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**Access Management Committee
Briefing Update for the Technical Standards Team and Legislative Concepts
Alsea Conference Room**

4040 Fairview Industrial Dr. Salem, OR 97301

February 15, 10:30 am – 11:00 am

FINAL

Working Facilitator: Del Huntington.

Participants: Bob Russell, Victor Dodier, Mark Whitlow, Bob Bryant, Paul Mather, Don Forrest, Matt Garrett, Jamie Jeffrey, Doug Bish, Brent Ahrend, Jim Hanks, Joe Marek, Ron Hughes, Kent Belleque attended in person. Craig Honeyman, Tom Kuhlman, and David Boyd attended by phone.

Meeting Minutes: Michelle VanSchaick

Introductions and Approval of Minutes from January 31, 2011

Self introductions were made and the minutes from January 31st were approved. Del began the meeting by explaining that there are two separate groups working independently; one on legislative concepts and one on standards.

Technical Standards Team Update

Harold gave an overview of the work that the standards team is developing. They developed a format and five criteria that would be used for the “slam dunk” approvals. As approximately 80 percent of the approach applications to ODOT over the past 10 years have been for sites with 400 or fewer Average Daily Trips (ADT), the standards team has focused on this portion of applications. Harold stated that highway volume, existing lane configurations, need for mitigation, and site ADT are determining factors in “slam dunk” approvals. However, local agencies may require mitigation measures based on local ordinances and local site plan review.

As proposed, approach volumes less than 400, and approach volumes from 400 to 1000 will be the basis of two different categories. Brent explained that where driveways volumes are below 400 daily trips, a left turn lane on the highway isn’t warranted. Jamie said that the 400-1000 tier would have some deviations. The team does not have final consensus on the corresponding highway volume, though it was generally understood that this would be achieved within the next two weeks. There was discussion about applicants who submit an application and don’t meet the standard. ODOT will begin to look at safety issues if the applicant is unable to meet sight distance or spacing standards. ODOT would have the opportunity to approve and say “we will approve the application if you

provide specific mitigation measures, i.e., trim vegetation to provide adequate sight distance. Harold wanted to make sure that one of the things made clear is that ODOT would be looking to make sure safety is considered. There may be a need for additional analysis if there are concerns with left turn overlaps and conflicts, high crash ratings, etc.

Regarding sight distance requirements for new approach applications, Del clarified that the standards team is recommending that ODOT adopt the criteria in the American Association of State Highway Officials (AASHTO) Greenbook.

Legislative Concepts Update

Victor Dodier stated that the industry proposal for the department is to develop an approach spacing standard based on local government standards. ODOT proposes to apply local government standards while ODOT standards are developed. Victor continued by explaining that ODOT also proposes that local governments may assume permitting authority on certain state highways, applying the local standard. Currently, local agencies are required to apply the ODOT standards. Bob Russell asked if we can defer to local standards and have ODOT be in charge. Bob Bryant asked for clarification on access issues in the City of Portland – Jaime said they tackle the issue on a case-by-case basis as they do not have access standards. Jamie suggested that to have ODOT apply local standards may put the state agency at risk. It would also complicate permitting and administration as ODOT staff would be required to be knowledgeable of the local standard for each community within their region or district. She feels we should either defer all responsibility to local government, or all to ODOT.

Mark Whitlow stated that the industry would like ODOT to be in charge as everything is handled at the same counter. Jim Hanks agrees, but feels we need to think about urban areas. He explained that Portland has staff to accommodate the driveway requests, but what about smaller cities with no standards? Director Garrett asked if there are there hundreds of variations of standards. He asked if we might we do hybrid approach where we certify cities for permitting decisions such as Portland and Eugene. Bob Russell feels that we should establish uniform standards and if ODOT wants to enter into an agreement with local government that could be permissible. Jamie explained that in some areas spacing standards can be met, and in Portland they treat this on a case by case and look at how does it fit best, how does it work with the site? It isn't a situation of "no permit", but rather "let's make it better".

Additional items for legislative concepts include establishing a threshold when a Traffic Impact Analysis (TIA) is required, and clarification as to when medians are required as a mitigation measure. There is also a question of moving the text into statute rather than the administrative rule.

Next Steps

Del stated that the next meeting date for both working groups is scheduled for February 22nd, and recommended that the full committee meet from 1 to 2 p.m. and then break into two separate working groups from 2 – 5 p.m. to further refine the work product. Another AM Committee meeting is scheduled for March 1st. The agenda will be determined to

maximize the participant's time to resolve any outstanding concerns before the final legislative concept is advanced from the AM Committee.

Mark agrees and wants the technical team to understand where the standards will fit into the legislation. Jim Hanks would like to see this as well. Jamie believes that the standard tables they are developing do not belong in Oregon Revised Statute (ORS). She thinks you meet the approval criteria in the ORS and the standards in the Oregon Administrative Rule (OAR). I.e., the sight distance criteria in the AASHTO Greenbook may change with each publication and therefore should be part of the rule rather than statute. Bob Russell stated that the committee should delegate the adoption of standards to administrative rule. He continued by stating that the department currently does that in some areas. Jim Hanks feels the definition of criteria should be by administrative rule. It is difficult to read it in legislative language. Bob Russell continued by explaining that you have the same problem in rule or statute. Harold thought we didn't want to adopt rule into statute. Mark stated that the highlights should go into statute and details go into rule. Victor gave an example of the recent legislative that revised the "change of use" criteria. The statute provided an overview while the rules provide direction on how the criteria are applied. Jamie agrees with making sure that the main points are in ORS. She believes that some "numbers" will be in statute, but not all of them.

There was a question asked about the timeline for processing applications that meet the standards. Bob Bryant wants standards group to think about the timeline when they are adopting standards and asked if 30 days was sufficient for processing applications when the standards are met. He then asked how long it will take if standards are not met. Director Garrett stated that he wants to make sure we bring economic issues into consideration, and having a discussion about timelines is a good way to do that. Discussion continued about how long applications should take and the different complications that may arise.

Del will send a calendar invitation for next two meetings. It was requested that all participants on the working groups expedite a review of the documents they receive in preparation for the next meeting.

Future Meetings

The next briefing update for the full AM Committee is scheduled from 1-2 pm on February 22nd. Simultaneous work sessions for the technical team and legislative concept team will be scheduled for February 22nd from 2 pm to 5 pm.

Meeting adjourned at 11:30 a.m.