



TESTIMONY

CRAIG HONEYMAN, LEGISLATIVE DIRECTOR, LEAGUE OF OREGON CITIES

HOUSE TRANSPORTATION & ECONOMIC DEVELOPMENT COMMITTEE

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SB 264A

Good afternoon. My name is Craig Honeyman, Legislative Director, League of Oregon Cities. We represent all 242 cities in the State of Oregon. I appear today in support of SB 264A, relating to new access management standards. Legislation (SB 1024) approved in the supplemental session last February required the Oregon Department of Transportation (ODOT) to develop legislation to "codify, clarify and bring consistency to issuance of access permits based on objective standards." That is what the bill before you today proposes to do.

The League was pleased to have been included in the task force which developed the standards contained in SB 264A. Although we had some misgivings at the outset (and so-stated during testimony on SB 1024 last year) about the need to and the effect of putting a rather complex set of rules into statute, we are generally pleased that this bill fulfills its mandate while maintaining enough flexibility to deal with individual circumstances as they arise.

The true benefit of SB 264A is the increased certainty that will result for all stakeholders (the State, local governments and business interests). Approach permits will now be granted more routinely and under prescribed timelines for projects that meet certain specific criteria relating to peak hour trips, trips on a typical day, truck trips, and safety or operational factors.

Recognizing the need for some flexibility and that "one size does not fit all," the bill allows for a collaborative process whereby ODOT can approve an approach when the applicant proposes to move "in the direction of conforming with standards." Criteria are established in the bill providing guidelines as to when that occurs.

Indeed throughout the bill there seems to be a good balance struck between the need for standards to be specific and objective while at the same time allowing applicants to seek deviations through a fact-based collaboration with ODOT. This particularly pertains to the relationship between posted speed and

sight distance, or where property access can only be achieved from an approach that does not meet spacing standards.

Where disputes cannot be resolved through the collaborative process envisioned in the bill, an appeals process is established. An Access Management Dispute Review Board would be established in these instances, again with specific timelines for action. The board would include specific stakeholder representatives including a "representative of the local jurisdiction in which the disputed approach is located."

Except for instances where variables will not permit it, SB 264A by narrative and in table format outlines very specifically the objective conditions under which an approach permit will be granted based on the type of highway and a sliding scale for posted speeds. The process is further streamlined for roads with lower traffic volumes. Mitigation measures such as barriers on two-lane highways are to be considered only in collaboration with stakeholders which may include local governments.

Having said all this, it is worthy of note that this shift to objective standards does carry with it the risk of increased congestion and higher safety risks due to more driveways that would likely be permitted on state highways in urban areas. This is where cities face the conundrum of wanting both mobility and economic development. Hopefully together stakeholders can figure out ways not to make these mutually exclusive concepts in terms of access management.

Jurisdictional transfer, the actual transference of ownership and responsibility for a state highway, is asserted in the bill as an access management tool. When, together, ODOT and a local government make a determination that it is in the best interest of all stakeholders that such a transfer occur, the normal process for such transfer is started. Under SB 264A, however, in addition to funding provided to a city under existing statute, this bill authorizes ODOT and a city to agree on terms whereby annual funding on an ongoing basis for construction, repair, maintenance and improvement can be made available from the State Highway Fund.

Finally, the bill creates an Access Management Oversight Task Force to monitor ODOT's ongoing efforts under the terms of this new access management legislation. The legislation stipulates that two members of the 11-member task force be representatives of local government. This ensures continued local government participation in the oversight and administration of the state's access management program.

The League wishes to indicate its support for SB 264A.