAR 734-051-0080, making the process more complex as it relates to reasonable access.
- Del Huntington advised that when the Access Management Advisory Committee (AMAC) developed the administrative rules in 2000, there were no expressways, so that concept wasn’t captured in the rule. However, ODOT adopted a number of expressways across the state soon after the rules were adopted in 2000. Subsequent revisions were made to the rules in 2003 to address permitting procedures on expressways. Del advised that John Russell, OTC member, had concerns about how the rules would impact metropolitan areas such as Portland, especially related to the access standards within interchange management areas. Craig Greenleaf, former Deputy for the Transportation Development Division, assured the commission that the rules would not be applied within the City of Portland so as to change the urban character.
- Harold Lasley pointed out there are lots of different kinds of access and requested clarification as to what would be included when a certain access is guaranteed to the highway. He also advised that ODOT Right of Way has raised a red flag that if ODOT has raised a safety concern, what is the state liability – compensation wise? If we go down this road, we need to know what that means to ODOT.
- Mark Whitlow noted the need to recognize there is some controversy. We need to discuss this and come up with a practical solution. Jamie Jeffrey thought the statute would lay down the basic principle and the rules would get more specific about what is “reasonable”. Safety would be one of the factors to consider – with ways to achieve safety and provide access. For example, approving a driveway at a location with no sight distance would not be reasonable access. Language to the statute would be broad, while definition in the administrative rules would be more concise. And guidelines, that we’ve talked about before, would provide additional information for staff to make good decisions. Jamie Jeffrey thought the proposed statutory amendment language provides the needed clarification.
- Bob Russell voiced his understanding was we are to develop objective standards based on SB 1024. Need to bring some certainty and let staff work out the details.
- Jamie Jeffrey is concerned about placing objective standards in the ORS as she believes there are better ways to achieve this goal.
- Matt Garrett said the OAR may be the right way to go. “As we look at objective standards, we need to look at them as a whole”.

- Senator Whitsett commented the overlaying principal is retaining property rights, values, ODOT being willing to pay for compensation, and looking at economic development – these are the things that need to be included in the statute.

Del Huntington will take the concepts back to the sub-group to further refine and work on a recommendation for the AM Committee.

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

Jamie Jeffrey advised that many of the Sub-Group 2 concepts are the same as those listed above for Sub-Group 1. Essentially, there is general consensus that we probably cannot change all the standards and administrative rules quickly enough to take to the 2011 legislative assembly. Given that, the next step would be to lay out a plan and timeline, because the task is larger than first thought, and then, need to follow through to adoption. Remaining ideas included:

- Guidelines are needed to provide more guidance to staff; noting the guidelines would not trump OAR 734.
- If the guidelines don't address access spacing standards within a tightly spaced street system, would like specific guidance on certain facilities to fit the specific environment, such as a corridor solution.
- For highways with less than 5,000 ADT, SB 1024 requires new, less-stringent rules. Notice that some rules in OAR 734-051 are complicated. If we are trying to define public approaches, we may need separate sections dealing with public and private approaches.
- Supports JTs and recognizes it can take a long time to achieve.
- Interchange Management Plans (IMP) need some attention.

Committee members provided the following comments:

- Bob Russell commented on JTs and mentioned the Swift Highway – the portion between Marine Drive and the Port of Portland. He wondered why the JT process has been going on for 12 years. Jamie Jeffrey explained the City of Portland maintains the Port area and typically, it is the financial aspect that holds transfers up, but did not know all the issues of this particular JT.
- Doug Bish asked about planned state facilities, spacing standards, etc. Jamie Jeffrey commented that if a partial JT was difficult to do, other options were available. Different plans are needed for different streets and highways. The mechanism for that is to sit down with the local jurisdiction at the table and put a plan together. If there are a lot of deviations that have occurred, perhaps they should be looked at. Michael Rock noted the planning part is something they could handle and could act on fairly quickly.
- Harold Lasley indicated AMAC had intended highway segment designations to be a mechanism for reduced spacing standards within a Special Transportation Area (STA). He asked how we can make that mechanism more useful. Jamie Jeffrey suggested if something can provide release, especially if it can be done quicker, that should be looked at.

- Michael Rock commented there is interest in developing more STAs and reviewing the access management standards is a good idea.
- Some discussion occurred around applying mobility standards if a facility is already overburdened, and does it make sense to keep applying the standard if it cannot be reached anyway. Michael Rock noted mobility standards would be hard to drop as they are used in other areas. Given that Michael's comment was understood, Jamie Jeffrey suggested relaxing the standards might be good.
- Del Huntington asked if counties or cities were reluctant to establish STAs. Art Schlack replied that many counties established STAs when they developed and adopted their TSPs, which is a viable long-term solution. Craig Honeywell indicated he was not aware if cities have any issues in adopting STAs due to his brief time with LOC.
- Matt Garrett noted there are fewer requests for STAs. Art Schlack indicated that this would be consistent as the development of local TSPs have taken their course.
- Bob Bryant said he has not talked about additional STAs or Urban Business Areas (UBA) with local jurisdictions in central Oregon, though the City of Redmond has talked with the OTC about revisiting the expressway designation within the city.
- Mark Whitlow stated that AM spacing standards in the Oregon Highway Plan (OHP) will always require deviations and everyone agrees we need to redo the standards. Del Huntington asked if there was something we can do to reduce deviations. Mark responded that until we go back and revise the numbers, we will always be stuck dealing with deviations. Mark suggested a guideline be adopted that provides a tool to approve a deviation in the short term.
- Matt Garrett asked if the agency is aware of what AM thresholds require the largest number of deviations. Harold Lasley advised that was something they are looking at and wondered about defining segments of highway rather than looking at highways statewide. They are trying to put together a standard to deal with deviations, and if you look at a highway segment, it is more doable. Discussion continued about how some deviations are a slam dunk while others take more time in coming up with appropriate solutions.
- Bob Russell discussed his understanding of STAs, UBAs and highway segments. Private approaches are not allowed within STAs or on expressways.
- Mark Whitlow talked about applying a portion of Footnote 4 from Tables 13, 14 and 15 in the 1999 OHP that states "Minimum spacing for public approaches is either the existing block spacing or the city block spacing as identified in the local comprehensive plan". Mark wondered if this was something that should wash across for all segments, noting some of the works are already in place. Matt Garrett added we want to breathe life into STAs.

Sub-Group #3 – Mitigation Measures

Harold Lasley referred to the sub-group's problem statement: Identify legislative concepts for potential additions and/or revisions to Oregon Revised Statutes (ORS); potential revisions to Oregon Administrative Rules (OAR); and Oregon Highway Plan (OHP) of objective standards related to "mitigation measures", to advance to the Access Management Committee. Identify mitigation measures that ODOT may require as development occurs along state highways.

Harold Lasley stated they focused their discussion around the following issues:

- Cost of a required Traffic Impact Analysis (TIA) and timeline.
- Extent of mitigation – how far away do you mitigate the impact?
- Should mobility standards be applied only to public approaches and not private approaches?

Harold Lasley explained ODOT requires two kinds of mitigation. One is to mitigate safety problems and the second is mobility concerns. Given there is some overlap with these two issues, they are trying to separate them as best they can. There is general agreement the state needs to mitigate safety problems. One idea related to mobility is to revise the volume/capacity (v/c) analysis criteria for private approaches, or eliminate the need for a v/c analysis for a private approach in the OHP.

Committee members provided the following comments:

- Bob Russell asked about the timeline for a draft matrix to establish criteria and thresholds for mobility- and capacity-related mitigation measures to the state highway. Harold Lasley anticipated its completion prior to the next sub-group meeting, although he noted it may not be in the form of a matrix.
- Harold Lasley recommended keeping the State System Development Charges (SDC) concept on the table as it has merit in the long term. Bob Russell noted that politically it would be a challenge.
- Related to a SDC, Chris Doty shared some observations around developers' anxiety around zoning, how projects will boil out, and where a SDC-funded project will be located. Chris stated the City of Redmond has made improvements on the state highway as part of the local SDC program. Because of this, he sees benefit in updated TSPs so a city can see what is coming down the line, plan for it and include the project in the SDC-supported improvement plan. Chris noted great benefit in ODOT and local governments working together.
- Harold Lasley noted he had been asked to 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. There seems to be a disconnect in the application process. Harold found that categorically, all five regions encourage a pre-application conference and do not require an approach application as part of the pre-app. Jamie Jeffrey commented on her experience with Region 1 staff, that being she has never encountered a pre-application conference. Jamie suggested allowing a conditional approval in the process, so that if nothing changed, the applicant would receive approval. Jim Hanks commented that the process needs to be cleaned up – it is a big problem with large developments. *Harold committed to ask the access permit managers about the conditional approval authority, because he thinks ODOT already has the authority to do that.*
- Harold Lasley indicated that TIA requirements were the last issue the sub-group was focusing on. They are looking to see if they can make it more discretionary.

- Mark Whitlow noted there was some controversy over TIA requirements in one region and agreed with the need to look at the requirements.
- Bob Russell asked about the status of working with Region Access Management Engineers (RAME) to determine if there was a set of approach applications that could be approved easily and quickly. Harold Lasley indicated that this may be possible and he and his staff have started to look into it. Jamie Jeffrey commented that the way Harold characterized this is different than how the applicant views the process. And, it is because of the way ODOT staff portrays this issue that makes applicants' bristle. At this point Matt Garrett commented on the importance of how "words mean something". Bob Bryant agreed that how ODOT does things is important and doing things differently could alleviate some of the anxiety that comes along with applying for a permit.
 - Jamie Jeffrey stated that mobility considerations should be part of the planning process in developing the TSP, considering build out of the land uses. If the TSP has been looked at, the state has the opportunity to comment. Maybe we only need to look at site impacts if the use adds a certain amount of additional trips to the roadway system. Jamie thought this may be a way to apply the mobility standards – she put the idea out for consideration – do we need to do mobility reviews all the time? In the event of a land use change, ODOT has the opportunity to weigh in via the TPR process.
 - Jim Hanks commented that if the TSP is approved, there has to be some analysis at the point of contact, so there may be a need if the amount of site traffic is over the threshold. Jim talked about the scope of work that comes up with TIAs – 16-hour classification counts at each intersection within the analysis area of the TIA. Each count location costs the applicant approximately \$4,000 when two simple two-hour counts would be sufficient for analysis (the cost would be a few hundred dollars). Jim would like to see changes made within the TIA process that address real issues and concerns.

Del Huntington committed to set up a sub-group meeting in two weeks, giving Harold Lasley enough time to put requested information together prior to the September Access Management Committee meeting.

Sub-Group #4 – Medians

Bob Russell handed out draft median legislative concepts, providing an overview for all Sections I through V, beginning with II, since Section I was the most controversial. *(Copy of handout is marked Attachment II and included at the end of these minutes.)*

Section II (U-Turns)

Currently in Oregon, U-turns are not allowed unless there is a sign allowing it. The concept would reverse the current law by allowing U-turns except at locations prohibiting U-turns by signing.

Section III (Highway Dividers)

The idea here is to have a painted median. If there is a double-double yellow solid line, a vehicle cannot encroach across the median.

Jim Hanks stated Jim Fischer, ODOT's Traffic Engineer, believes there would need to be a statutory change. Mr. Fischer agreed to present the idea to the Traffic Control Device Committee to see if they approve the idea.

Jamie Jeffrey suggested there needs to be a distinction, on the administrative side of things, between a double yellow solid line and a double-double yellow solid line. Jim Hanks offered there was language in the Uniform Traffic Ordinances and in the California Traffic Codes to help with distinctions.

Doug Bish stated that double-double yellow solid lines are used throughout the state in front of a variety of businesses (gas stations, etc.). Doug voiced concern about the need to have to break up those solid-painted lines so traffic could cross over to access the adjacent properties. Jim Hanks indicated there were ways to get around this issue. Jamie Jeffrey agreed that taking this issue to the Traffic Control Device Committee was the correct group to address the issue. The next step, Jamie offered, would be to educate folks about what the double-double yellow solid lines mean.

Section IV (Private Approaches – Closing)

Bob Russell prepared the objective standard wording and suggested it was an idea for ODOT to use when closing an approach. Bob also mentioned that safety is the major concern we don't want to overlook.

Jamie Jeffrey asked if an ODOT approach permit was always revocable. The answer was yes.

Section V (Private Approaches – Mitigation Required)

This section identifies that ODOT shall not require an owner of an existing or proposed private approach to mitigate the impact of traffic generated by the development unless the projected volume-to-capacity ratio exceeds the 87th highest hour of traffic on the roadway in the past year. This changes the current language of the 30th highest hour to 87th.

Jim Hanks provided some background on how the 30th hour of traffic volumes came about and ultimately agreed with Bob Russell about reviewing the traffic volume data to determine if a revised "highest hour" might be appropriate. Jim thought it might be worthwhile to develop some graphs of traffic volumes across the state. This work may show that the 30th hour is still a good threshold to use.

Michael Rock commented that the 30th highest hour within the UGBs is likely similar to the daily am and pm peak-hour characteristics, though there is greater volatility on rural recreation routes.

Chris Doty pointed out that analysis based on the 30th highest hour of traffic may result in the requirement for a non-traversable median to restrict traffic movements during the busiest time of the year. However, the median restricts travel movements for every hour of the year, even when there is little to no traffic on the roadway.

Section I (Non-Traversable Medians in Rural Areas)

Bob Russell stated that “28 feet” was the horizontal distance the trucking association wants to preserve. This refers to ODOT not installing a non-traversable median on a rural state highway that reduces the unobstructed horizontal clearance to less than 28 feet unless certain conditions are met. Bob clarified this means 28 feet must be retained on the roadway adjacent to any median and includes the highway lanes and any shoulder area.

In addition, the language covers Representative Doherty’s issue about ensuring that affected businesses are provided advance notice of a non-traversable median construction project.

Bob Bryant asked if Sections I through IV could be applied to urban as well as rural areas. Bob Russell stated Sections I through IV do not currently include urban areas.

Bob Bryant had an additional comment related to Section I.4. He believes that non-traversable medians should not be installed on state highways unless the local jurisdiction has a non-traversable median as part of their plan. In doing so, they would have made the condition. Bob Russell thought Bob Bryant’s comment was a good suggestion. Jamie Jeffrey agreed with Bob Russell, to add “or affected by” to Section I.3. Jamie continued to say in urban areas, it would be good to put together what you consider a median, perhaps include it in a corridor median plan – is this something that can be defined? Chris Doty piggybacked on Jamie’s comments. He said each community he works with has strip development and each development/community is different. Medians may severely restrict a business. As we go forward crafting standards, we need to recognize all are uniquely different. As this was discussed, it resonated with political leaders – trying to fit a standard that does not work well. Jamie suggested that maybe a median plan should be developed. Bob Russell indicated everyone keeps talking about existing median plans. Matt Garrett countered if safety problems occur in the future, he questioned what types of mitigation would be employed to address the safety concerns.

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

Harold Lasley indicated that revising the temporary rules would likely result in separating out public approaches. Collapsing some of the issues was also mentioned. However, due to time constraints, the sub-group recommendation was to take the temporary rules and make them permanent rules.

Harold explained the deadline for submitting draft permanent rules is August 23 in order to have permanent rules in place by the time the temporary rules expire in January 2011. It is anticipated the “as is” permanent rules would go before the Oregon Transportation Commission for approval at its December 2010 meeting.

Jamie Jeffrey noted we may want to re-review the rules, to make sure conflicting areas are identified and fixed. It was acknowledged that some of those things can be dealt with

during the public review process, and finalized as comments during the public hearing period.

Update of the status to develop less stringent AM standards for highways with less than 5,000 ADT as required by SB 1024.

Harold Lasley indicated the need to have a conversation about what we want to achieve and needs to know the specific intent of SB 1024. Bob Russell thought it was rural vs. urban. Mark Whitlow thought Senator Whitsett's example in Lakeview was key. The initial charge was to lessen standards for rural communities though it evolved from a urban/rural discussion to small/large (lower and higher traffic volumes). Matt Garrett said that was absolutely correct. Mark Whitlow recalled a conversation with Doug Tindall, former ODOT Deputy Director, in which there was a question as to why drive ourselves crazy with a bunch of AM standards for an area not expecting growth. But then, coming back to concerns for the trucking industry where they want to ensure mobility, that may not be so easy and the standards may be important.

Del Huntington had a question about SB 1024, asking if the intent was for lower stringent standards, is there a need to reduce AM standards on public approaches or rather private driveways. Matt Garrett stated that his conversations tend to be more political than operational, and more on the private sector side of things, but he had no problem including the public sector as well.

Harold Lasley stated if we include both public and private approaches, the proposed rules will take longer to develop. Based on Harold's extended timelines comment, Matt Garrett said just focus on the private approaches – the public end of things can be dealt with later. Matt Garrett would prefer that the sub-group assisting in this topic area to come up with ideas.

Del Huntington stated the sub-group will provide Harold and ODOT staff with some considerations for less stringent standards at its next meeting.

Timelines for Legislative Concepts

Mark Whitlow asked a question about timelines, expectations from the legislature, and how recommendations from the AM Committee will be part of the legislative process. Bob Russell replied that Senator Johnson is in the process of developing a senate bill for 2011 that is intended to separate out the counties from the unintended consequences of "change of use" in SB 1024. The 2011 bill will also serve as a placeholder for legislative concepts that are advanced from the AM Committee. Victor Dodier commented it all depends on what the work group wants in the bill. Bob Russell is working with Senator Johnson's office on the bill's wording. Bob Russell asked about how to handle amendments. Matt Garrett noted we need to be at the table endorsing the bill – that was the intent. Mark Whitlow asked the question, shouldn't the bill be more broad, so as to not have so many amendments?

Update on Work Plans

Bob Bryant gave a brief summary on where we go from here. Twenty concepts have come forward from the sub-groups; including three legislative concepts. The list will be further developed and input sought from various stakeholders to see if we have hit the mark. Lastly, what do we want to do with all of the issues that have been identified? Do they become legislative concepts, OAR revisions, and/or OHP amendments? It is also possible that some of the issues may be dealt with under guidance for staff, and it may be determined that some issues should be dropped entirely.

Other priorities noted for this group:

- Make temporary rule related to “change of use” into a permanent rule.
- Legislative concept separating the state requirements from counties.
- New AM standards and rules for highways with less than 5,000 ADT.
- Completion of a matrix showing all 20 concepts from the sub-groups, and proposed timelines to address each of the concepts.

Matt Garrett thanked Bob Bryant for the good job identifying the various work plans. As we move forward on these things, we need to recognize asking stakeholders to trust us isn't good enough. We need to show the development community that we (ODOT) mean business, by our actions, the way we educate our staff, and we need to make sure we are advancing concepts that will assist and support the state economy.

Senator Whitsett had some closing comments. Although he had great confidence in Matt Garrett as ODOT's director, the reality is there will be a new Governor in January. Given that, it is very important what we ultimately put in statutes vs. rules. *Senator Whitsett requested copies of all meeting handouts be sent to him.*

Action Items

Work with the various sub-groups to develop thorough recommendations for the AM Committee.

Next meeting of the Access Management Committee

The next Access Management Committee meeting is September 13, 8:15 to 11:30 a.m., 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 12:20 p.m.

Attachment I
PROPOSED STATUTORY AMENDMENT

ORS 374.310 Rules and regulations; permits.

(3) The powers granted by this section and ORS 374.315 may not be exercised so as to deny any property adjoining the road or highway reasonable access. In determining what is reasonable, the department or county court or board of county commissioners shall apply the following criteria:

(a) The access to the road or highway must be sufficient to allow the authorized uses for the property identified in the acknowledged local comprehensive plan.

(b) The type, number, size and location of approaches to the road or highway must be adequate to serve the volume and type of traffic reasonably anticipated to enter and exit the property, based on the planned uses for the property.

Attachment II
Draft Legislative Concepts
Sub-Group 4 – Medians

Section I. The Department shall not install a non-traversable median on a rural state highway that reduces the unobstructed horizontal clearance to less than 28 feet unless the following conditions are met.

1. The highway is not designated as a freight route in accordance with ORS 366.215;
2. The annual average daily traffic count is greater than XXX;
3. The Department has notified businesses located adjacent to the highway one year in advance of construction of the non-traversable median; and
4. The Department has evaluated all reasonable alternatives to the non-traversable median and has documented that a non-traversable median is the only alternative that will effectively address a known safety issue on that portion of the highway where the proposed non-traversable median will be installed.

Section II. 811.365 Illegal U-turn; penalty. (1) A person commits the offense of making an illegal U-turn if the person is operating a vehicle and the person turns the vehicle so as to proceed in the opposite direction **where prohibited by posting.** *{in any of the following places:*

(a) Within an intersection where traffic is controlled by an electrical signal. This paragraph does not apply where posted otherwise.

(b) Upon a highway within the limits of an incorporated city between intersections.}

{(c)} (a) At any place upon a highway where the vehicle cannot be seen by another driver approaching from either direction within a distance of;

(A) 500 feet within the incorporated limits of a city; or

(B) 1,000 feet outside a city.

(2) The offense described in this section, illegal U-turn is a class C traffic violation unless commission of the offense contributes to an accident. If commission of the offense contributes to an accident, the offense is a Class B traffic violation.

Section III. 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 space may be designated by double yellow painted 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 infraction.

Section IV. Authority to close a private approach. (1) The Department may close a private approach when the approach has been determined to be a hazard to the travelling public and all potential remedies have proven to be ineffective.

(2) An approach is a hazard when either the frequency or severity of the crashes involving vehicles entering and exiting the approach are greater than the frequency or severity of crashes at all intersections on the same highway and located within one mile of the approach.

Section V. Mitigation required for a private approach. The Department shall not require an owner of an existing or proposed private approach to mitigate the impact of traffic generated by the development unless the projected volume to capacity ratio exceeds the 87th highest hour in the past year.