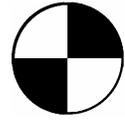




Highway Division Project Delivery Leadership Team Operational Notice



NUMBER	SUPERSEDES	EFFECTIVE DATE	CANCELLATION DATE
PD-03 (A)	N/A	April 4, 2006	
SUBJECT		ISSUING BODY	
Access Management on Pavement Preservation Projects		Project Delivery Leadership Team (PDLT)	

PURPOSE: The purpose of this Notice is to establish deliverables, accountabilities, and requirements and to provide general guidance for implementing access management in the development and delivery of pavement preservation projects. The policies described herein are established to ensure consistency with OAR 734-051 and to clearly establish expectations for ODOT staff and consultants.

In order to allow Regions and the Office of Project Delivery to make the most efficient use of resources, this Notice establishes outcomes and results rather than processes and procedures.

RATIONALE: The purpose of the STIP Pavement Preservation Program is to improve the condition of the pavement. The program's primary goal is keep highways in the best condition at the lowest lifecycle cost through proactive and preventive measures to add useful life to the road surface.

Funding of STIP preservation projects is based on an average cost/lane mile for a given type of preservation treatment. Program funding is distributed based on the estimated resources needed to meet surface condition targets set by the Oregon Transportation Commission. The commitment to meet the targets within the program funding allocations means that the scope of these projects will generally only accommodate mandatory design features that can be put incorporated easily and cheaply. In cases where other program funds (i.e. Safety or Operations Program) can be tapped to expand the scope of a preservation project, then other priority improvements may be considered.

Given the purpose and funding constraints of the Surface Preservation Program, actions to improve access conditions will generally only be considered in the following circumstances:

- when such actions help address the safety goals or priorities identified for the project
- when such actions enhance or add value to design elements within the project scope and can be accommodated in the project budget (i.e. bike and pedestrian improvements)
- when approaches exist in areas of access control

Non-safety related access management features are a secondary consideration to those that are safety related.

SCOPE: The requirements and guidelines of this Notice apply to projects on state highways that are funded through the STIP Pavement Preservation Program, except when such projects are required to comply with Operational Notice PD 03. STIP preservation projects are required to comply with Operational Notice PD 03 whenever:

- approaches will be removed, modified, or mitigated pursuant to an Access Management Strategy (AMStrat); or
- when the project is located within the influence area of an interchange where the project includes work along the crossroad; or
- when the project is located on an expressway.

An AMStrat may apply to the entire project (i.e. all approaches within the project limits) or to a section (or sections) within the project limits. If the AMStrat does not apply to the entire project, then the PD 03 applies to those section(s) of the project covered under the AMStrat and this Notice applies to the approaches not covered under the AMStrat. An AMStrat is required for any section(s) of a project where curb and/or sidewalk is constructed, removed or replaced. All AMStrats must be approved by the Region Manager or designee.

STATUTES, RULES, POLICIES AND GUIDELINES:

STATUTES: ODOT has statutory authority to regulate accesses onto the state highways in a manner that provides abutting land owners reasonable access to their land. ORS 374.305, 307, 310 and 312 provide the regulatory framework within which project delivery staff may address access issues.

POLICY: Goal 3 of the 1999 Oregon Highway Plan delineates the Department’s principle access management policies.

RULES: OAR 734-051 is the administrative rule that specifies legal requirements and procedures for access management. Section 0285 (Project Delivery) sets forth the scope and requirements for access management analysis, planning, and documentation for specific categories of projects.

A key provision of the OAR states that “the Region Manager may require modification, mitigation, or removal of approaches within project limits” pursuant to implementing an approved Access Management Strategy and providing that the conditions specified in OAR 734-051-0285(5)(b)-(d) are met.

GUIDELINES: Volume 1, Chapter 3 of the Access Management Manual, entitled “*Guidelines and Resources for Access Management in Project Development and Delivery*”, provides additional information related to implementation of this Notice.

ACCOUNTABILITIES

The Region Technical Center Manager is accountable for all deliverables and requirements described in this Notice unless otherwise stated. The Region Manager or designee is accountable for the Access Management Strategy as specified in PD 03.

MINIMUM REQUIREMENTS

This section presents minimum requirements for preservation projects covered by this Notice.

Standard Construction Treatments

Construction treatment of driveways on STIP preservation projects will not be based on permitted or legal status, but rather on safety considerations. If an approach to the highway will exist after the project is completed, then it must be assumed that approach will be used, regardless of its legal status. Therefore, all approaches that will remain after project completion will receive the following minimum standard treatment, unless a higher standard of treatment is called for based upon safety considerations at the approach:

- Asphalt driveway – wedge with asphalt
- Concrete radius – wedge with asphalt
- Curb & gutter (dust pan) – no treatment
- Grind & inlay, seal coats, chips seals – no treatment
- Dirt or gravel
 - Shoulder rock/gravel width of shoulder OR
 - Provide construction detail if a more serviceable connection with the existing access is necessary.

Construction treatments for all approaches are to be clearly identified in the contract documents or specifications.

Official Project Access List (OPAL)

Contract documents for preservation projects will provide a listing of all approaches to remain open or to be constructed under the contract. This listing will be referred to as the Official Project Access List. The OPAL lists all accesses to be provided within the project limits upon completion of the project and must be approved by the Technical Center Manager and District Manager. The Region Manager, not a designee, must also approve the OPAL if it contains approaches that will be “grandfathered” under the criteria specified in OAR 734-051-0285(9). All required management approvals must be documented. Approaches may not be constructed or left open unless they are on the OPAL.

The purpose of the OPAL is to clearly communicate to construction personnel all accesses to remain open or to be constructed to adjacent properties so that construction work does not create unpermitted approaches or allow approaches to remain open that were intended to be closed. If the decision is to grandfather an access on the OPAL under OAR 734-051-0285(9), the District Manager must document the change of status in CHAMPS and provide written notification to the property owner. Otherwise, listing an access on the OPAL does not change its legal or permitted status in any way.

Approaches Crossing Access Control

It is important that approaches are not knowingly allowed to exist or be constructed in areas of access control. “Access control” means no right of access exists between a property abutting the highway and the highway. The right of access may have been acquired by the Department or eliminated by law (OAR 734-051-0040(2)).

Projects covered by this Notice will document that a review of access control has been conducted. The documentation may consist of a memo to the project file or other report format that provides information about the results of the review. This review may be conducted by region or Salem right of way staff.

If an approach exists in an area of access control, the approach is considered illegal and will be removed as part of the project, or else an action plan will be prepared describing how the issue will be resolved. The action plan will be signed by the District Manager and the Technical Center Manager and a copy sent to the Statewide Access Management Program office. The following information is required to be documented in the action plan:

- Priority designation -- Access that does not meet current standards and that has a history of, or significant potential for crashes or operational problems, will be designated “high priority”. All other accesses will be designated “medium priority”.
- Schedule – A schedule defining timeframe and key tasks/activities planned to resolve the issue.
- Accountability -- The action plan will identify who is responsible for accomplishing the tasks/activities defined in the schedule.
- Interim mitigation -- Any actions that will be taken to monitor or mitigate problems or concerns caused by the access until the issue is resolved and the responsible party for taking those actions.

If circumstances occur that change the priority designation, then the District Manager will update the action plan and schedule to reflect the change. The District Manager will also update the schedule as needed to reflect changes that delay completion of the action plan beyond the end date shown on the latest schedule. The District Manager will submit updated plans and schedules to the Statewide Access Management Program office.

ORS 374.307(1) requires that ODOT give the property owner written notice at least 30 days prior to removing an approach constructed without permission and provides that the expense of removal may be recovered from the property owner. Copies of access closure letters need to be sent to the Statewide Access Management Program office.

GUIDELINES

Guidelines for Consideration of More Comprehensive Access Management Measures

More comprehensive access management measures may be appropriate on preservation projects that involve one or more of the following considerations:

- Reducing crashes in Safety Improvement Program segments 3-5 (SIP 3-5) or at Safety Priority Index System (SPIS) top 10% locations
- Improving bike and pedestrian safety
- Improving safety or traffic operations on a freight route
- Improving safety of an urban-to-rural transition area
- Opportunities to improve spacing
- Need to reduce legal and/or political risks

When one or more of these considerations is a significant concern or important outcome for the project, a more comprehensive consideration of access management issues and solutions may add value to the project in the following ways:

- Identifying opportunities that enhance project goals and desired outcomes
- Reducing political or legal risks related to an appeal of access decisions
- Ensuring fairness to all property owners in comparable circumstances
- Providing information to the District Office and the Statewide Access Management Program about approaches that are considered priorities for future mitigation, modification or removal.

Value-Added Tasks to Consider

Following is a list of work activities and deliverables that may add value to the project when the conditions described under guidelines above are present. These tasks are discretionary and the extent to which they are included on any project will be left to the discretion of the Region. However, it is recommended that “value added” questions about these additional tasks be raised during scoping so that the impact to the project budget and schedule can be assessed and decisions made in a timely manner.

Field Inventory – An onsite inventory of all approaches existing on the project prior to any construction activity. Access locations may be recorded by mile point or existing engineering station. Do not use engineering stations created only for the project as they will not match permit and right of way records.

Existing and Permitted Approaches Status Report – This report is similar to the report defined in Operational Notice PD-03. For preservation projects, this report should at least categorize existing approaches into one of the three categories defined below.

- Permitted – Applies to an approach that meets either of the following criteria:
 - Approach has a permit record on file.
 - Approach has been documented as meeting grandfathered criteria of OAR 734-051-0040(26).
- Illegal – Applies to an approach that meets either of the following criteria:
 - Approach exists in area of access control.
 - Approach was built without permission and no permit will or can be issued.Illegal approaches are addressed as described above under **Approaches Crossing Access Control**.
- Potentially Illegal – Approaches that are neither permitted nor illegal as defined above. Essentially, the level of research performed does not allow a definitive status to be determined so the approaches will remain open to use. Most approaches that are not in the permitted category will fall into this category. The list of potentially illegal approaches is forwarded to the District Office for additional work as time and funds allow (i.e. research, permitting, notification of property owner, CHAMPS entry, etc.) A copy is also forwarded to the Statewide Access Management Program office. (*Note: The District is encouraged to enter the list of potentially illegal approaches into CHAMPS to facilitate future updates and management of this information for both the District and Statewide Office*).

Further breakdown of these three categories may prove useful if time and resources allow.

Access Deficiency List (ADL) – This deliverable is the same as defined in Operational Notice PD 03. It lists all approaches, regardless of status, that will remain open upon completion of the project but are considered priorities for future mitigation, modification or removal. Approaches are added to the ADL during or upon completion of the project because the problem of concern cannot be addressed within the scope and budget of the project. Each entry will have a brief explanation of why the access is a priority, and may include specific actions (i.e. “closure” in case of illegal access) or recommendations. This list is prioritized for the project and forwarded to the District and to the Statewide Access Management Program office. It is highly recommended that the District Office participate in the prioritization of the project ADL.

Communication with Property Owners – Notifying property owners with illegal and potentially illegal access may be a value-added activity by:

- Providing clarification to property owner about legal status of access
- Giving the property owner an opportunity demonstrate grandfather status
- Prompting negotiations to reach agreement on providing a permitted access
- Providing notice of status to property owners that must be conveyed when property changes ownership

Correspondence to convey this notice to property owners needs to be tailored to the specifics of the situation. Contact the Statewide Access Management Program office for assistance in developing correspondence consistent with Division 51 and other legal concerns.

It is of critical importance that the property owner be informed of any significant changes to their permit record. In most cases, property owners should be provided a copy of their updated permit record. It is advisable to contact the property owner by phone or in person to explain such changes prior to sending the new permit documentation or other notices.

Resolving Uncertainties – Perform right of way and other research as needed to resolve confusion or ambiguity in access records from various sources (i.e. CHAMPS, hard copy files, right of way, physical inventory).

SIP 1 & 2 -- Evaluate potential solutions to known safety problems in SIP segments 1 & 2 for cost-effective opportunities to eliminate or mitigate the problem as part of, or in coordination with the project.

CHAMPS Documentation & Reconciliation – This task involves reviewing existing and creating new CHAMPS records. Permits for existing approaches are reviewed and revised as needed to correlate with any changes that result from the project. New CHAMPS records are created as “inventory existing” data or for new permits.

Performing this task is valuable especially when a *Field Inventory* and *Existing and Permitted Approaches Status Report* are developed for the project. Modifying and creating CHAMPS records will usually be performed by the District Office during or after project completion, as time and resources allow, and may necessarily involve several of the other tasks listed above. Once the information is entered into the CHAMPS database, it becomes much more accessible for future uses and the information can be readily updated as changes occur.