



**Access Management Committee
1:00 – 5:00 PM, December 20, 2010
DRAFT**

Working Facilitator: Del Huntington.

Attendees: Brent Ahrend, Matt Garrett, Bob Russell, Mark Whitlow, Paul Mather, Bob Bryant, Harold Lasley, Don Forrest and Anthony Butzek attended in person. Eric Havig, Victor Dodier, Robin Freeman, Craig Campbell, Michael Rock, and Jim Hanks attended by conference call.

Introductions and Approval of Minutes from November 23, 2010

Self introductions were made. Mark Whitlow has not had a chance to review the minutes, but believes there may be things missing.

Review Draft Legislative Report (See Attachment 1)

Discussion: Based on a City of Tigard review of the draft Legislative Report, Del received a list of 12 issues of concern. The comments have not been incorporated into the draft report. Anthony Butzek, from Metro is here as an observer due to the comments received.

The meeting objective is to determine the level of support for the draft legislative report.

Bob Russell asked if the report was “aspirational” or if it is meant to be what the Committee has agreed to so far. He does not agree with many of the conclusions in the report and does not believe that “unanimous” agreements were reached. Bob Russell explained that the legislature wants something in statute that can be taken to constituents.

Mark Whitlow stated that he has been waiting for ODOT to get the draft in the form of a bill for the AM Committee to review. He’s not sure at this point if they have ODOT’s commitment. Mark would also like to have the Attorney General’s legal counsel to ODOT participate in the AM Committee meetings.

Craig Honeyman raised the issue of statute vs rule in previous meetings and would like to see this issue get resolved. He is not clear about the difference between the two.

Don Forrest commented that he doesn’t know the difference between rules and statutes either, but appreciates ODOT’s willingness to go through and change things for the better.

Harold Lasley commented that he's always thought it would be better if the standards were in rules as opposed to statutes as the agency could lose flexibility in developing solutions.

Brent raised a concern that administrative rules can be changed too easily. He would prefer something that's more of a general guideline.

Jim Hanks said that without knowing the legislation and what it says, he would favor that over a rule. He continued by stating that the more permanent something is, the more confident you are in it, but it depends on what it says.

Michael Rock commented that a lot of details of what we're trying to do are in the rule itself.

Craig Campbell stated that putting detail into statute results in a loss of the flexibility, but he thinks the legislature needs to see it in black and white.

Matt Garrett acknowledged that there is a lack of objective standards that have been developed at this point. He reiterated that ODOT is committed to fulfilling the obligations of SB1024.

Del described the current process as very complex as the committee was charged with developing new standards and processes for the ODOT access management program in nine months. In comparison, a 2 ½ year project is underway to develop a national manual on Access Management Guidelines that describes "how to". A complementary research project to develop an Access Management Manual that describes "why you manage access" will be starting in the near future. It is anticipated that the complementary manual will take an additional 2 ½ years.

In the 1990's, ODOT access management standards were developed through work at Oregon State University, a process that took approximately five years to complete. In 1999, ODOT initiated a year long process with stakeholders "Access Management Advisory Group" to develop a permitting process. Considering the complexity of the tasks for the current AM Committee, Del thinks a lot of change of taken place, especially related to commitment for a philosophical change within the agency on how it considers reasonable access when evaluating an approach application.

Discussion continued on the need for proposed statute to advance to the legislature. Mark suggested that ODOT take two weeks and come up with a proposed bill with clear and objective standards.

Mark provided additional insight into the proposed Legislative Oversight Committee as the minutes from the previous meeting incorrectly stated his proposal. The oversight committee would include five legislators, one that would represent each of the five ODOT regions, a representative from the development community, local government and ODOT for a total of eight members. It is intended that the committee would provide

oversight to ODOT and the stakeholders as access management objective standards, rule amendments and processes are developed.

In addition to the issues discussed, there are work items that have been raised by the AM Committee as shown on page 22 of the Draft Legislative Report.

Matt- we need to focus on the charge at hand. We haven't completed the first task which requires meeting the obligation of SB1024. ODOT acknowledges that we need to deal with the issues identified after we've completed the first task. However, we will be working with the legislative oversight committee as the process moves forward.

Bob Bryant – we will continue to work on the other items, but the pressing issues will take precedence. ODOT needs an adequate timeline for developing the body of work through an engineering/technical working group – some from the AM Committee, ODOT and local government. Jim Hanks, Jamie Jeffrey, Brent Ahrend and Anthony Butzek have committed to assisting with this work. Harold will identify ODOT engineers to assist. It is anticipated that the technical group will begin work in January or early February, 2011.

Legislative timelines were discussed and it was agreed that Del will modify the Executive Summary portion of the Draft Legislative Report and forward to the committee members by December 27th for their review. It is intended that the summary will more accurately document the status of the legislative concepts that have been developed to date.

Committee members expressed a desire to continue to have monthly meetings as the process moves forward in 2011. It was suggested that Friday afternoons would work well during the legislative session as lawmakers are not typically in session during this time.

Next meeting of the Access Management Committee

The next Access Management Committee meeting is Monday, January 31st, from 1:00 to 5 p.m., Perkin's Coie, Portland OR. 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 4:00 p.m.

Attachment I – Draft Legislative Report, dated 12-16-2010

Attachment I

Draft Legislative Report, 12-16-2010