



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

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DATE: May 25, 2011

TO: House Committee on Transportation and Economic Development

FROM: Matthew L. Garrett, Director
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SUBJECT: Senate Bill 264-A

Introduction

Senate Bill 264-A reflects the work of a collaborative stakeholder committee in response to legislative direction to review the Oregon Department of Transportation's (ODOT) administrative rules for managing access to state highways.

Background

Enrolled Senate Bill 1024 (2010) directed ODOT, in cooperation with stakeholders, to develop proposed legislation that will codify, clarify and bring consistency to issuance of access permits based on objective standards and to establish less stringent access management rules, mitigation measures and spacing and mobility standards for highway segments where the annual average amount of daily traffic is 5,000 vehicles or fewer.

ODOT convened the Access Management (AM) Committee and provided staff support for the Committee. The Committee's 25 participants included senators, representatives, city and county staff, and external industry stakeholders from the Oregon Trucking Association, private engineering firms, developers, the Retail Task Force, and the Oregon Home Builders Association to develop proposed changes to Oregon's access management rules.

The goal of the committee was to develop objective standards and procedural changes, based on its review of the existing access management rules for state highways, that provide for a more appropriate balance between managing a safe and effective system of highways with the goal of promoting and facilitating urban growth and economic development opportunities in Oregon's communities.

The AM Committee has recommended that the proposed changes along with key elements of the existing administrative rule be incorporated into Oregon Revised Statute 374.

PROCEDURAL REQUIREMENTS THAT APPLY TO APPLICATIONS FOR AN APPROACH PERMIT

Reasonable Access

The proposed legislation would place into statute the objective standards for considering an application to permit a private approach to the highway. It eliminates the determination currently made by the agency on whether a property abutting the highway has existing access that is reasonable or that can be made reasonable to serve property. Where the applicant meets

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the standards in the urban areas, the applicant will be approved for one or more driveways to the state highway regardless of whether or not there is alternate access to the property on a city street or county road. In rural areas, an applicant's permit application for one driveway will be approved if it meets the standards; a second or additional driveways may be approved although the applicant must show that additional access is required to provide reasonable access to the site as a function of the business or land use.

The objective standards significantly reduce the current requirements for the applicant for small and medium size developments to provide an engineering analysis as part of their applications. The legislation creates clarity on what development conditions trigger the requirement for a traffic impact analysis by the applicant as part of the application for an approach.

For applications that meet the objective standards but have potential for creating traffic safety or operational issues not addressed by the standards, it is the responsibility of the agency to conduct the analysis and produce the findings that would be used to affect the decision on whether to approve or deny that application. This would be based on a specific list included as part of SB 264-A of potential traffic safety or operational concerns.

Applicants will be advised of a pending decision prior to the decision's final issuance, and will have the opportunity to enter into a collaborative discussion or dispute review process to address deficiencies in meeting the objective standards or specific traffic safety or operational issues identified by the agency. In addition, the legislation includes a process that allows for the applicant to request a deviation or exception to the proposed objective standards.

OBJECTIVE STANDARDS FOR APPROVING APPROACHES TO THE STATE HIGHWAY

Access Management Standards

SB 264-A places into statute a clear and objective set of standards that will provide greater certainty for applicants on when approach permits can be approved. The objective standards distinguish between level of importance of the state highway from a statewide mobility standpoint, and are based on safe sight distance, driveway spacing, posted speed, traffic volume, and lane configuration requirements.

The standards set up less stringent spacing standards, mobility, and mitigation requirements for all low-volume regional and district classification highways having fewer than 5,000 vehicles per day. Higher standards are proposed for low-volume urban statewide classification routes where the posted speed is 50 mph or higher, and for rural statewide classification routes except where they traverse through unincorporated communities where the posted speed is 45 mph or lower. The AM Committee proposal is due to the travel characteristics on the roadway, the varied types of vehicles, crash severity, increased potential for roadway users that are unfamiliar with the route, and the priority these highways have to facilitate efficient movement of goods and people across the state.

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The agency's focus in the past was to limit access to state highways as national research has shown that increased access may result in an increase in the number of crashes and increased congestion. It should be acknowledged that less stringent standards that allow for increased numbers of driveways to the highway may result in increased congestion and an increased number of crashes.

Mitigation Measures and Medians

The current requirements for developers and businesses to mitigate their impacts to the highway will be significantly reduced as a result of proposed changes resulting from SB 264-A. Many of the committee members acknowledged that as fewer mitigation measures are required, levels of congestion will increase. Where this occurs, ODOT does not believe it should be a basis for diverting public funds allocated to other existing higher priority improvement needs on the system.

Currently, applicants are required to analyze and meet the mobility requirements for the traffic leaving a driveway. This could potentially result in the need for mitigation including a raised center island or median barrier to restrict turning movements. With the exception of large development proposals, legislation included as part of SB 264-A eliminates the need for most applicants to meet mobility requirements for vehicles exiting a driveway.

SB 264-A places limitations on ODOT and local governments as to when non traversable medians can be used on state highways to mitigate impacts associated with a private approach application, and places requirements on the agency to work collaboratively with highway users when barriers are being proposed for use on two lane highways.

DISPUTE RESOLUTIONS AND APPEALS PROCESSES

SB 264-A includes a proposal established by the AM Committee to utilize a collaborative process and Dispute Review Board to replace the existing Region Review process for appeals. The proposed Dispute Review Board will consist of a representative from ODOT, the local jurisdiction where the development is proposed, and an external consultant. It is anticipated that the board will provide a broader review of the application than may currently exist.

The process would allow the applicant to request a collaborative discussion with the Dispute Review Board prior to the issuance of a decision on an application and/or after the agency has made a final decision.

HIGHWAY CLASSIFICATIONS AND JURISDICTIONAL TRANSFERS

The proposed legislation establishes clear objective standards based on the District, Regional, or Statewide classification of the state highways as described in the Oregon Highway Plan (OHP). In addition, it sets forth special conditions for highways designated within the Oregon Highway Plan as Expressways, or sections having access management plans, corridor plans, or interchange area management plans. SB 264-A places requirements on the Oregon Transportation Commission to review the OHP classifications and designations to ensure they are appropriate for the intended function of the highway.

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The proposed legislation also includes provisions that would facilitate the transfer of state highways to a local government. The bill allows for an ongoing transfer of transportation funding to address the fiscal burden of a local government agreeing to take jurisdiction of a state highway.

The legislation also allows for the agency to delegate its access management responsibilities to a local government by agreement.

ACCESS MANAGEMENT LEGISLATIVE OVERSIGHT TASK FORCE

The legislation proposes the formation of a Legislative Access Management Oversight Task Force to provide a forum to address issues that arise as SB 264-A is implemented and provide the oversight to the on-going work of codifying, clarifying and bringing consistency to the agency's access management decision-making process.

Next Steps

Legislation that is approved and adopted by the 2011 Legislature requires that ODOT revise its administrative rules to be consistent with the revised statute. In addition, the AM Committee has supported the proposal to re-write significant portions of the access management rule, OAR 734 Division 51. Portions of the 1999 Oregon Highway Plan (OHP) will also need to be revised or portions moved to other documents and will require approval from the Oregon Transportation Commission. It is anticipated that a revised OAR 734 Division 51 and needed changes to the OHP would be ready for adoption by the end of 2011.

Summary

The proposed changes as set forth by the AM Committee will revise the access management process to: 1) approve an application based on an agreed upon set of objective standards, 2) reduce the number of applications requiring deviations for the approval, 3) scale back the mitigation requirements that are currently a responsibility of the developer, 4) clarify when a Traffic Impact Analysis is required, and 5) provide for managing disputes and appeals.

ODOT is ready to implement the AM Committee's proposal to change the management of access to state highways contained in SB 264-A, along with the commensurate changes to the Oregon Administrative Rules to codify the legislative intent as put forth in the Enrolled SB 1024 (2010). The proposal will change the balance between managing traffic safety and mobility with the goal of promoting and facilitating urban growth and economic development opportunities in Oregon's communities. ODOT has endeavored to communicate to the committee and to its stakeholders that shifting the balance in how access is permitted to state highways has the potential impact of increasing levels of congestion and reducing mobility from what exists within the existing rules.

Attachment: SB 264-A Section by Section Review

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Section	Description	Effective or Operative Date
	Definitions	
1	Directions to place the definitions used for access management in ORS 374.	January 1, 2012
2	Define terms used in the revision to the access management statute.	January 1, 2012
3	Remove the terms that were already defined in ORS 374.305 from that statute.	January 1, 2012
	Separate ODOT's Management of Access to State Highways From County Commissions' Management of Access to County Roads	
4	Remove references to county commissions' authority to manage access from ORS 374.310, as it was amended by chapter 31, Oregon Laws 2010 (Enrolled Senate Bill 1024), so that commissions' authority can be re-stated separately.	Upon signature by the Governor
5 - 6	Re-state ODOT's authority to manage access to state highways with language from the Access Management Committee (AM) proposal: <ul style="list-style-type: none"> • Remove the criteria to determine when a new permit is required for a change of use. The text is being moved to ORS 374.312 which concerns permits. • Put the use of the phrases "sufficient to allow" and "adequate to serve" in the context of the economic development needs of the property adjoining a state highway. 	January 1, 2012
7-8	Re-state county commissions' authority to manage access to county roads. Section 8 re-sets counties' access management authority as it was prior to the adoption of chapter 31, Oregon Laws 2010.	Upon signature by the Governor
9	Conforming amendments to reflect the new section for county access management for statutes where ODOT and county access management share common requirements.	Upon signature by the Governor
10	Conforming amendments to reflect the new section for county access management for statutes where ODOT and county access management share common requirements.	Upon signature by the Governor
11	Conforming amendments to reflect the new section for county access management for statutes where ODOT and county access management share common requirements.	Upon signature by the Governor
12	Conforming amendments to reflect the new section for county access management for statutes where ODOT and county access management share common requirements.	Upon signature by the Governor

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Section	Description	Effective or Operative Date
	Requirements that Apply to Applications for an Approach Permit	
13	<p>Section 13 re-writes ORS 374.312 to set out the statutory requirements that apply to ODOT’s processing of applications for access permits.</p> <p>ORS 374.312 currently sets out criteria that the rules for ODOT’s access permitting process must meet.</p>	January 1, 2012
13(1)	<p>States legislative intent concerning ODOT’s management of access to state highways. ODOT’s system should be:</p> <ul style="list-style-type: none"> • Based on objective standards • Balance economic development objectives with safety • Be consistent with local transportation system plans and land uses permitted in acknowledged comprehensive plans <p>Directs ODOT to comply with directives, objective standards and procedures set out in ORS 374.312.</p>	
13(2)	<p>Requires ODOT to make a final decision, including internal appeals, on a permit application within 120 days of the date that the application is deemed complete unless both the applicant and ODOT agree to an extension.</p>	
13(3)	<p>Requires ODOT to make its decision concerning permit applications based on the standards set out in Section 17 or the standards and criteria in effect at the time the application was filed.</p>	
13(4)	<p>Sets out the criteria to determine when a new permit is required for a change of use.</p> <ul style="list-style-type: none"> • Subsections 13(4)(a) to (c) are being moved from ORS 374.310, as amended by chapter 31, Oregon Laws 2010. • Subsection 13(4)(d) brings the stopping sight distance standard from administrative rule into statute. 	
13(5)	<p>Sets out provisions that apply to an application when a new permit is required for a change of use situation (i.e., those applications when the number of new trips is more than 20 percent greater than the number of trips generated by the prior use).</p> <ul style="list-style-type: none"> • Requires ODOT to approve the application when the application “moves in the direction of” closer conformance with highway standards, subject to consideration of safety and highway operations. <ul style="list-style-type: none"> ○ ODOT and the applicant are directed to work collaboratively to determine what constitutes “moving in the direction of” closer conformance. ODOT will define the collaborative process by rule. ○ An application that is deemed to move in the direction of spacing, channelization and sight distance standards will not 	

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Section	Description	Effective or Operative Date
	<p>be required to have a separate application for deviations from those standards.</p> <ul style="list-style-type: none"> • Lists actions that could be used to move in the direction of closer conformance. The list is not exhaustive; that is, ODOT and the applicant might agree during the collaborative process that other measures would be effective. 	
13(6)	Requires ODOT to approve any application that meets spacing, channelization and sight distance standards (see section 17), subject to consideration of safety and highway operations (see subsection 13(10)(g)) and to the requirements for a Traffic Impact Analysis (see section 18).	
13(7)	<p>Allows ODOT to approve an application with deviations from the standards as follows:</p> <ul style="list-style-type: none"> • The application may include a deviation from the standards for one or more approaches. • The application includes a Traffic Impact Analysis that addresses the requested deviations, unless ODOT waives this requirement. • ODOT’s engineer assigned to analyze the request for a deviation(s) that the approach adequately addresses the safety and highway operations issues. • ODOT agrees that the request for a deviation from sight distance standard is supported by the applicant’s speed study. 	
13(8)	Allows ODOT and the applicant to agree on the location of an approach that optimizes safety, highway operations and site design when a property has a right of access, but no means of access to the property other than the state highway. The location of the approach is not a deviation from the spacing standard.	
13(9)	<p>Sets out procedures that apply to all approach permit applications:</p> <ul style="list-style-type: none"> • ODOT must determine that an application is complete within 30 days of the receipt of the application. • ODOT must approve an application or approve the application with conditions: <ul style="list-style-type: none"> ○ Within 30 days of the date on which ODOT deems the application to be complete when the application meets the spacing, channelization and sight distance standards (see section 17). These applications are described as the “slam dunk” situations. ○ Within 60 days of the date on which ODOT deems the application to be complete for all other applications. • ODOT may impose reasonable conditions to mitigate safety and highway operations concerns (see subsection 13(10)(g)). • ODOT must notify the applicant when the department proposes to deny the application or to approve the application with conditions and offer a collaborative discussion (dispute resolution). 	

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	<ul style="list-style-type: none"> • ODOT must issue its decision to deny an application or approve the application with conditions with sufficient specificity that the applicant can respond, if the applicant declines ODOT's offer of a collaborative discussion. • ODOT must advise the applicant of the applicant's rights for dispute resolution to resolve issues related to the application. 	
13(10)	<p>Sets out directives to ODOT that apply to all approach permit applications:</p> <ul style="list-style-type: none"> • Applications must meet sight distance standards except as otherwise provided (see 13(5) and 13(8)) or when the department has approved a deviation from the sight distance standard. • The presence of alternative access in an urban area may not be used as a basis to deny an application. <ul style="list-style-type: none"> ○ The presence of alternative access in a rural area may be taken into consideration to deny a second or additional approach. ○ This directive does not apply to freeways and expressways. • ODOT may only impose a non-traversable median barrier as a mitigation measure for an approach after it first establishes that no other measures are effective or available. • ODOT may not apply highway mobility standards to turning movements from an approach unless the volume to capacity ratio on the approach is 1.0 or greater. • ODOT may not require the applicant to submit a Traffic Impact Analysis unless the criteria for a TIA are met (see section 18). • ODOT must have an engineer with relevant experience review and evaluate material that is submitted by the applicant. • ODOT has the burden of establishing its safety or highway operations concerns in the following situations: <ul style="list-style-type: none"> ○ Regular queuing on the highway impeded turning movements from the proposed approach. ○ Offset approaches on the other side of the highway may cause overlapping left turn movements or competition for use of a center left turn lane. ○ Insufficient distance for weave movements by vehicles leaving the approach across multiple lanes in the vicinity of signalized intersections, collectors, and arterials, and on-ramps and off-ramps. ○ The proposed approach is located on a highway segment that has a crash rate that is 20 percent higher than the statewide average of similar highways. ○ The proposed approach is located on a highway segment that is listed in the top five percent of SPIS (safety priority index system) sites. ○ The distance from an intersection to the nearest driveway is not met on District or Regional Highways where the speed is 50 mph or higher. 	

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13(11)	Requires ODOT to use the criteria for what constitutes reasonable access that is specified in ORS 374.310.	
13(12)	Requires ODOT to make its decisions to grant or deny an application for an approach permit on the record. ODOT must issue findings that support its decision to condition or deny an application.	
13(13)	Allows ODOT to delegate its access management responsibilities to a local government by agreement. The agreement must require that permits issued local government be consistent with the highway plan and with ODOT's administrative rules for access management (current law).	
13(14)	ODOT must develop a process that allows an individual who is affected by a permit application, but who is not the applicant, to express concerns. (current law)	
Dispute Resolution and Appeals Processes		
14	<p>This is the dispute resolution and appeals process for applicants for approach permits.</p> <ul style="list-style-type: none"> • ODOT decisions to deny an application or a deviation, to approve an application with mitigation measures, or to remove or modify an approach may be appealed by the applicant or by a permit holder using the contested case hearing. • In addition, an applicant or a permit holder may request: <ul style="list-style-type: none"> ○ A collaborative discussion with the department; ○ Review by an Access Management Dispute Review Board; or, ○ Both. • A collaborative discussion or a Dispute Review Board process stays the 120 day clock for ODOT's final decision. Each of the two processes may take 45 days or longer by agreement. • A Dispute Review Board, if concurrent with a contested case hearing, stays the 120 day clock for ODOT's final decision. • If ODOT and the applicant / permit holder agree to use a collaborative discussion, then the agreement is binding on ODOT and the applicant / permit holder. • If the collaborative discussion or Dispute Review Board approve, modify, or reverse ODOT's decision to approve an application with conditions or to deny, this action is a settlement offer and not a decision that may be appealed. • ODOT may adopt rules to implement the collaborative discussion and Dispute Review Board processes. 	January 1, 2012

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Section	Description	Effective or Operative Date
15	<p>Sets the outline for an Access Management Dispute Review Board.</p> <p>A Dispute Review Board:</p> <ul style="list-style-type: none"> • Consists of the Director (Region Manager / Director’s designee), a representative of local government, a traffic engineer who practices in Oregon, and a representative of the private economic development or business sector. • Considers information from the parties. • The Director (Region Manager / Director’s designee) may approve, modify, or reverse the department’s original decision on the application / permit. • The Director must notify the applicant or permit holder of the decision. 	January 1, 2012
	<p>Objective Standards for Decisions to Approve, Modify or Deny an Approach Permit</p>	
16 – 17	<p>Sets out the objective standards for the spacing between approaches channelization and sight distance.</p> <p>The tables bring the spacing standards into Oregon statute out of the Oregon Highway Plan and administrative rule, another requirement of chapter 31, Oregon Laws 2010 (Enrolled Senate Bill 1024).</p>	January 1, 2012
17(1)	<p>Sets out the objective standards for spacing between approaches located on highways with an average annual daily traffic (AADT) of 5,000 or fewer vehicles.</p> <ul style="list-style-type: none"> • As required by chapter 31, Oregon Laws 2010, these spacing standards are less stringent (less distance between approaches) than the spacing standards laid out in the Oregon Highway Plan. • The subsections 17(1)(a) to (f) are notes for this table that: <ul style="list-style-type: none"> (a) Describe how to measure the distance (centerline to centerline) between private approaches and between a private approach and a public approach. (b) Allow the distance to be one-half the distance specified for highways with <u>more than 5,000 AADT</u> when an approach is right-in / right-out or left-in / left-out. The higher volume table is specified because there might not be sufficient stopping distance if one-half the standard for the lower volume highways is used. (c) Allow special transportation areas (STAs), access management plans, corridor plan, interchange area management plans, or interchange management areas to specify alternative spacing standards that take precedence over the table in subsection 17(1). (d) Allow the signal spacing standard takes precedence over the spacing standard in subsection 17(1) if the private approach is signalized. (e) Apply the spacing standards to approaches that were not in 	

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	<p>existence prior to January 1, 2012, the effective date of this section except when:</p> <ul style="list-style-type: none"> a. A new approach permit or a permit in a change of use situation is required. b. Infill development or redevelopment occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(1). c. A highway or interchange project occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(1). (f) Refer to the tables for District, Regional or Statewide highways with an AADT of more than 5,000 vehicles when a highway with an AADT of 5,000 or fewer vehicles is designated as an expressway. 	
17(2)	<p>Sets out the objective standards for spacing between approaches located on Statewide Highways with an average annual daily traffic (AADT) of more than 5,000 vehicles.</p> <ul style="list-style-type: none"> • The subsections 17(2)(a) to (f) are notes for this table that: <ul style="list-style-type: none"> (a) Describe how to measure the distance (centerline to centerline) between private approaches and between a private approach and a public approach. (b) Allow the distance to be one-half the distance specified for highways with <u>more than 5,000 AADT</u> when an approach is right-in / right-out or left-in / left-out. The higher volume table is specified because there might not be sufficient stopping distance if one-half the standard for the lower volume highways is used. (c) Allow special transportation areas (STAs), access management plans, corridor plan, interchange area management plans, or interchange management areas to specify alternative spacing standards that take precedence over the table in subsection 17(2). (d) Allow the signal spacing standard takes precedence over the spacing standard in subsection 17(2) if the private approach is signalized. (g) Apply the spacing standards to approaches that were not in existence prior to January 1, 2012, the effective date of this section except when: <ul style="list-style-type: none"> a. A new approach permit or a permit in a change of use situation is required. b. Infill development or redevelopment occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(2). c. A highway or interchange project occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(2). (e) Refer to the tables for District, Regional or Statewide 	

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	<p>highways with an AADT of more than 5,000 vehicles when a highway with an AADT of 5,000 or fewer vehicles is designated as an expressway.</p>	
17(3)	<p>Sets out the objective standards for spacing between approaches located on Regional Highways with an average annual daily traffic (AADT) of more than 5,000 vehicles.</p> <ul style="list-style-type: none"> • The subsections 17(3)(a) to (f) are notes for this table that: <ul style="list-style-type: none"> (a) Describe how to measure the distance (centerline to centerline) between private approaches and between a private approach and a public approach. (b) Allow the distance to be one-half the distance specified for highways with <u>more than 5,000 AADT</u> when an approach is right-in / right-out or left-in / left-out. The higher volume table is specified because there might not be sufficient stopping distance if one-half the standard for the lower volume highways is used. (c) Allow special transportation areas (STAs), access management plans, corridor plan, interchange area management plans, or interchange management areas to specify alternative spacing standards that take precedence over the table in subsection 17(3). (d) Allow the signal spacing standard takes precedence over the spacing standard in subsection 17(3) if the private approach is signalized. (e) Apply the spacing standards to approaches that were not in existence prior to January 1, 2012, the effective date of this section except when: <ul style="list-style-type: none"> a. A new approach permit or a permit in a change of use situation is required. b. Infill development or redevelopment occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(3). c. A highway or interchange project occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(3). (f) Refer to the tables for District, Regional or Statewide highways with an AADT of more than 5,000 vehicles when a highway with an AADT of 5,000 or fewer vehicles is designated as an expressway. 	
17(4)	<p>Sets out the objective standards for spacing between approaches located on District Highways with an average annual daily traffic (AADT) of more than 5,000 vehicles.</p> <ul style="list-style-type: none"> • The subsections 17(4)(a) to (f) are notes for this table that: <ul style="list-style-type: none"> (a) Describe how to measure the distance (centerline to 	

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	<p>centerline) between private approaches and between a private approach and a public approach.</p> <p>(b) Allow the distance to be one-half the distance specified for highways with <u>more than 5,000 AADT</u> when an approach is right-in / right-out or left-in / left-out. The higher volume table is specified because there might not be sufficient stopping distance if one-half the standard for the lower volume highways is used.</p> <p>(c) Allow special transportation areas (STAs), access management plans, corridor plan, interchange area management plans, or interchange management areas to specify alternative spacing standards that take precedence over the table in subsection 17(4).</p> <p>(d) Allow the signal spacing standard takes precedence over the spacing standard in subsection 17(4) if the private approach is signalized.</p> <p>(e) Apply the spacing standards to approaches that were not in existence prior to January 1, 2012, the effective date of this section except when:</p> <ol style="list-style-type: none"> a. A new approach permit or a permit in a change of use situation is required. b. Infill development or redevelopment occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(4). c. A highway or interchange project occurs and spacing and safety will be improved by moving in the direction of the spacing standards in subsection 17(4). <p>(f) Refer to the tables for District, Regional or Statewide highways with an AADT of more than 5,000 vehicles when a highway with an AADT of 5,000 or fewer vehicles is designated as an expressway.</p>	
17(5)	<p>Sets the standard when ODOT may require left turn channelization:</p> <ul style="list-style-type: none"> • There are more than 400 daily trips at the site and the site is located on a two-lane highway with an AADT of 5,000 or more vehicles. • There are more than 400 daily trips at the site and the site is located on a four-lane highway with an AADT of 10,000 or more vehicles. • The product of the number of daily trips at the site and the AADT of the highway is equal to or greater than the values shown in the table. <p>Subsections (b) and (c) are footnotes for the channelization table:</p> <ol style="list-style-type: none"> (a) Indicates that the site average daily trips (ADT) may be found in the Institute of Traffic Engineers (ITE) tables (to be adopted by rule). (b) Indicates that the highway AADT may be found in ODOT's 	

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Section	Description	Effective or Operative Date
	traffic volume tables.	
17(6)	Allows the department to adopt a sight distance standard based on nationally accepted standards (i.e., the AASHTO standard).	
17(7)	Defines the terms “infill development”, “infill redevelopment”, “rural,” “speed” and “urban” that are used in Section 17.	
	Objective Standards to Determine When A Traffic Impact Analysis (TIA) is Required	
18	<p>Allows ODOT to require a TIA except when:</p> <ul style="list-style-type: none"> • The number of trips at the applicant’s site is 400 daily trips or fewer. • The number of trips at the applicant’s site is more than 400, but fewer than 1001, daily trips and the highway is: <ul style="list-style-type: none"> ○ A two-lane highway with fewer than 5,000 AADT; ○ A three-lane highway with fewer than 15,000 AADT; ○ A four-lane highway with fewer than 10,000 AADT; or ○ A five-lane highway with fewer than 25,000 AADT. <p>Note that the TIA standards and the left-turn channelization standards were developed jointly.</p>	January 1, 2012
19	Requires ODOT to work collaboratively with highway users whenever it proposes to install a raised or depressed non-traversable median barrier on a two-lane state highway.	January 1, 2012
20	Requires the Oregon Transportation Commission to review the classification of state highways periodically, but not less than once every six years.	January 1, 2012
	Transfer of Jurisdiction to A City	
21 – 23	<p>Modifies current law to allow ODOT to make an ongoing funding commitment when it transfers jurisdiction over a segment of state highway to a city by agreement.</p> <p>The agreement with the city accepting jurisdiction must include a provision that protects the ability of freight to move on the highway segment, unless the Oregon Transportation Commission and the freight industry agree that the segment is not critical to freight movement.</p>	January 1, 2012

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Section	Description	Effective or Operative Date
	Transfer of Jurisdiction to A County	
24	<p>Modifies current law to allow ODOT to make an ongoing funding commitment when it transfers jurisdiction over a segment of state highway to a county by agreement.</p> <p>The agreement with the county accepting jurisdiction must include a provision that protects the ability of freight to move on the highway segment, unless the Oregon Transportation Commission and the freight industry agree that the segment is not critical to freight movement.</p>	January 1, 2012
	Painted Highway Dividers	
25	Clarifies current law concerning highway dividers to indicate that a divider may be indicated by pavement markings, solid double yellow lines and yellow crosshatching.	January 1, 2012
	Conforming Amendments to Chapter 31, Oregon Laws 2010	
26	Amend chapter 31, Oregon Laws 2010 to remove an out-of-date reporting requirement. The report was delivered.	January 1, 2012
	Access Management Oversight Task Force	
27	<p>Establishes a 11 member Task Force to oversee ongoing progress on codifying, clarifying and bringing consistency to ODOT's access management, ODOT's implementation of this bill and development of additional legislation.</p> <p>Task Force membership include two senators appointed by the Senate President, three representatives appointed by the House Speaker and six individuals appointed by the Governor representing ODOT (one), the development community (one), local government (two), and highway users (two).</p>	January 1, 2012
	Repeals	
28	<p>Repeal the direction to ODOT to work with stakeholders to codify, clarify and bring consistency to the access permitting process on January 2, 2016.</p> <p>Sunset the Oversight Task Force on January 2, 2016.</p>	Upon signature by the Governor

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Section	Description	Effective or Operative Date
	Miscellaneous	
29	Sections 1, 2, 14 to 20, 22, 23, and 27 and the amendments in sections 2, 3, 13, 21, and 24 to 26 become effective on January 1, 2012.	January 1, 2012
30	Advice that captions used in the text are only for the convenience of the reader and do not become part of the statute.	N/A
31	Emergency clause. Sections 4 and 7 to 12 become effective upon signature by the Governor.	Upon signature by the Governor