



**Access Management Committee
ODOT - TLC
4040 Fairview Industrial Dr. Salem, OR 97302
1:00 – 5:00 PM, January 31, 2011
FINAL**

Working Facilitator: Del Huntington

Participants: Mark Whitlow, Jamie Jeffrey, Bob Bryant, Victor Dodier, Doug Bish, Michael Rock, Paul Mather, Harold Lasley, Craig Honeyman, Brent Ahrend, Don Forrest, Matt Garrett, Jim Hanks, Erik Havig, and Bob Russell attended in person. Jinde Zhu, Sashi Bajracharya, and Craig Campbell attended by phone.

Meeting Minutes: Michelle VanSchaick

Introductions and Approval of Minutes from December 20, 2010

Self introductions were made. Most members had not had a chance to review the minutes prior to the meeting. Del provided an overview and asked for any proposed revisions to be sent to him by Friday, February 4th. Final meeting minutes and attachments for the December 20th meeting will be posted to the web site.

ODOT Update:

Bob Bryant gave an update that the primary focus within ODOT since December 20th has been to draft additional language that can be incorporated into the legislative concept. All additional concepts have been previously discussed at the AM Committee meetings over the past several months. ODOT management has met with Bob Russell and Mark Whitlow of the AM Committee to discuss the proposed texts. Regarding the Legislative Report, Del has been asked to revise the report based on the comments received from AM Committee members in late December and to include the additional legislative concepts developed by ODOT. The final legislative report is to be ready to forward to the legislature by the beginning of February.

Legislative Concept Update:

Victor and Mark provided an update on the legislative concepts that have been developed since December. Victor went through each of topics on a “Legislative Concepts” handout (*See Attachment I*).

- During the topic of “Jurisdiction Transfer” Craig Honeyman asked if the language was being drafted. Victor answered that it has been drafted and local government has seen it. Del asked if ODOT is willing to make a financial contribution along with the change in jurisdiction. Paul said that this has already been going on;

however, the proposed legislation will allow another opportunity for a transfer of funds.

- ODOT has agreed with the earlier AM Committee recommendation to propose a legislative oversight committee. As proposed, a legislative member from each of the five ODOT regions would be on the committee, a representative from the development community, a local government agency and ODOT.
- Dispute Resolution Process; there was discussion about on who would serve on a Dispute Review Board. The concept would include an industry representative, local government and an ODOT staff member. Their recommendation would be forwarded to the region manager for a final decision. It is proposed that the revised process will focus on collaborative discussion as a means to reach possible solutions.

Victor continued to describe the legislative process and the interaction between the state agency and the legislature in writing specific text for a bill. Bob Bryant stressed that it was important to recognize that the vast majority of issues proposed as legislative concepts have been discussed by the Committee, though not as legislative text. He didn't want anyone to be surprised that any of these ideas would be drafted into statute. Bob also stated that ODOT submitted a draft legislative concept to the Legislative Council and specifically to Senator Johnson's office on January 14th.

Mark Whitlow said that the AM Committee had more work to do. A lot of time has been spent on permitting, Section 80 of the Oregon Administrative Rules (OAR). The next piece that needs work on relates to medians. The committee hasn't really started any drafting on OAR 734 Division 51, Section 0125. Statute related to Section 0080 will also impact 0070. Mark stated that the focus needs to be Sections 0080, 0135, 0145, some portions of 0070, 0345 and the appeals. Mark thought today's committee would have its time best spent to determine how do we move issues into statutes. Del asked if he saw standards in statute and Mark responded that they could be.

Bob Bryant gave an example of the spacing standards for highways with less than 5,000 Average Daily Traffic (ADT). Victor has proposed a significant amount of text to put this one standard into statute. Mark has an idea for using local street standards as a way to grab something that's objective and asked if they were really different than the ones ODOT is using. Mark was just trying to find something we could borrow in the interim until proposed legislative concepts become law.

Review of legislative report:

Del began by saying he replaced "unanimous" with "general consensus" in the report (*See Attachment II*). The executive summary has been reduced to two to three pages as this will likely be the areas where the law makers will focus. Mark felt that instead of text that states "not reached consensus" it should say "have not yet finished drafting the language to capture the items highlighted below" Michael Rock thinks the report should note that ODOT's highway plan will have to be revised as well. Del will incorporate changes. He also added a section stating the purpose of access management at the end of

report. The text is verbatim from a recent Institute of Transportation Engineers (January 2010).

Mark believes that the summary should be sharpened to clearly state that the committee is developing proposed legislation. Due to timeline deliverables for the Legislative Report, the committee discussed a potential future addendum to the report. Paul stated that the executive summary should clearly identify what the committee is working on. Mark agreed that SB1024 was very comprehensive and therefore we need to be specific and tell them what we're doing.

Director Garrett was asked for his direction related to the timing of the Legislative Report submittal and additional legislative concepts. He responded that the reality is that while we're having a technical conversation, it is not enough and those proposals that allow us to reach solutions are appropriate. He demands further engagement as he believes we're not there yet. The Director stressed the need to keep the highways safe, be careful to not create new property rights, provide for economic opportunity, do not create a long-term additional cost for ODOT while simultaneously creating a better system for Oregon.

Jim Hanks thinks that the preface to this is to recognize that the road system needs to stay safe; we're not trying to produce a long term burden for the state.

Matt wants to show that we're doing what SB1024 has asked for. We want to show that we've done our best, but will still work on other issues in legislative committee.

Bob Bryant said we can continue to delay the report, but the question becomes at what point you submit a report that says we're not done, we're still working, and there would be another report coming. It behooves us to get something in, as the report was due January 1st and he would be concerned about further delays.

Jim Hanks asked about the importance of the document. Director Garrett answered that the critical portion and substance is the proposed legislative language. We can make this as best as we can, but we are already delinquent on the timeline. We are still maturing the legislative language. Jim Hanks stated that what we need to make them understand is that we're still working. Craig Campbell thinks that the most important thing is to show that we're working diligently with the report, but there is still more to come. "We're still working" was the general consensus of the Committee.

Don Forrest asked if we were doing another addendum. Director Garrett answered that timelines might be added for us by the Legislature. We will continue to work on this; we're bringing in technical assistance for the engineering portion. The Director stated that this is an esoteric world and he wants to be sure that the agency is not exposed as we move forward. Don asked how agency is protecting itself. Director Garrett shared that he has brought in legal council from the Attorney General's office. Mark Whitlow has also been engaged in the ongoing conversation.

Bob Russell asked if we were still debating rules vs. statute. Director Garrett answered that the debate is over, everything will be statute. There may be some clarity in rule once there is statute. Bob asked for a timeline. Director Garrett answered that the timeline is now.

Next Steps:

Harold distributed a draft flowchart as the revised engineering standards are developed (*See Attachment III*). It is proposed that ODOT initiate a contract with a university or a traffic engineering firm to lead a technical standards team, consisting of 10-12 engineers representing academics and practitioners. Mark asked Harold what he thought “standards” means. Harold answered that there are different types of standards and therefore requires some definitions. Bob Bryant added that it isn’t just spacing standards we’re talking about, rather standards that will result in reduced mitigation measures.

Bob Russell asked about the timeline. Bob Bryant responded that we don’t know, as the team has not been established yet. Director Garrett agrees with the need to know, but realistically, we don’t know at this point, however spacing standards will be completed first. Director Garrett asked Del for a timeline of other similar projects. Del responded that national research projects often take two to two and a half years with a budget of \$400,000 +/- . Committee members discussed possible timelines of a year to have standards in place. Bob Russell doesn’t think it is reasonable and expressed frustration as he does not believe that anything has been accomplished.

The group discussed various concepts and asked ODOT about specific deadlines to meet the legislature’s timelines. Victor confirmed the date of April 8th as the deadline. Jamie Jeffrey and Jim Hanks recommended that the Technical Team query the existing ODOT permitting database and identify similar groups of applications that have been approved. A review of the criteria that allowed for the approvals may provide objective standards to expedite approvals for new applications that meet similar conditions. Director Garrett asked Bob Bryant, Harold Lasley, and Paul Mather to get the appropriate people together to work on standards with a recommendation to the AM Committee by March 1st, 2011. As the need to have proposed standards is immediate, ODOT will not hire a third party to assist in the process at this time. Brent, Jamie, and Jim will represent AM Committee on the technical team.

Harold stated that ODOT has developed a list of 6 criteria that the agency believes are critical when considering approach applications. Paul asked Harold to clarify. The 6 criteria are a starting point with the goal of simplifying the approval process, identifying low-volume approaches for an expedited approval, identifying applications that do not require mitigation, and simplifying mitigation decisions.

Mark and Victor will continue to work on legislative concepts and proposed text for mitigation measures. Where the mitigation measures are considered excessive, appeals will go through the dispute and resolution board. Jim Hanks said to add that we should allow the person to appeal, not wait for ODOT to appeal. Don Forrest asked when an applicant would be under a new approach application process. ODOT responded that if

the legislature adopts emergency law, it would be effective on July 1, 2011. If the law is not considered “emergency”, a new law becomes effective on January 1, 2012.

Summary

The Technical Team is to provide recommended access management standards to the AM Committee by March 1st.

Mark and Del will stay and refine the text in the executive summary of the Legislative Report. Mark and Victor discussed what they will have ready and what is planned for additional legislative concepts. Victor will send out proposed additional legislation to the AM Committee by February 11th.

Future Meetings

Simultaneous work sessions for the technical team and legislative concept team will be scheduled for February 15th from 9 am to 11 am.

Meeting adjourned at 4:00 p.m.

Attachment I – Access Management Stakeholders Proposal – Legislative Concepts

Attachment II – Legislative Report. (A copy of the report is available on-line at <http://www.huntingtontrafficsolutions.com/>)

Attachment III – DRAFT - Technical Team Flowchart

Attachment I
Access Management Stakeholders Proposal – Legislative Concepts

Access Management Stakeholder Proposal

Legislative Concepts

Access Management for County Roads (SB 264)

Relating to Non-traversable Medians

- Notice to Highway Stakeholders
- Driving on a Highway Divider
- U-turns at Signalized Intersections (SB 131)

Objective Standards for Approving or Denying Approach Road Permits

- Move away from making a determination as to whether existing access is reasonable or could be made reasonable.
- Direct ODOT to adopt criteria for determining when it requires a traffic impact analysis for private approaches and for allowing the department to waive the requirement for some approaches.
- Direct ODOT to establish a tiered process for mitigation measures, including setting thresholds for private approaches with a low volume of traffic

Less Stringent Access Spacing Standards for Highways with Fewer than 5,000 Average Annual Daily Trips

Direction to the Oregon Transportation Commission to review classification of state highways

Facilitate Transfer of Jurisdiction over Highways

Legislative Oversight Committee

Dispute Resolution Process

Attachment III
DRAFT - Technical Team Flowchart

DRAFT

Access Management Standards Technical Working Committee

