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TO: Senate Committee on Business, Transportation and Economic Development.

FROM: Del Huntington
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SUBJECT: Senate Bill 264

Introduction

Senate Bill 264 is the culmination of efforts as required by Senate Bill 1024 which was adopted by the legislature in 2010. The bill required the Oregon Department of Transportation (ODOT), in cooperation with stakeholders, to revise existing access standards on certain highways and to codify, clarify and bring consistency to the issuance of access permits based on objective standards. A 25 person stakeholder committee was established that includes state senators, state representatives, and representatives from the Oregon Trucking Association, AAA, the Retail Task Force, Home Builder's Association, developers, private engineering firms, cities, counties and ODOT. The Access Management Committee and associated sub-committees met over 30 times in the past year to develop the concepts and text proposed in Senate Bill 264. I have been honored to serve as the working facilitator for this process.

Background

There are approximately 15 states in the nation with a comprehensive access management program, including Oregon. I am not aware of any state access management program that includes incentives for re-development or development to occur in the downtown areas. Rather, mitigation costs to achieve the access management standards in developed areas can be a disincentive. New development often occurs on the urban fringes where it is less costly to mitigate traffic impacts associated with the proposed development and in locations where developers can more easily meet access management standards.

An access management program in Oregon is more complex than other states as developers cannot simply move to the edge of the urban fringe and create inexpensive development and industry. Oregonians seek to balance access with development and industry needs inside an Urban Growth Boundary (UGB) or in designated areas outside of the UGB. Achieving the correct balance of mobility and safety for all users on the state highways while mindful of the economic needs is an evolutionary process. ODOT has managed access to state highways since the 1950's through a permitting process, developed access spacing standards in the 1980's and specific administrative rules in 2000.

Highlights of Senate Bill 264

The proposed legislation in SB264 provides an opportunity to re-evaluate the current access management program and better balance access to serve industry and development needs in Oregon while remaining committed to in-fill, re-development, higher densities, consistency with the local comprehensive plan, and most importantly, a commitment to support growth within the UGB's across the state. Significant changes to the current process include but are not limited to the following;

- Regardless of alternate access to serve the property, an applicant is approved for an approach or approaches to the state highway when they meet the standards (except for expressways).
- Within urban areas, revised access spacing standards that are more sensitive to the existing local city block spacing, existing property frontage and the roadway environment.
- Seeks to establish a balance with access that will adequately serve development and industry while mindful of safety for all roadway users.
- An expedited timeline and approval process in situations where the applicant meets the standards.
- Formation of a Dispute Review Board (DRB) to provide an independent evaluation and advance a recommendation to the ODOT Region Manager. An applicant may request a review in instances where the approach application is denied or where the mitigation measures appear too excessive. The DRB is to be comprised of a representative of the local jurisdiction, a traffic engineer from outside of ODOT, a representative of the economic or business sector, and an ODOT representative.
- Expansion of the definition for “move in the direction of” provides an opportunity to approve a re-development or infill project in the urban area even though the development may not meet all of the access management standards.
- Less costly mitigation measures and fewer impacts to adjoining property owners when an applicant is approved for direct access to the highway. This is a result of a revised traffic mobility standard when analysis is required and a set of escalating mitigation measures where mitigation is required.
- Expands the use of collaborative discussion during the application review process as a means to resolve differences and identify agency and development objectives.
- Formation of a Legislative Oversight Task Force provides a mechanism to determine if the objective standards and revised processes in Senate Bill 264 appropriately balance economic and industry needs with the roadway users safety and mobility.

Next Steps

The AM Committee acknowledges that adoption of all or part of Senate Bill 264 will result in a significant amount of work for ODOT to revise administrative rules, the Oregon Highway Plan, manuals and training for staff. The committee has made a commitment to be involved in the process and review the administrative rules and plan revisions as they are developed. Simultaneous to this work effort, the AM Committee and ODOT have identified several additional topics for future consideration, including 1) the

installation of raised medians through a highway corridor unrelated to an approach application, 2) the project development process and how ODOT decisions associated with the project impacts adjacent property owners, and 3) access spacing standards and the development of plans within Interchange Management Areas in urban areas.

Summary

Senate Bill 264 represents a major consensus between industry, developers, cities, counties, private traffic engineers, trucking associations and ODOT. The proposed statute seeks to achieve a balance with safety and mobility for all roadway users with economic development while providing incentives for re-development and infill to occur within the urban areas. Senate Bill 264 provides the agency with an opportunity to heighten customer service that occurs when an applicant requests an approach to a state highway within Oregon. This bill, along with solutions for the future additional work topics are intended to ensure that Oregon remains committed to providing safe highways, simultaneously supporting economic development and prosperity, while retaining livable communities throughout the state.