

PD - 03

**Project Development
Access Management Subteams**

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Operational Notice

NUMBER <i>PD- 03</i>	SUPERSEDES <i>September 1, 2000</i>	EFFECTIVE DATE <i>September 1, 2003</i>	CANCELLATION DATE N/A
SUBJECT Project Development Access Management Sub-teams		ISSUING BODY <i>Project Delivery Leadership Team</i>	

Purpose To provide detailed guidance and structure for those required to make and carry out appropriate access management decisions in the development of highway projects.

- Rationale**
- Access management considerations often play an important part in the design, public involvement, delivery, and documentation of highway projects.
 - The management of new and/or revised approaches to state highways during the life cycle of a project can be complex in terms of engineering standards, public involvement, or records maintenance.
 - It is important that access management decisions be based on a very deliberate consideration of relevant policy factors, accurate information and appropriate professional judgment.
 - Simple expediency or short-term construction efficiencies should not drive access management outcomes.
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Fundamental Purpose of AM Subteam An Access Management Subteam's fundamental purpose is to ensure that project decisions relating to access management are fully considered, carefully monitored, and consistent with the best interests of the overall project as well as ODOT's broader highway policies, rules, and statutes.

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Operational Notice, Continued

Why Use AM Subteams?

- Early and consistent involvement by Access Management Subteams should lead to smooth integration of conflicting points of view, emphasizing legal, design, community, or construction factors related to a project's design and construction.
 - Without a specific commitment to examine access management matters on an ongoing and routine basis, there is a high probability that those factors will be handled unsystematically. In such circumstances, poor short-term results and long-term unintended consequences are likely to occur.
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Access Management Manual – Section 11

Chapter 3 of the Access Management Manual: *Project Development and Delivery*, is the primary source of information on Access Management Subteams; when they are required, how they function and products produced. The Sections outline the specifics for different project types and carry out the direction set forth in this *Notice*. Those sections include:

- Operational Notice PD-03
 - Communications
 - Subteams
 - Project Types
 - Developing the Access Management Strategy
 - Access Management Solutions
 - Approach Closures, Remedies and Acquisitions
 - Considerations in Determining if Access Control is Needed
 - Access Management Plans for Projects
 - Appeals on Approach Closures
 - Follow-up items
 - Appendix A – Sample Letters
 - Appendix B – Matrix: Priorities for Establishing Access Management Subteams
 - Appendix C – Example: Access Management Strategies
 - Appendix D – Example: Official Project Access Lists
 - Appendix E – Graphic Example of Approach Types
 - Appendix F – Sample Agreement and Access Management Plan
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Operational Notice, Continued

Documents Used The broad level policy documents with which the Subteams need to be familiar and consider in developing their specific access management recommendations include:

- ORS Chapter 374, 305 through 415
- OAR Chapter 734, Division 51
- Oregon Transportation Plan (OTP)
- Oregon Highway Plan (OHP)
- ODOT Project Team Guidelines, 1999
- ODOT Highway Design Manual

Responsibilities Highway Division personnel whose duties involve project delivery are expected to understand and comply with the principles and details set forth in this *Notice*. Relevant feedback, including problems of interpretation or discrepancies should be reported to the Office of Project Delivery.

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Communicating Access Management Decisions with Property Owners

Communicate with Property Owners

It is imperative that affected property owners are contacted regarding the planned scope of the project and the anticipated effects on their approaches. Since property owners probably will be interested in knowing more about the project than just access management alone, the content, tone and form of this communication will vary. It is therefore very important that this communication be coordinated, approved and integrated into the total package of public information about the project communicated by the project team.

Some of this communication may be specific to individual property owners, and some may be generic. Examples of appropriate media include:

- “Mass” letters with tailored inserts for certain owners
- Public meetings
- One-on-one visits with property owners

NOTE: It is wise to contact property owners early in project development. This letter can be quite generic, with a statement that lets the property owner know that ODOT may be contacting them in the future if there is any need to consider the approaches (driveways) to their property. This may occur prior to the formation of an Access Management Subteam or it can occur when the Subteam is formed, but before access management decisions have been made.

Communication Methods when Changes to Approaches are Required

Communication methods for proposed changes to approaches shall include personal contact with the property owner(s). Who actually takes the lead on crafting the language of the communication will depend somewhat on the nature of the access management decisions made in the project plan and access management strategy. It is anticipated that the District and Right of Way representatives will be the leads from the project team meeting with property owners.

In general, the following “*situation leads*” are appropriate:

- ROW issues, property negotiations or settlements (including Chapter 972, Oregon Laws, 1999 (SB 86) remedies and condemnation for approach closures at reservations of access) – ROW representative
 - Uncomplicated closures – District representative or Project Leader
 - Complicated or contentious issues – Region Access Management Engineer and/or District Manager
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Communicating Access Management Decisions with Property Owners, Continued

Approach Although the methods and content of communications may vary widely,
Closure Letters "closure letters" require very specific elements and phrasing. They must be carefully adhered to. An example is included in Appendix A. However, **BE CERTAIN TO CHECK WITH THE ACCESS MANAGEMENT PROGRAM UNIT (the Access Management Appeals Coordinator) BEFORE SENDING ANY CLOSURE LETTERS.**

Roles and Responsibilities – Access Management Subteams

- Project Leaders**
- In conjunction with the Project Team and the RAME or the Access Management Program Unit (Program Unit Access Management Engineer), determine the need for an AM Subteam.
 - If required, ensure that the AM Subteam forms at project startup and has the required personnel, information, and support resources needed to do the work.
 - Direct (or designate a person to direct) the AM Subteam as a core member. Maintain close communication with, and retain oversight of AM Subteam work. Attend technical working meetings as necessary, if a designee is assigned to direct the AM Subteam.
 - Pass information, provide needed support, and as called for facilitate decisions and recommendations for the AM Subteams.
 - Define and communicate issues or problems to the appropriate level for resolution.
-

- Subteam Members**
- The Project Leader or his/her designee is responsible for directing the Subteam.
 - Members perform (or request) the required access management research and develop the appropriate strategy, communication plan and official project access list called for by the access management policies and this notice.
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- Project Team**
- Review the AM strategy. Recommend any changes and/or modifications and ensure quality of final product, in accordance with statute, the access management rules (OAR 734, Division 51) and the Oregon Highway Plan.
 - Review and recommend approval of final project access list.
 - Review communications plan.
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Roles and Responsibilities – Access Management Subteams, Continued

- Area Managers**
- Inform Project Leader of any significant political or financial factors that may affect the access management strategy or communication plan.
 - Approve access management strategy, communication plan and official project access list, in accordance with this *Notice* and statute, the access management rules (OAR 734, Division 51) and the Oregon Highway Plan.
 - Ensure appropriate consistency, with the assistance of the Access Management Program Unit (Access Management Program Manager or Program Unit Access Management Engineer), in the application and interpretation of access management administrative rules, policies and guidance.
 - Ensure adequate training and staffing to carry out this *Notice*.
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- Region Mangers**
- Resolve region-wide issues and problems.
 - Support Area Managers' roles in approving access management project strategies and official project access lists, in accordance with this *Notice* and the access management rules and the Oregon Highway Plan.
 - Raise statewide issues and problems to the Deputy of Project Delivery, the Access Management Program Manager and/or the Access Management Leadership Team (AMLT).
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- Deputy of Project Delivery (Office of Project Delivery)**
- Ensure adequate statewide training is conducted in an efficient and effective way relative to project delivery access management issues.
 - Ensure adequate training relative to project delivery access management issues is conducted in an efficient and effective way for consultants providing design/build on projects.
 - Design in cooperation with the Access Management Program Manager, tools for the collection, reporting, synthesis and dissemination of statewide information relative to project delivery access management issues.
 - Manage resolution of statewide issues and improvement opportunities and involve PDLT or the appropriate standing committee as required.
 - Provide assistance to the Access Management Program Manager in providing direction on how to deal with access management on projects.
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Roles and Responsibilities – Access Management Subteams, Continued

Access Management Program Manager (Transportation Development Division)

- Design, in cooperation with the Office of Project Delivery, tools for the collection, reporting, synthesis and dissemination of statewide information relative to project delivery access management issues.
 - Collaborate with the Office of Project Delivery and the Right of Way Section to develop appropriate access management training for affected personnel, both within the Department and consultants doing design/build on projects.
 - Respond to requests to provide technical consultation on particular AM Subteam issues.
 - Monitor and discuss, within the AMLT and with individual region staff and management, appropriate access management data related to project delivery.
 - Provide direction, with the assistance of the Deputy of Project Delivery, on how to deal with access management on projects.
-

Program Unit Access Management Engineer (Transportation Development Division)

- Assist the Project Leaders in determining the need for an AM Subteam.
 - May be a core member of an AM Subteam to represent the Access Management Program.
 - Provide direction, as requested, on how to deal with access management engineering decisions on projects.
 - Assist in developing appropriate access management training for affected personnel.
-

Access Management Planner – (Transportation Development Division)

- Provide direction, as requested, on how to deal with access management on projects.
 - May be a core member of an AM Subteam to represent Access Management Program.
 - Monitor and gather appropriate access management data related to project delivery so that it can be discussed within the AMLT.
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Roles and Responsibilities – Access Management Subteams, Continued

Access Management Appeals Coordinator (Transportation Development Division)

- Provides direction for closure letters – all closure letters must be reviewed by the Appeals Coordinator BEFORE they are sent, because these letters require very specific elements and phrasing for legal purposes.
 - Coordinates appeals, both Region Reviews and Administrative Hearings.
 - Direction and Coordination relates to both Department led projects and consultant design/build projects.
-

Access Management CHAMPS Coordinator (Transportation Development Division)

Provides assistance, as requested, for:

- Inventorying existing approaches.
 - Researching existing permits for approaches within project limits.
 - Issuing Permits to Operate, Maintain and Use an Approach.
 - Reports on approaches within project limits.
-

RAMEs (Region Access Management Engineers)

The RAME may:

- Provide direction on how to deal with access management on projects.
 - Assist the Project Leaders in determining the need for an AM Subteam.
 - Be a core member of an AM Subteam to represent the Access Management Program.
 - Be the *situation lead* in meeting with property owners regarding complicated or contentious issues.
 - Sign closure letters for approaches closed during a project.
-

Region Access Management Coordinator

The Region Access Management Coordinator may:

- Provide direction on how to deal with access management on projects.
 - Be a core member of an AM Subteam to represent the Access Management Program.
-

District Managers

The District Managers may:

- Be the *situation lead* in meeting with property owners regarding complicated or contentious issues.
 - Sign closure letters for approaches closed during a project.
-

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Roles and Responsibilities – Access Management Subteams, Continued

- Permit Specialists**
- May be a core member of an AM Subteam to represent the District.
 - May be the *situation lead* in meeting with property owners regarding uncomplicated approach closures.
 - Provide the necessary permit research for projects.
 - Prepare new *Permits to Operate, Maintain and Use an Approach* as required for the project.
 - Revoke permits for closed approaches.

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- Right of Way Section Manager (Technical Services)**
- Provides direction on how to deal with right-of-way issues regarding access management on projects.
 - Collaborates with the Office of Project Delivery and the Access Management Program Unit to develop appropriate access management training for affected personnel.
 - Responds to requests to provide consultation on particular AM Subteam issues regarding right-of-way.
 - Monitors and discusses, within the AMLT and with individual region staff and management, appropriate access management right-of-way data related to project delivery.

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- Right of Way Research**
- Provides the necessary right-of-way research for projects.

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- Senior Right of Way Agents**
- Is a core member, representing ROW, of an AM Subteam.
 - Is the “*situation lead*” in negotiating with property owners for right-of-way issues, property negotiations or settlements (including Chapter 972, Oregon Laws, 1999 (SB 86) remedies and condemnation for approach closures at reservations of access).

Consultant

Some projects will be developed and delivered through design/build by consultants. In these cases, the consultant may assume the role of the Project Leader. (*See the roles and responsibilities of the Project Leader at the beginning of this section.*)

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Roles and Responsibilities – Access Management Subteams, Continued

**Professional
Engineer (may
be ODOT staff
or consultant)**

For the purposes of this Notice, a *professional engineer* means a person:

- Registered and holding a valid certificate to practice engineering in the State of Oregon, as provided in ORS 672.002 through 672.325, and
- With expertise in traffic engineering, as provided in OAR 820-040-0030.

This person may:

- Serve as either a core member or requested member of an Access Management Subteam.

When to Use a Subteam, With Membership and Function

When an AM Subteam is REQUIRED

The following projects *require* AM Subteams:

- Modernization
 - On an interstate where projects impact the crossroad in an “Interchange Access Management Area” (see OAR 734-051-0155 and 0285)
 - Within an Interchange Management Area, where projects impact the crossroad (see OAR 734-051-0155 and 0285)
 - On an Expressway
-

When an AM Subteam MAY BE NEEDED

The following projects *may need* an AM Subteam:

- Preservation on statewide or regional highways
 - Strongly recommend an AM Subteam for urban preservation where curb/sidewalks are being modified, or where there are crashes such as SIP 3-5, or in urban transition areas that have a higher need of protection.
 - Recommend an AM Subteam for rural preservation where there are crashes such as SIP 3-5, or where there are other safety issues.
- Safety on statewide or regional highways
- Operations on statewide highways
- Bridge on statewide highways

NOTE: Initially the Project Leader contacts the RAME or the Program Unit Access Management Engineer to review:

- Project overview and project goals
 - Project scope and schedule
 - PD-03 and AM Subteam requirements
 - Discuss if an AM Subteam is warranted under identified conditions and constraints
 - Would it be worthwhile convening an AM Subteam only to scope AM issues and determine at what level to commit?
 - Discuss the AM Subteam membership, if a decision is made to establish an AM Subteam
-

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When to Use a Subteam, With Membership and Function, Continued

When an AM Subteam is NOT REQUIRED

The following situations would *not require* an AM Subteam:

- There are virtually no access management issues or decisions to be considered.
- Where existing approaches are so few as to require minimal research.

The following projects usually do not require an AM Subteam.

- Preservation on district highways
- Safety on district highways
- Operations on regional or district highways
- Bridge on regional or district highways

NOTE: If an AM Subteam is not used:

- The decision not to use an AM Subteam must be documented in the official project file.
 - The absence of an AM Subteam does not remove the requirement to identify existing approaches and update the official project access list.
-

Membership

Required core group:

- Project Leader, or his/her designee, as the AM Subteam Leader
- District representative
- Right of Way representative
- Region Access Management Engineer (RAME), Region Access Management Coordinator, Program Unit AM Engineer, or Program Unit AM Planner; or if consulted out, a Professional Engineer.

Other potential requested membership, as examples:

- Traffic expert on Operations projects
- Planner and Technical Services representatives on Modernization projects
- Local Government representative when developing a communications strategy
- Permit Specialist when researching the permitting status of approaches

When the Project Leader is NOT the AM Subteam Leader, he/she:

- Although not required to attend all meetings, still has an oversight responsibility
 - Needs to ensure the AM Subteam is adequately staffed in terms of both professional specialties and experience level
 - Needs to be involved in final decisions
-

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When to Use a Subteam, With Membership and Function, Continued

NOTE: At least one member of the team needs to be an engineer that can address safety and operations, and deviations, as needed.

Function

In general, the AM Subteam:

- Is an analysis and recommending body.
 - Is a working group supporting the Project Team.
 - Takes the lead in anticipating and helping to integrate access management factors into the development, design and construction of highway projects.
 - Ensures appropriate consistency in the application and interpretation of access management statutes, administrative rules, policies, and guidance.
-

Pertinent Sections to Consult

- Modernization Projects
- Operations Projects
- Preservation Projects
- Safety Project
- Bridge Projects
- OTIA Funded Projects
- Initial Approach Inventory
- Access Management Strategy
- Doing the Access Management Research
- The Access Management Strategy Document
- Official Project Access List

Modernization Projects

Context

The purpose of Modernization projects is major reconstruction and capacity improvements to a particular highway section. Modernization projects make a very significant investment in the transportation infrastructure. Every aspect of the project must attempt to maximize the benefit and provide long term protection to this investment. Access Management is an important tool to enhance the core function and physical safety of the highway segment, while also increasing the operational effectiveness and safety benefits.

Other Considerations

- Funding will often be limited, even on Modernization projects, and can limit the amount of mitigation possible.
 - It is probably not possible to upgrade every approach to meet the OAR and OHP standards.
 - All new, existing or joint approaches proposed by the team that do not meet the OAR and OHP standards must be supported by the appropriate deviation.
 - Corroborating documentation must be supplied.
 - If the project is on an Expressway, the OHP goal of eliminating existing private approaches should be followed to the extent possible.
 - Evaluate all private approaches to see if any of the properties have alternate access.
 - If alternate access is available, approaches to the Expressway should be closed.
 - Where private approaches remain, conditions and terms of the permit should specifically state the approach will be removed when reasonable alternate access is provided. *(NOTE: This should be done ONLY when the property owner agrees to add this condition, or where ODOT is willing to extend an appeal right with respect to the addition of the condition.)*
 - Where approaches to properties are eliminated such that no approaches remain to the state highway for those properties, it is strongly recommended that access rights be acquired to prevent future approach requests.
-

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Modernization Projects, Continued

When an AM Subteam is Required

All Modernization projects *require* an AM Subteam regardless of highway classification.

NOTE: See the AM Subteam Project and Highway Classifications Matrix: Priorities for Establishing Access Management Subteams in Appendix B.

Pertinent Sections to Consult

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is REQUIRED

Operations Projects

Context

The purpose of Operations projects is to:

- Increase the efficiency of the highway system, and
- Foster system reliability and safer operations.

Focus of Operations Projects:

- Improve the operating efficiency of traffic control devices.
-

Other Considerations

- Managing access near traffic control devices improves the operational efficiency of the highway; thus
 - Complete access management strategies may be appropriate on these projects; however
 - Funding is limited with these types of projects.
-

When an AM Subteam is Required or Recommended

- AM Subteams are *required* on all Operations projects located within an Interchange Access Management Area or along an Expressway.
- AM Subteams are *recommended* for Operations projects on statewide highways.

NOTE: See the AM Subteam Project and Highway Classifications Matrix: Priorities for Establishing Access Management Subteams in Appendix B.

Pertinent Sections to Consult

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is NOT ESTABLISHED
 - Subteam Process – When an AM Subteam is REQUIRED
 - Subteam Process – When an AM Subteam IS ESTABLISHED, though Not Required

Preservation Projects

Context

The purpose of Preservation projects is to:

- Preserve the pavement of a particular highway section for Safety Improvement Program (SIP) categories 1 and 2.
 - The major focus is to improve the condition of the pavement.
 - Projects consider mandatory design features that can be put in place *easily and cheaply*.
 - Projects may consider other safety improvements within the budgetary limitations.
 - Preserve the functional life of the highway section and mandatory design features for SIP categories 3, 4 and 5.
 - Projects may address operational improvements that will reduce crashes and crash potential.
-

Other Considerations

- Funding is almost always very limited with these types of projects.
 - Only a very small percentage of preservation funds is available for mandatory design features or other improvements, which generally will not cover access management issues.
 - Often local agency or private funds will be needed to perform significant modifications.
-

When an AM Subteam is Required or Recommended

- AM Subteams are *required* on all Preservation projects located within an Interchange Access Management Area or along an Expressway.
- AM Subteams are *strongly recommended* for the following Preservation projects on statewide or regional highways:
 - Urban projects where curb/sidewalks are being modified,
 - Projects in urban transition areas that have a higher need of protection,
 - Urban projects where there are crashes, and
 - Rural projects where there are crashes or other safety issues.

NOTE: See the AM Subteam Project and Highway Classifications Matrix: Priorities for Establishing Access Management Subteams in Appendix B.

Pertinent Sections to Consult

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is NOT ESTABLISHED
 - Subteam Process – When an AM Subteam is REQUIRED
 - Subteam Process – When an AM Subteam IS ESTABLISHED, though Not Required

Safety Projects

Context

The purpose of Safety projects is to:

- Develop and implement the most cost-effective solutions to high-priority safety problems.

The intent of these projects is to:

- Make as many improvements as possible within the scope and budget of the project, and
 - Document the decision making process.
-

Other Considerations

- Managing access to the highway is one strategy to promote safety, however
 - Significant safety problems should be evaluated based on a cost-benefit basis
 - Only cost-effective solutions should be considered
 - Complete access management strategies may be beyond the scope and resources of the project, since
 - Funding is limited with these types of projects.
-

When an AM Subteam is Required or Recommended

- AM Subteams are *required* on all Safety projects located within an Interchange Access Management Area or along an Expressway.
- AM Subteams are *recommended* for Safety projects on statewide or regional highways.

NOTE: See the AM Subteam Project and Highway Classifications Matrix: Priorities for Establishing Access Management Subteams in Appendix B.

Pertinent Sections to Consult

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is NOT ESTABLISHED
 - Subteam Process – When an AM Subteam is REQUIRED
 - Subteam Process – When an AM Subteam IS ESTABLISHED, though Not Required

Bridge Projects

Context

The purpose of Bridge projects is to:

- Upgrade, rebuild or extend the service life of bridge structures.
-

Other Considerations

- Managing access near the ends of structures improves the operation and safety of the structure.
 - Access management strategies are normally very limited in scope:
 - Involving only those approaches very close to the structure, and/or
 - Where the new structure would limit driver vision or cause other safety or operational concerns.
-

When an AM Subteam is Required or Recommended

- AM Subteams are *required* on all Bridge projects located within an Interchange Access Management Area or along an Expressway.
- AM Subteams are *recommended* for Bridge projects on statewide highways.

NOTE: See the AM Subteam Project and Highway Classifications Matrix: Priorities for Establishing Access Management Subteams in Appendix B.

Pertinent Sections to Consult

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is NOT ESTABLISHED
 - Subteam Process – When an AM Subteam is REQUIRED
 - Subteam Process – When an AM Subteam IS ESTABLISHED, though Not Required

OTIA Funded Projects

Context OTIA Projects are not a separate type of project, but rather projects with a specific type of funding.

What is OTIA? As Director Bruce Warner provided in his January 10, 2002 presentation to the Oregon Transportation Commission, the Oregon Transportation Investment Act (Chapter 669, Oregon Laws 2001), referred to as Act, authorized the issuance of Highway User Tax Bonds to be used to finance preservation and modernization projects chosen by the Oregon Transportation Commission. The Act required the Commission to select modernization projects in the following categories:

- Highways that need increased lane capacity.
- Interchanges on multilane highways.

As required by the Act, the Commission consulted with local governments, metropolitan planning organizations and regional transportation advisory groups when it established criteria for project selection and when it selected projects.

Also as required by the Act, the Commission selected projects to be funded from the proceeds of the Highway User Tax Bonds before February 1, 2002. The selection of modernization projects under the Act is consistent with the major improvements policy (Policy 1G) of the 1999 Oregon Highway Plan.

Which OTIA Projects Require an Access Management Subteam?

- OTIA projects require Access Management Subteams under the same conditions as other projects.
- Also, any OTIA project with an Access Management Plan as a condition of approval will need an Access Management Subteam.

Pertinent Sections to Consult

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is NOT ESTABLISHED
 - Subteam Process – When an AM Subteam is REQUIRED
 - Subteam Process – When an AM Subteam is ESTABLISHED, though Not Required
- Access Management Plans for Projects

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OTIA Funded Projects, Continued

**Pertinent
Sections to
Consult**

- Modernization Projects
- Operation Projects
- Preservation Projects
- Safety Projects
- Bridge Projects

Initial Approach Inventory

Initial Approach Inventory – DEFINED

Before any strategies can be developed for a project, it is essential that a complete and accurate pre-construction list of approaches be created and verified by the AM Subteam. This list:

- Identifies approaches that exist within the project boundaries.
 - Does not determine right of access or permitting status.
 - Does not identify where a reservation or grant of access exists.
-

How to Develop the List

Collect, compile and inventory field (survey) data to include such information as:

- Location of approach
 - Width of approach
 - Material of approach (i.e., concrete, AC, gravel)
 - Use of approach (i.e., single or shared)
 - Use of property (e.g., residence, fast food restaurants, office-Doctor, etc.)
-

PRODUCT – the Initial Approach Inventory

Pre-construction list of approaches

- Data for the District and Right of Way offices

Responsibility for Product:

- Project designer and/or project survey unit

NOTE: The final form of the initial approach inventory becomes the Official Project Access List when an AM Subteam IS NOT established, and includes:

- Data for Construction
- All the approaches that will remain unchanged or re-installed at their current locations.

Responsibility for Product:

- Project designer and/or project survey unit

Developing the Access Management Strategy

Access Management Strategy – DEFINED

When an AM Subteam is established, an **access management strategy** is developed for the project, which:

- Outlines the access management intent for the project.
- Serves as a rationale or justification for access management actions.
- Answers the following questions:
 - What are the challenges and opportunities relating to access management for this project?
 - What are the broad goals relating to access management for this project? (Examples, derived from the *OHP*, *Division 51 Rules*, and the *Design Manual* are offered under the specific project type explanations.)
 - Are there any specific goals that need to be addressed?
 - Will any deviations likely be required to permit approaches?
 - Are there any implications for design and/or cost and schedule?
 - What community needs/desires and implications need to be considered?

NOTE: See the section on Access Management Solutions.

Determining the LEVEL OF RESEARCH to be Completed

The AM Subteam, with input from the RAME or the Program Unit Access Management Engineer, determines the **level of research** to be completed.

Level of Research when an AM Subteam is Required

For a project that **REQUIRES** an AM Subteam:

- The ***right of access research is always completed***. The Research Unit in the Right of Way Section provides this research.
 - Complete research is required within the project limits such that any approach remaining meets the OAR 734, Division 51 requirements.
-

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Developing the Access Management Strategy, Continued

Level of Research when an AM Subteam is Established

For a project where an AM Subteam is established, though not required:

- The ***right of access research is always completed.*** The Research Unit in the Right of Way Section provides this research.
- The access management strategy can include research of approaches for
 - The entire limits of the project, or
 - A specified section of the project; and
 - Complete research such that any approach remaining meets the OAR 34, Division 51 requirements, or
 - Limited research that only addresses specific approach issues, such as
 - Only safety, or
 - Only spacing standards
- Other research that can be completed includes:
 - Approaches where there are safety issues;
 - Approaches that do not meet the spacing standards;
 - Approaches that are not currently in use; and
 - Grants of Access or Reservations of Access, whether or not an approach currently exists.

Doing the Access Management Research

Doing the Research

The following tables include the specifics in completing the research necessary to develop the **Access Management Strategy** and the **Official Project Access List**.

Right of Access Research

Step	Action
1	<ul style="list-style-type: none"> • Complete the right of way research (by Research Unit in Right of Way) on all properties within the project limits, identifying: <ul style="list-style-type: none"> • Reservations of access, whether or not an approach exists. • Grants of access, whether or not an approach exists. • Where access control exists. • Complete the District research for the following: <ul style="list-style-type: none"> • Existing approaches at reservations or grants of access. • Existing approaches across access control lines and access controlled frontages. <p><i>(The Access Management CHAMPS Coordinator may be able to assist with this research.)</i></p>
2	<ul style="list-style-type: none"> • For Reservations or Grants of Access Locations: <ul style="list-style-type: none"> • If there is no approach at a reservation or a grant location, make sure it is a location where an approach can be allowed in the future, otherwise ODOT will need to acquire the access rights. • Develop a list of those reservations and grants that need to be acquired because ODOT cannot allow an approach at those locations.

Continued on next page

Doing the Access Management Research, Continued

Step	Action
3	<ul style="list-style-type: none"> • For Existing Approaches Across Access Control <ul style="list-style-type: none"> • Whether the approach is permitted or not, if a grant of access might be allowed at the specific location or another agreed upon location along the property frontage, the property owner could be given the opportunity to apply for a grant of access. <i>(Note: All pertinent fees and costs would apply. Also, there is no guarantee that a grant of access will be approved.)</i> • If a grant of access cannot be allowed or will not be allowed based on the access management strategy for the project, the approach must be closed and removed. • Where a permitted approach is closed, the Permit to Operate, Maintain and Use the approach is revoked. • Develop a list of those approaches that will be closed based on the access control research, which becomes part of the Official Project Access List.
4	<ul style="list-style-type: none"> • Acquisitions and closures CANNOT be placed on the Region Access Deficiency Inventory List for future action by ODOT. • Acquire the access rights at locations where ODOT cannot allow an approach in the future. • Close approaches that were illegally constructed across access control and where a grant of access will not be allowed.
5	<p>Responsibility:</p> <ul style="list-style-type: none"> • Project Leader <ul style="list-style-type: none"> • Right of Way Research – researches rights of access • Permit Specialist – researches permitting statuses <i>(The Access Management CHAMPS Coordinator may be able to assist with this research.)</i> • AM Subteam determines closures and removal of approaches

Continued on next page

Doing the Access Management Research, Continued

Safety and Operations

Step	Action
1	<p>Consider the following:</p> <ul style="list-style-type: none">• Safety Priority Index System (SPIS) sites<ul style="list-style-type: none">• In the proximity• Crash data and analysis• Sight distance<ul style="list-style-type: none">• First cut for assessment• Follow with detailed measurements where standards are not met• Field observation, such as:<ul style="list-style-type: none">• Tire marks and other physical evidence of safety/operations problems• Geometric deficiencies• Traffic control deficiencies• Issues with traffic behavior/characteristics• Problems identified in prior studies• Problems identified from investigations conducted by Region Traffic Section and/or District

Continued on next page

Doing the Access Management Research, Continued

Step	Action
2	Complete the following: <ul style="list-style-type: none"> • Create a project map with 5-year crash history plotted for turn crashes or access-related crashes shown graphically at their location. • Develop a prioritized list of those approaches with safety and/or operations deficiencies and a plan for how to address these deficiencies. • Develop the Official Project Access List, using the Access Management Strategy, to include: <ul style="list-style-type: none"> • The project plan for addressing approach safety and operations deficiencies. • Add those approaches where deficiencies will be addressed in the future to the Region Access Deficiency Inventory List.
3	Responsibility: <ul style="list-style-type: none"> • AM Subteam

Spacing Standards

Step	Action
1	Consider the following: <ul style="list-style-type: none"> • Approaches that do not meet the spacing standards in OAR 734, Division 51. • Approaches that can meet the criteria for a deviation. • Approaches that are so close together that sharing an approach is a good solution (i.e., encourage joint access). • Multiple approaches to a single property that could be combined or removed.

Continued on next page

Doing the Access Management Research, Continued

Step	Action
2	Complete the following: <ul style="list-style-type: none"> • Develop a prioritized list of those approaches with spacing deficiencies and a plan for how to address these deficiencies. • Develop the Official Project Access List using the Access Management Strategy, to include: <ul style="list-style-type: none"> • The project plan for addressing approach spacing deficiencies; • Add those approaches where deficiencies will be addressed in the future to the Region Access Deficiency Inventory List.
3	Responsibility: <ul style="list-style-type: none"> • AM Subteam

Approaches Not Currently in Use

Step	Action
1	Consider the following: <ul style="list-style-type: none"> • Field observations • Approaches not in use identified in prior studies • Approaches not in use identified from investigations conducted by Region Traffic Section and/or District

Continued on next page

Doing the Access Management Research, Continued

Step	Action
2	Complete the following: <ul style="list-style-type: none"> • Research how long the approach has not been in use: <ul style="list-style-type: none"> • Those approaches where use has been discontinued for a period of two years or more may require a new approach application (see Change of Use in Chapter 4 of the Access Management Manual), and • If the approach is at a location where ODOT would not approve an approach according to OAR 734, Division 51, the approach should be closed. • Develop a prioritized list of those approaches identified as not in use and a plan for how to address them. • Develop the Official Project Access List using the Access Management Strategy, which encompasses the following: <ul style="list-style-type: none"> • The project plan for addressing approaches not in use; • Add those approaches where deficiencies will be addressed in the future to the Region Access Deficiency Inventory List.
3	Responsibility: <ul style="list-style-type: none"> • AM Subteam

Additional Criteria

Step	Action
1	Clearly delineate each criterion, outlining what is to be considered.
2	<ul style="list-style-type: none"> • Develop the Official Project Access List using the Access Management Strategy, to include: <ul style="list-style-type: none"> • The project plan for addressing the additional criteria; • Add those approaches where deficiencies will be addressed in the future to the Region Access Deficiency Inventory List.
3	Responsibility: <ul style="list-style-type: none"> • AM Subteam

Continued on next page

The Access Management Strategy Document

**PRODUCT –
the Access
Management
Strategy
Document**

Produce an Access Management Strategy document that:

- Identifies issues
- Prioritizes issues
- Identifies issues to be addressed
- Identifies issues to be deferred
- Identifies a future strategy for deferred issues

Responsibility for Product:

- Project Leader

Submitted to:

- Project Team, and subsequently to
- Area Manager

NOTE: See Appendix C, Example: Access Management Strategies.

Official Project Access List

PRODUCT – The Official Project Access List

The Official Project Access List incorporates the Access Management Strategy and includes the following:

- All the approaches that will remain unchanged or re-installed at their current locations.
 - Is the approach permitted?
 - If the approach is not permitted, is it grandfathered?
 - Is the approach unpermitted and not grandfathered?
 - Which approaches will need a new Permit to Operate, Maintain and Use an Approach?
 - Can the criteria for a deviation be met if needed?
 - Which Property Owners will need to apply for an approach because they currently have an unpermitted (not grandfathered) approach?
- All the approaches that will be combined (if agreed to by property owners).
- All the approaches that will be relocated or modified.
- All the approaches that will be closed and removed.
 - All the approaches that are permitted or grandfathered and have appeal rights regarding the closure.
 - All the approaches that are eligible for Chapter 972, Oregon Laws, 1999 (SB 86) remedies (closure of permitted approaches not at reservations of access).
 - All the approaches that will be closed through condemnation (closures at reservations of access).
 - All the approaches that are not permitted or grandfathered and have no appeal rights regarding the closure.
- All the approaches that have a reservation, grant or other access control issue, such as:
 - Is there a right of access where the approach is located? (i.e., Is the approach constructed over an access control line?)
 - Locations of reservations or grants of access that do not currently provide access to the property (i.e., an approach has not been constructed at the reservation or grant location).
 - If ODOT will not allow an approach to be constructed at a reservation or grant of access location, an acquisition of the access rights is required.
- Map of approach locations and treatments (e.g., medians, channelization, access control, reservations of access, parking modifications, or site circulation modifications) for all the approaches located within the project limits.

Continued on next page

Official Project Access List, Continued

Responsibility for The Official Project Access List

Responsibility for Product:

- Project Leader

Submitted to:

- Project Team, and subsequently to
- Area Manager

NOTE: See Appendix D, Example: Official Project Access Lists

Sources of Information

Sources of information for developing the Official Project Access List include:

- The Project Access Management Strategy
- Physical on-site inspection
- Deed and tax lot records
- Right of Way records
- District permit records

Region Access Deficiency Inventory List

What is the Region Access Deficiency Inventory List?

When the Department becomes aware of an approach that is illegal or where there is a safety or operational problem at the approach, there is an obligation to address it. The Region Access Deficiency List is intended to address this legal issue.

Approaches may be identified through the Initial Approach Inventory and the access management research as unpermitted, or do not meet other requirements, and should be closed or mitigated. However, it may not always be possible to accomplish an immediate action. The scope of the project may not include any budget for handling such closures or mitigations, and the project is one for which an AM Subteam is only recommended or optional.

The Region Access Deficiency List is a mechanism for capturing the data to address the approaches requiring Department action sometime in the future. These lists should be prioritized to indicate the approaches that will be addressed first.

Developing the Format and Methodology – Responsibility

The format and methodology for handling these region lists is not yet developed. The recommended action is as follows:

- The RAMEs, or staff from the regions suggested by the RAMEs, along with at least one staff member from the Access Management Program Unit will develop a recommended format and method for handling the lists.
- This recommendation will then go the Access Management Leadership Team for approval.
- The approved format and methodology will be included in the Access Management Manual.

Factors to Consider in Evaluating Access Management Solutions

Factors to Consider

The AM Subteam should consider several factors when evaluating access management solutions, including:

- Traffic character – speeds, volumes, vehicle types and crash history.
- Roadway character – classification, lane widths, number of lanes, storage requirements, and sight distance.
- Geometric character – horizontal and vertical curves, sight distance and clear zone.
- Traffic Controls – signal efficiency, progression and queues.
- Modes – pedestrians, cyclists, trains and transit.
- Land Use – future needs and current uses.
- Plans – access management plans including access management plans for interchanges, comprehensive plans, transportation system plans and corridor plans.
- Right of Way costs and impacts for potential closures, including access control acquisitions and remedies.
- Nature and extent of existing access control.

Continued on next page

Access Management Solutions

Access Management SOLUTIONS to Consider

Access Management **solutions** to consider normally include:

- Closure of approaches.
- Acquisition of access rights (access control).
- Elimination of illegal approaches, or issuing permits in accordance with OAR Chapter 734, Division 51.
- Elimination of approaches within the influence areas of signalized intersections or interchange ramps when existing or potential safety problems can be documented. This option does not require agreement of affected property owners because existing or potential safety problems can be documented. (See OAR 734-051-0285(5)(b) and OAR 734-051-0275. However, Sections 1 to 3 and 5, Chapter 972, Oregon Laws 1999 (SB 86) regarding remedies may be relevant).
- Elimination of closely spaced approaches.
- Shared approaches, with agreement of the property owners.
- Relocation or improvement of existing approaches.
- Mitigation or modifications to existing approaches, such as restricting turn movements, short of closure.
- Operational and design improvements to both the highway and to approaches.
- Recommend changes to site circulation to improve traffic flow and improve the safety of motorists and pedestrians.
- Right turn lanes or widened shoulders to facilitate right turning traffic.
- Where existing median allows, consider raised separators or islands to restrict turn movements.
- Restricted movements (e.g., through channelization or medians).
- Grade separations.
- Improvements to the local road system.

Deviations

Deviations– When REQUIRED

When an AM Subteam is established and an Access Management Strategy is developed, **deviations** for some approaches **may be required**.

- Deviations are required in accordance with the Access Management Strategy where approaches within a project cannot meet the standards included in OAR 734, Division 51, and
 - The findings for any deviation must be documented.
-

Deviations – Documentation of FINDINGS

The **findings** for a deviation must be:

- Documented by:
 - A RAME; or
 - A Professional Engineer (who may be a consultant).
- Developed pursuant to OAR 734-051-0135.
- Included in the Access Management Strategy and noted on the Official Project Access List.

NOTE: A template for documenting findings for deviations is being developed.

Potential Access Management Scenarios – Cost and Schedule Impacts

- Scenarios** The following addresses potential Access Management scenarios including:
- Permitted approach with a reservation of access
 - Grandfathered approach with a reservation of access
 - Unpermitted (NOT Grandfathered) approach with a reservation of access
 - Permitted approach over access control (no reservation of access)
 - Grandfathered approach over access control (no reservation of access)
 - Unpermitted (NOT Grandfathered) approach over access control (no reservation of access)
 - Permitted approach (with no access control)
 - Grandfathered approach (with no access control)
 - Unpermitted (NOT Grandfathered) approach (with no access control)

NOTE: See Appendix E, Graphic Example of Approach Types.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Permitted Approach with a Reservation of Access

Action:

- May be left in place.
 - Reservation and approach must align and approach must conform to all conditions of reservation.
- Indenture of access may be necessary if reservation and approach do not align.
- May be closed according to project strategy. (See “Closing an Approach as Part of a Project – Closing an Approach at a Reservation of Access.”)
 - ODOT acquires the access rights and will “own” the rights of access prior to construction.

Cost Impact:

- None if left in place.
- Minimal if indenture is needed (staff time to process indenture).
- Varies if closed, and project bears costs of closure.
 - Cost to physically close the approach (minimal).
 - Cost of acquiring access rights – varies depending on availability of alternate access.
 - Usually minimal where alternate access is available, to
 - Considerable where there is no alternate access. (*NOTE: Unlikely the project team will recommend closure where no alternate access is available unless there is an unmitigable safety concern.*)

Schedule Impact:

- None if left in place.
- Minimal if indenture is needed.
- None if acquired.
 - Funds are filed with the court and ODOT “owns” the access rights prior to construction.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Grandfathered Approach with a Reservation of Access

Action:

- May be left in place. (*NOTE: It is the property owner’s responsibility to prove grandfathered status.*)
 - Reservation and approach must align and approach must conform to all conditions of reservation.
 - May want to place approach under permit, if the Division 51 requirements are met. (*NOTE: This is not required.*)
- Indenture of access may be necessary if reservation and approach do not align.
- May be closed according to project strategy. (*See “Closing an Approach as Part of a Project – Closing an Approach at a Reservation of Access.”*)
 - ODOT acquires the access rights and will “own” the rights of access prior to construction.

Cost Impact:

- None if left in place.
- Minimal if indenture is needed (staff time to process indenture).
- Varies if closed, and project bears costs of closure.
 - Cost to physically close the approach (minimal).
 - Cost of acquiring access rights – varies depending on availability of alternate access.
 - Usually minimal where alternate access is available, to
 - Considerable where there is no alternate access. (*NOTE: Unlikely the project team will recommend closure where no alternate access is available unless there is an unmitigable safety concern.*)

Schedule Impact:

- None if left in place.
- Minimal if indenture is needed.
- None if acquired.
 - Funds are filed with the court and ODOT “owns” the access rights prior to construction.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Unpermitted (NOT Grandfathered) Approach with a Reservation of Access

Action:

- Must be permitted or closed.
- If permitted:
 - Must meet Division 51 requirements.
 - Reservation and approach must align and approach must conform to all conditions of the reservation.
- Indenture of access may be necessary if reservation and approach do not align.
- May be closed without acquiring access rights. (**NOTE: This option should ONLY be used when an approach at the reservation location can be allowed in the future. Thus, this option is seldom used.**) (See “Closing an Approach as Part of a Project – Closing an Unpermitted (NOT Grandfathered) Approach.”)
- May be closed and right of access at Reservation location may be acquired, according to project strategy.
 - ODOT acquires the access rights and will “own” the rights of access prior to construction. (See “Closing an Approach as Part of a Project - Closing an Approach at a Reservation of Access.”)

Cost Impact:

- Minimal if approach is permitted (staff time to issue permit).
- Minimal if indenture is needed (staff time to process indenture).
- Varies if closed, and project bears costs of closure.
 - Cost to physically close the approach (minimal).
 - Cost of acquiring access rights – varies depending on availability of alternate access.
 - Usually minimal where alternate access is available, to
 - Considerable where there is no alternate access. (**NOTE: Unlikely the project team will recommend closure where no alternate access is available unless there is an unmitigable safety concern.**)

Schedule Impact:

- Minimal if permitted.
- Minimal if indenture is needed.
- None if closed.
- None if acquired.
 - Funds are filed with the court and ODOT “owns” the access rights prior to construction.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Permitted Approach over Access Control (no Reservation of Access)

Action:

- Close approach (there is no right of access): (*See "Closing an Approach as Part of a Project – Closing a Permitted or Grandfathered Approach where NO Access Rights Exist."*)
 - Chapter 972, Oregon Laws 1999, remedy is NOT available.
 - NOTE: Legal action against ODOT could occur since an approach was permitted even though the right did not exist.
- ODOT might allow a Grant of Access at this location. (*NOTE: Property owner would have to apply for a Grant of Access and meet all the requirements of a Grant as included in Division 51.*)

Cost Impact:

- Minimal for physical closure of approach.
- Minimal if Grant of Access is approved (staff time for processing Grant). (*However, cost to the property owner could be substantial depending on the appraisal for the Grant.*)
- Varies if appealed. (*See Section on Appeals of Approach Closures.*)
 - Staff time and legal expenses to respond to appeal.

Schedule Impact:

- Minimal for physical closure or Grant of Access approval.
- None if appealed. Resolution of legal action can occur independent of project.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Grandfathered Approach over Access Control (no Reservation of Access)

(NOTE: This is a highly unlikely situation. If it occurs at all, it will likely be where ODOT has taken over a section of roadway from another jurisdiction, or where appropriate inventory of approaches did not occur when access control was first acquired.)

Action:

- Close approach (there is no right of access): *(See “Closing an Approach as Part of a Project – Closing a Permitted or Grandfathered Approach where NO Access Rights Exist.”)*
 - Chapter 972, Oregon Laws 1999, remedy is NOT available.
 - NOTE: Legal action against ODOT could occur since an approach exists even though the right does not exist.
- ODOT might allow a Grant of Access at this location. *(NOTE: Property owner would have to apply for a Grant of Access and meet all the requirements of a Grant as included in Division 51.)*

Cost Impact:

- Minimal for physical closure of approach.
- Minimal if Grant of Access is approved (staff time for processing Grant). *(However, cost to the property owner could be substantial depending on the appraisal for the Grant.)*
- Varies if appealed. *(See Section on Appeals of Approach Closures.)*
 - Staff time and legal expenses to respond to appeal.

Schedule Impact:

- Minimal.
- Resolution of legal action can occur independent of project.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Unpermitted
(NOT
Grandfathered)
Approach over
Access Control
(no Reservation
of Access)

Action:

- Close approach (there is no right of access): (*See “Closing an Approach as Part of a Project – Closing an Unpermitted (NOT Grandfathered) Approach.”*)
 - There are NO appeal rights.
 - Chapter 972, Oregon Laws 1999, remedy is NOT available.
- ODOT might allow a Grant of Access at this location. (*NOTE: Property owner would have to apply for a Grant of Access and meet all the requirement of a Grant as included in Division 51.*)

Cost Impact:

- Minimal for physical closure of approach.
- Minimal if Grant of Access is approved (staff time for processing Grant). (*However, cost to the property owner could be substantial depending on the appraisal for the Grant.*)

Schedule Impact:

- Minimal.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Permitted Approach with No Access Control

Action:

- May be left in place.
- May be closed according to project strategy. *(See “Closing an Approach as Part of a Project – Closing a Permitted Approach, NOT at a Reservation of Access, and where NO Access Control is being Acquired.”)*
 - There are appeal rights for the closure. *(See Section on Appeals of Approach Closures.)*
 - Chapter 972, Oregon Laws 1999, remedy may be offered by ODOT.
- Access Control may be acquired, according to project strategy.
 - ODOT acquires the access rights and will “own” the rights of access prior to construction. *(See “Closing an Approach where Access Control is being Acquired.”)*

Cost Impact:

- None if left in place.
- Varies if closed, and project bears most costs of closure.
 - Cost to physically close the approach (minimal).
 - Cost of appeal, if any (staff time and legal expenses).
 - Cost of remedy, if one is offered and accepted. *(NOTE: Right of Way covers remedy costs up to the amount budgeted.)*
- Cost of acquiring access rights – varies depending on availability of alternate access.
 - Usually minimal where alternate access is available, to
 - Considerable where there is no alternate access. *(NOTE: Unlikely the project team will recommend closure where no alternate access is available unless there is an unmitigable safety concern.)*

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Permitted Approach with No Access Control, *cont.*

Schedule Impact:

- None if left in place.
- An appeal can take up to 60 days (sometimes longer)
 - Resolution of appeal can occur independent of project.
 - Preference is to resolve appeal before construction begins.
 - If appeal is not resolved before construction begins, a change-order can be issued to facilitate project needs.
- Remedy, if offered and accepted, usually occurs within 30 days of a closure notice.
 - Stops appeal.
 - Can occur independently of the project.
- None if acquired.
 - Funds are filed with the court and ODOT “owns” the access rights prior to construction.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

Grandfathered Approach with No Access Control

Action:

- May be left in place.
 - May want to place approach under permit, if the Division 51 requirements are met. *(NOTE: This is not required.)*
- May be closed according to project strategy. *(See “Closing an Approach as Part of a Project – Closing a Grandfathered Approach, NOT at a Reservation of Access, and where NO Access Control is being Acquired.”)*
 - There are appeal rights for the closure. *(See Section on Appeals of Approach Closures.)*
 - Chapter 972, Oregon Laws 1999, remedy is NOT available.
- Access Control may be acquired, according to project strategy.
 - ODOT acquires the access rights and will “own” the rights of access prior to construction. *(See “Closing an Approach where Access Control is being Acquired.”)*

Cost Impact:

- None if left in place.
- Minimal if closed, and project bears costs of closure.
 - Cost to physically close the approach (minimal).
 - Cost of appeal, if any (staff time and legal expenses).
- Cost of acquiring access rights – varies depending on availability of alternate access.
 - Usually minimal where alternate access is available, to
 - Considerable where there is no alternate access. *(NOTE: Unlikely the project team will recommend closure where no alternate access is available unless there is an unmitigable safety concern.)*

Schedule Impact:

- None if left in place.
- Appeal can take up to 60 days (sometimes longer).
 - Resolution of appeal can occur independent of project.
 - Preference is to resolve appeal before construction begins.
 - If appeal is not resolved before construction begins, a change-order can be issued to facilitate project needs.
- None if acquired.
 - Funds are filed with the court and ODOT “owns” the access rights prior to construction.

Continued on next page

Potential Access Management Scenarios – Cost and Schedule Impacts, Continued

**Unpermitted
(Not
Grandfathered)
Approach with
No Access
Control**

Action:

- May permit approach, if the Division 51 requirements can be met.
- Approach may be closed according to project strategy. (*See “Closing an Approach as Part of a Project – Closing an Unpermitted (NOT Grandfathered) Approach.”*)
 - There are NO appeal rights for the closure.
 - Chapter 972, Oregon Laws 1999, remedy is NOT available.
- Access Control may be acquired, according to project strategy.
 - ODOT acquires the access rights and will “own” the rights of access prior to construction. (*See “Closing an Approach where Access Control is being Acquired.”*)

Cost Impact:

- Minimal if permitted (staff time to permit approach).
- Minimal if closed, and project bears costs of closure.
 - Cost to physically close the approach (minimal).
- Cost of acquiring access rights – varies depending on availability of alternate access.
 - Usually minimal where alternate access is available, to
 - Considerable where there is no alternate access. (*NOTE: Unlikely the project team will recommend closure where no alternate access is available unless there is an unmitigable safety concern.*)

Schedule Impact:

- Minimal if permitted.
- Minimal if closed.
- None if acquired.
 - Funds are filed with the court and ODOT “owns” the access rights prior to construction.

Construction: Costs and Authority / Responsibility

Constructing or Reconstructing an Approach When paving or reconstructing an approach, ODOT can go onto private property to meet the normal paving limits for an approach, assuming normal paving limits are unobtainable within the ODOT right of way, as stated below.

An approach is defined as any part of the public or private roadway or driveway connection within the public right of way (between the outside edge of the shoulder or curb line and the right of way line of the highway). Therefore, in interpreting OAR 734-051-0205 regarding construction costs, ODOT staff does not have the authority to reconstruct that portion of the roadway or driveway connection located on private property, except as follows:

The current standard drawings (also, the ODOT/APWA Standard Drawing RD 715) states the following with regard to paving limits.

NOTE: Normal paving limits to extend 6m (9m for Public Road connections) from the edge of pavement or to the end of the radius, whichever is greater. Approach surfacing and width to then match existing approach.

NOTE: ODOT must obtain permission to work on private property, and all other pertinent regulations, polices, rules or statutes must be followed.

Pertinent Sections to Consult

- Closing an Approach as Part of a Project
- Remedies
- Acquisitions

Closing an Approach as Part of a Project

Closing an Approach as Part of a Project

There are several circumstances under which an **approach may be closed as part of a project**. Differing methods for closure are used depending on the status of the approach and the property rights. These statuses include:

- Closing an approach at a reservation of access.
- Closing a permitted, grandfathered or unpermitted approach, *NOT at a reservation of access, and where access control IS being acquired.*
Closing a permitted approach, *NOT at a reservation of access, and where NO access control is being acquired.*
- Closing a grandfathered approach, *NOT at a reservation of access, and where NO access control is being acquired.*
- Closing a permitted or grandfathered approach, *where no access rights exist (across an access control line), and access control is NOT being acquired.*
- Closing an unpermitted (NOT grandfathered) approach.

Closing an Approach at a RESERVATION OF ACCESS

No closure letter is sent.

Right of Way acquires the access rights
PRIOR to beginning construction on the project.

The closure of an approach *at a reservation of access* is through **ACQUISITION**.

- *No closure letter is sent.*
- Right of Way needs to be involved early on, and:
 - The descriptions need to include access control, or
 - Closure of an approach at a reservation for at least that ROW file.
- The acquisition will be completed prior to beginning construction on the project.
- The property owner will have no right of access at the time of the project, since ODOT will have completed the acquisition.
- Let the property owner know that, in accordance with the acquisition, they no longer have a right of access. Their approach, if one currently exists at that reservation, will be closed during construction of the project, or before, if appropriate.
 - The information stated above is provided by the Right of Way agent when acquiring the property rights.

Continued on next page

Closing an Approach as Part of a Project, Continued

NOTE: The decision to acquire access control should be made separately from the decision to close an approach. Acquiring access control should not be used as a tool to simply make closures “easy.” Generally, acquiring access control should be avoided if it means leaving reservations of access.

Closing an Approach where ACCESS CONTROL IS BEING ACQUIRED

No closure letter is sent.

Right of Way acquires the access rights **PRIOR** to beginning construction on the project.

The closure of an approach (permitted, grandfathered or unpermitted) ***NOT at a reservation of access, but where access control is being acquired, is through ACQUISITION.***

- *No closure letter is sent.*
- Right of Way needs to be involved early on, and:
 - The descriptions need to include access control.
- The acquisition will be completed prior to beginning construction on the project.
- The property owner will have no right of access at the time of the project, since ODOT will have completed the acquisition.
- Let the property owner know that, in accordance with the acquisition, they no longer have a right of access. Their approach will be closed during construction of the project, or before, if appropriate.
 - The information stated above is provided by the Right of Way agent when acquiring the property rights.

NOTE: The decision to acquire access control should be made separately from the decision to close an approach. Acquiring access control should not be used as a tool to simply make closures “easy.” Generally, acquiring access control should be avoided when it means leaving reservations of access.

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Closing an Approach as Part of a Project, Continued

Closing a PERMITTED APPROACH (NOT at a Reservation of Access, and where access control is NOT being acquired)

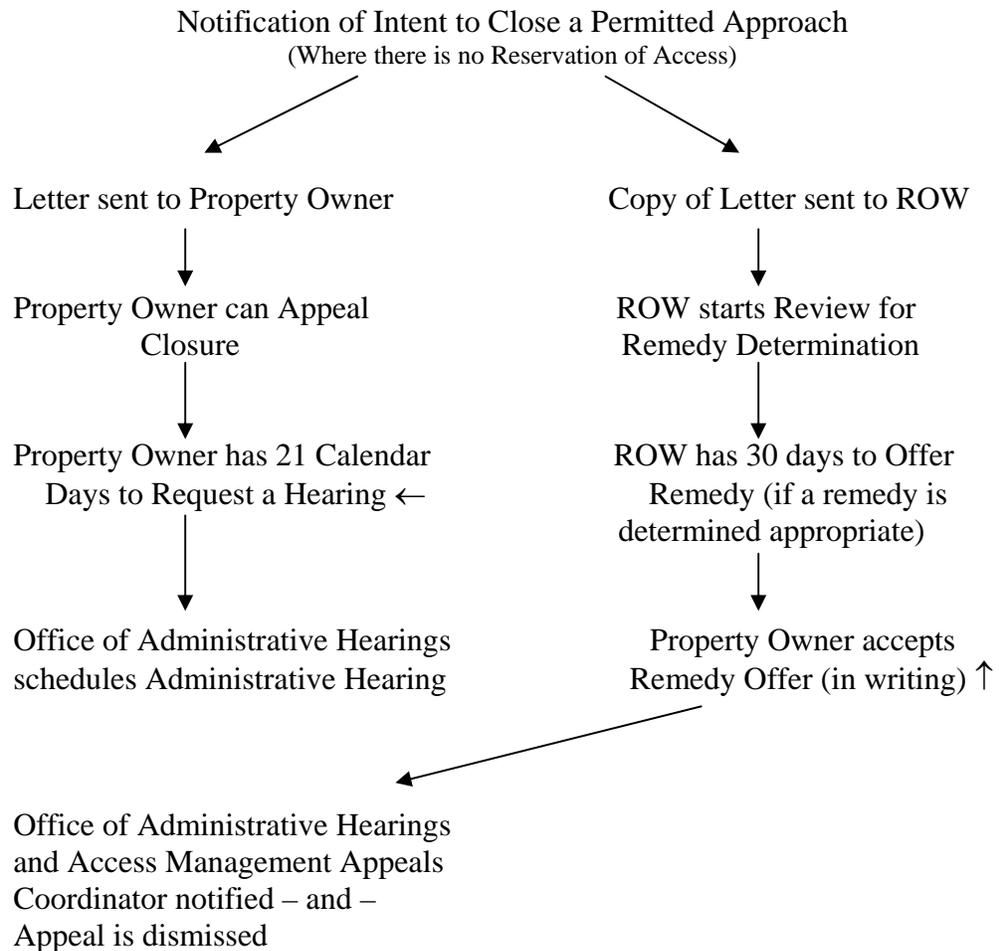
The closure of a **permitted** approach *not at a reservation of access and where no access control is being acquired* is through ODOT's POLICE POWER.

- ***A closure letter is sent to the property owner.***
 - Includes the reason for the closure, as defined in the access management strategy for the project.
 - Outlines the property owners rights regarding appeal.
 - The property owner can request an Administrative Hearing regarding the closure.
- ROW needs to be involved early in the process.
 - ROW will determine eligibility for any Chapter 972, Oregon Laws, 1999 (SB 86) remedies.
- If remedies are offered and subsequently accepted by the property owner, any Administrative Hearing regarding the closure is dismissed.
 - ROW sends the Office of Administrative Hearings, Transportation Section, and the ODOT Access Management Appeals Coordinator immediate notice of remedy acceptance.

Continued on next page

Closing an Approach as Part of a Project, Continued

Two Simultaneous Tracks for Closing a PERMITTED APPROACH



NOTE:

← The Property Owner may request a Region Review instead of, or prior to, an Administrative Hearing. The Property Owner has 21 calendar days to request a Region Review. If the Property Owner is not satisfied with the outcome of the Region Review, an Administrative Hearing may be requested within 21 days of the notification of the Region Review decision. (See *Section 10, Appeals of Approach Closures.*)

↑ There are no appeal rights regarding the remedy, even if a remedy is NOT accepted by the Property Owner. Additionally, the appeal on the closure of the approach can continue to final order outcome.

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Closing an Approach as Part of a Project, Continued

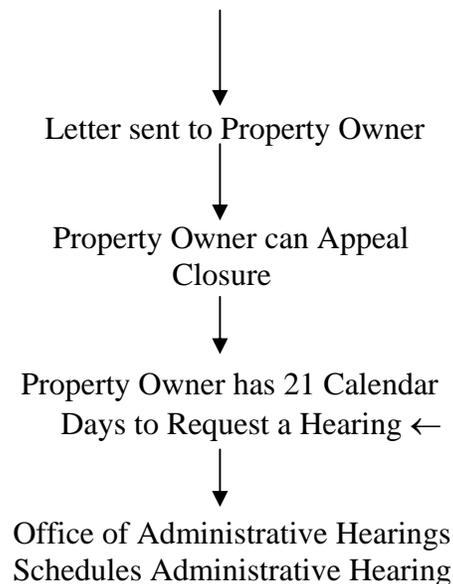
Closing a GRAND-FATHERED APPROACH, (NOT at a reservation of access and where access control is NOT being acquired)

The closure of a **grandfathered** approach *not at a reservation of access and where no access control is being acquired* is through ODOT's POLICE POWER.

- **A closure letter is sent to the property owner.**
 - Includes the reason for the closure, as defined in the access management strategy for the project.
 - Outlines the property owners rights regarding appeal.
 - The property owner can request an Administrative Hearing regarding the closure.
- ROW does not need to be involved in the closure.
- The property owner is not eligible for any Chapter 972, Oregon Laws, 1999 (SB 86) remedies.

Closing a Grandfathered Approach – A Single Track

Notification of Intent to Close a Grandfathered Approach (Where there is no Reservation of Access)



Continued on next page

Closing an Approach as Part of a Project, Continued

NOTE:

← The Property Owner may request a Region Review instead of, or prior to, an Administrative Hearing. The Property Owner has 21 calendar days to request a Region Review. If the Property Owner is not satisfied with the outcome of the Region Review, an Administrative Hearing may be requested within 21 days of the notification of the Region Review decision. (See Section 10, Appeals of Approach Closures.)

Closing a Permitted or Grandfathered Approach – where NO Access Rights Exist (i.e., approach was constructed illegally over an access control line)

A Closure Letter is sent.

The Property Owner has no right to either a Region Review or an Administrative Hearing.

The Property Owner is not eligible for any Chapter 972, Oregon Laws, 1999 (SB 86) remedies.

The closure of a **permitted or grandfathered** approach constructed over an access control line is through ODOT's POLICE POWER.

- ***A closure letter is sent to the property owner.***
 - Includes the reason for the closure, as defined in the access management strategy for the project.
 - Includes the fact that the approach was constructed over an access control line and, since no access rights exist, the approach is not legal.
 - Lets the property owner know there are no appeal rights.
 - The property owner cannot request an Administrative Hearing regarding the closure.
- ROW does not need to be involved in the closure.
 - The property owner is not eligible for any Chapter 972, Oregon Laws, 1999 (SB 86) remedies.

Continued on next page

Closing an Approach as Part of a Project, Continued

NOTE: The property owner may want to appeal the decision to close the approach, and has the right to appeal to the circuit court. There are no appeal rights to an Administrative Hearing since the approach being closed has no access rights, and thus is not legal. These situations are not very common and will need to be evaluated on a case by case basis, and should include the RAME, the Access Management Appeals Coordinator and the Attorney General's Office at a minimum.

**Closing an
Unpermitted
(NOT Grand-
fathered)
Approach –
Notification
ONLY**

A Closure Letter is sent.

The Property Owner has no right to either a Region Review or an Administrative Hearing.

The Property Owner is not eligible for any Chapter 972, Oregon Laws, 1999 (SB 86) remedies.

The closure of an **unpermitted** (illegal) approach is through ODOT's POLICE POWER.

- *A closure letter is sent to the property owner.*
 - Includes the reason for the closure, as defined in the access management strategy for the project.
 - Includes the fact that the approach is not permitted and therefore the property owner has not received permission from ODOT to connect to the highway.
 - Lets the property owner know there are no appeal rights.
 - The property owner cannot request an Administrative Hearing regarding the closure.
 - ROW does not need to be involved in the closure.
 - The property owner is not eligible for any Chapter 972, Oregon Laws, 1999 (SB 86) remedies.
-

Continued on next page

Closing an Approach as Part of a Project, Continued

NOTE: Where there is an unpermitted (not grandfathered) approach, and ODOT is willing to allow an approach at that location (and criteria in Division 51 rules are met), a different letter is sent. In this case, the letter would be sent by the Permit Specialist and the property owner would be provided the option of applying for an approach permit, within a specified time limit. In these cases the approach would not be closed if the property owner is willing to get the approach under permit.

Pertinent Sections to Consult

- Construction: Costs and Authority / Responsibility
- Remedies
- Acquisitions
- Appeals of Approach Closures

Remedies

WHEN CAN REMEDIES OCCUR?

Circumstances for Remedies

As stated in statute (*Chapter 972, Oregon Laws, 1999*) and rules (*OAR 734-051-0500 through -0560*), remedies are **discretionary** and **may** be offered by ODOT.

Remedies are an option **ONLY** under the following circumstances:

- Most frequently when a permitted approach is closed
 - And that approach is not at a reservation of access and access control is not being acquired.
- In rare instances when a permitted approach is closed
 - And that approach is not at a reservation of access, but access control is being acquired; or
 - That approach is at a reservation of access, and access control is being acquired.

NOTE: In the latter two situations the closure of an approach is handled through acquisition. Thus, compensation is generally covered by the acquisition. However, it is possible for ODOT Right of Way to consider whether remedies are warranted in addition to the acquisition. Thus, although rare, there may be some circumstances in which remedies could be offered.

When Remedies are NOT Offered

First, remedies are NOT available to property owners when a grandfathered approach, an unpermitted (illegal) approach or an approach constructed over an access control line (illegal) is closed.

- In some cases there may be acquisition of access control along these properties, however,
- Whether or not access control is being acquired, no remedies can legally be offered.

Normally remedies are not offered where an approach at a reservation of access is closed or an approach is not allowed at a reservation of access (where an approach does not exist today).

- In these cases, Right of Way will acquire the access rights.
 - Compensation is through the acquisition process, NOT through remedies.
-

Continued on next page

Remedies, Continued

NOTE: Where compensation is covered by acquisition, remedies are rarely offered. However, it is possible for ODOT Right of Way to consider whether remedies are warranted in addition to the acquisition. Thus, although rare, there may be some circumstances in which remedies could be offered.

**Pertinent
Sections to
Consult**

- Closing an Approach as Part of a Project
- Acquisitions
- Construction: Costs and Authority / Responsibility

Acquisitions

WHEN CAN ACQUISITION OCCUR?

Circumstances of Acquisition

Acquisitions can occur to carry out a project strategy.

- When access control is acquired, some approaches may be closed through this acquisition.
- If an approach is to be closed and that approach is at a reservation of access, it will be closed through acquisition.
- If no approach will be allowed at a reservation of access that currently does not have an approach, the access rights will be acquired.
- Since acquisition will be completed prior to beginning construction of the project, the property owner will have no right of access at the time of the project.

When closing an approach, or not allowing an approach, at a reservation of access:

- Acquisition can occur ONLY when use of the reservation of access will no longer be allowed, and if there is an approach at the reservation location, it is closed.
- In the case of an existing permitted approach at a reservation of access, the Permit to Operate, Maintain and Use the Approach is revoked.
- ONLY THE PROPERTY OWNER can be compensated for the acquisition.

Pertinent Sections to Consult

- Closing an Approach as Part of a Project
- Remedies
- Construction: Costs and Authority / Responsibility
- Determination of Need – Access Control

Overview – Access Control

Overview – Determining if Access Control is Needed

A key step in the acquisition process is determining if access control is needed in a particular area.

OAR 734 Division 51 outlines the factors that may be used to determine if access control is still needed at a particular location on the highway. These factors include the following:

- Highway Classification
- Access Management Spacing Standards
- Highway Mobility Standards
- State and Local Transportation System Plans
- Comprehensive Plan, and land uses in the area
- Safety Criteria as outlined in *OAR 734-051-0080(9)*

The information in this section describes how these elements could be used to make a determination of the need to acquire or retain access control.

NOTE: This section contains general guidelines and considerations for determining if access control is needed for a particular location on the highway. These guidelines are not a substitute for engineering judgement. It is the Department's intent that engineering judgement be the prevailing guidance used in the determination to acquire access control.

Continued on next page

Overview – Access Control, Continued

Definitions:

Access Control	No right of access exists between a portion of, or all of a property abutting the highway and the highway. Access rights may be eliminated to a property by acquisition including purchase, donation, and condemnation, or access rights might not accrue to a property at all because of operation of law.
Grant of Access	The process to allow a right of access at a location where the abutting property currently does not have the right of access. Grants of access are also required to remove farm crossings and farm access restrictions on existing reservations of access.
Reservation of Access	The limitation of an abutting property owner’s common law right of access to a specific location where the Department has acquired access control along the highway frontage. A reservation of access is designated to a specified location and may be subject to use restrictions and a specified width. A reservation of access must be designated and specifically identified in the deed or final judgment where the state acquired the access control rights. A reservation of access provides the abutting property owner with the right to apply for an approach pursuant to <i>OAR 734-051-0070 through 734-051-0145</i> .
Urban Fringe	The area outside of an established urban growth boundary as described in <i>OAR 660 Division 22</i> and those areas within urban growth boundaries that exhibit suburban type characteristics or areas that have not yet developed out to typical urban densities.

Determination of Need – Access Control

Key Question A key question to ask when determining the need for Access Control is, “*Can the permit process adequately protect an area of a specific highway?*” If the answer is no, then Access Control should be acquired or retained.

NOTE: Access control should be acquired in whole without leaving reservations of access. In some cases that may not be possible, however, the risk factors in leaving reservations of access should be evaluated.

Discussions on Determination of Need The discussion below assumes that highways are classified correctly. If a particular facility is apparently classed lower than it is functioning or has the potential of becoming a higher class of facility, then engineering judgement should be used to determine the appropriate classification guidance for determining the need for access control.

Factors to Consider Factors to consider in making a determination regarding access control include:

- Highway Classification
- Access Management Spacing Standards
- Highway Mobility Standards
- Safety
- Signalized Intersections
- Urban Fringe Areas
- State and Local Transportation Plans
- Comprehensive Plans and Land Uses

Continued on next page

Determination of Need – Access Control, Continued

FACTOR: The first factor to consider is the Highway Classification, as established in the *1999 Oregon Highway Plan* (OHP).

Highway Classification

- This system assigns a classification to every state highway.
- The system identifies a hierarchy of state highways ranging from Interstate Freeways to Local Interest Roads.

Making a determination of need for access control on the extremes of the classification system is quite straightforward.

- Access Control is an absolute requirement for all Interstate Freeways, Non-Interstate Freeways, Expressways (in most cases), and entrance/exit ramps to and from these facilities as well as connector roads for these facilities (such as found in a split diamond interchange).
- On the opposite end of the hierarchy system, Local Interest Roads are those facilities that do not serve any statewide function and purpose and therefore *generally* will not need to have or retain Access Control. (However, for some Local Interest Roads there may be the need to acquire or retain Access Control, for example within an interchange access management area.)

The OHP identifies six classifications under the Highway Classification System.

- Interstate Highways
- Expressways
- Statewide Highways
- Regional Highways
- District Highways
- Local Interest Roads

The OHP did not create a classification for Non-Interstate Freeways, however, they are discussed as part of the Access Management Standards. They are those facilities that look and function as fully access controlled, grade separated freeways (e.g., OR 217 or Beltline Road). The three classifications where access control decisions are not so clear cut are Statewide, Regional and District highways. These are discussed in the following sections.

Continued on next page

Determination of Need – Access Control, Continued

Statewide Highways:

Generally, to maintain the safety, capacity and function of the highway through the community, access control on Statewide highways should be acquired and/or retained:

- Along Statewide highways through urban fringe areas of communities.
- Along rural portions of Statewide highways.

Access control may not be needed, except where there is a need to protect important intersection functional areas, on Statewide highways within:

- Special Transportation Areas (STAs), or other traditional downtown environments.
- Urban Business Areas (UBAs).

When deciding if access control does not need to be retained, clear and distinct justifications must be shown.

Regional Highways:

Generally, access control on Regional highways should be treated in a manner similar to Statewide highways. Access control should be acquired and/or retained:

- In urban areas around important intersection functional areas.
- In urban fringe areas of communities.
- In rural areas, unless compelling arguments can be made against retention.

Access control is probably not needed, except within interchange access management areas:

- In all other urban areas.
 - When there is a higher order facility that functions as a bypass.
-

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Determination of Need – Access Control, Continued

District Highways:

Generally, access control is not needed on District highways. However, access control should be acquired and/or retained:

- In urban fringe areas that serve large volumes of commuter, recreational, and commerce traffic.
- In interchange access management areas.
- Where the District highway functions as a connector facility linking two higher order facilities by interchanges spaced less than 6 miles apart. This may include connections between two freeways, two expressways, freeway to expressway, freeway to statewide, or expressway to statewide. (The 6 mile spacing is the minimum rural spacing of interchanges according to the OHP.)

Interchanges:

Generally, to maintain the safety, capacity and function of the interchange, access control should be acquired and/or retained around interchanges, as indicated in the OHP, Goal 3, Policy 3C: Interchange Access Management Areas.

**FACTOR:
Access
Management
Spacing
Standards**

The Access Management Spacing Standards can also be a factor in deciding the need to acquire or retain Access Control in a given section of highway. Access control may:

- Be critical to the operation of an intersection and to maintain spacing standards in some urban and rural areas.
- Provide a better tool than permitting criteria to prevent private and public approaches within the functional areas of intersections.
- Ensure that frontage roads and local road systems are pursued to provide alternative means of property access.
 - An example may be an area of narrow lot frontages where access to each property would negatively impact the safety and function of the highway. Acquiring or retaining access control may be the proper thing to do where a frontage road or local road is available for access.

Continued on next page

Determination of Need – Access Control, Continued

FACTOR:
Highway
Mobility
Standards

The Highway Mobility Standards (established in the 1999 OHP) are another factor for determining where Access Control should be acquired and/or retained. The Highway Mobility Standards:

- Set maximum operating conditions for various highway classifications and land use designations.
- Ensure that highway operations remain within or close to the standards. Where the Highway Mobility Standards are not met or may be violated in the immediate future, acquiring and/or retaining access control may be an appropriate tool.
 - For example: Access control may be appropriate around a major intersection where additional approaches near the intersection could reduce the operating conditions below the applicable mobility standard.

NOTE: Generally, maintaining the Highway Mobility Standards should not be the sole basis for acquiring or retaining Access Control for a given area. Other justifications, in addition to the Highway Mobility Standards, should support the access control decision.

Continued on next page

Determination of Need – Access Control, Continued

FACTOR:
Safety

Safety is an important consideration when determining whether access control should be acquired or retained.

- Good access management policies and decisions can reduce crash experiences significantly.
 - In Oregon, more than half of the crashes reported are related to driveways or intersections.
 - Access control reduces the number and complexity as well as increases the spacing of events to which the driver must respond, resulting in a reduced crash experience.
- Access control helps to eliminate large speed differentials that occur as vehicles enter and exit a roadway.
 - Studies clearly show that crash rates and severity increase as speed differences increase.
- Stopping sight distance increases as speed increases. While adequate stopping sight distance can be achieved through proper spacing standards, in some areas stopping sight distance or intersection sight distance may be limited. Access control should always be acquired or retained in areas where:
 - It would be unsafe to allow an approach, or
 - There is inadequate stopping sight distance.
- Where the safety criteria can be easily implemented through the permit process, access control may not be necessary. However, where this is not the case, acquisition and/or retention of access control is an option.
- *OAR 734 Division 51* establishes some safety criteria to consider when evaluating approach requests. These criteria (*OAR 734-051-0080(9)*) can be helpful in determining where Access Control should be acquired and/or retained.

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Determination of Need – Access Control, Continued

**FACTOR:
Signalized
Intersections**

AASHTO specifically states that approaches should not be placed within the functional area of intersections. This includes the maneuvering, deceleration, and storage areas around the intersection. Thus, the acquisition and/or retention of access control around and near signalized intersections can improve safety, especially:

- Where topographical and environmental constraints may not allow for the needed mitigation improvements to facilitate vehicles safely entering an intersection; and
 - Within rural passing lane sections, where a driver may not expect traffic conflicts within the passing area, such as a driver turning left from the passing lane.
-

**FACTOR:
Urban Fringe
Areas**

As traffic volumes increase in the developing urban fringe, the ability of urban arterials and highways to accommodate traffic in a safe and efficient manner often deteriorates.

- With increased pressure and intensity of roadside development, more commercial driveways result and crash experiences increase.
 - Preserving safety in urban fringe areas may be a justification for acquiring and/or retaining access control. (*See discussion under Factors to Consider in Evaluating Access Management Solutions - the Highway Classification Factor.*)
-

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Determination of Need – Access Control, Continued

FACTOR:
State and Local
Transportation
Plans

Decisions to acquire or retain access control must be consistent with the appropriate State, Regional, and Local transportation plans. State transportation plans, including the OHP, Corridor Plans, and other Refinement or Facility Plans, may provide guidance regarding areas where access control should be acquired and/or retained. Goals and objectives for highway sections may contain recommendations for areas that need a high level of control to:

- Reduce private pressure for approaches and preserve the safety and function of a given section of highway; and
- Limit the pressure and intensity of roadside development or reduce the possibility of strip development and/or sprawl in and around communities.

Local and Regional transportation plans also may provide valuable guidance by identifying transportation infrastructure, goals, policies, and implementing ordinances to ensure that transportation systems in the future can accommodate the planned and expected uses. These plans may identify:

- Critical sections of highways that need protection from strip development or sprawl.
- Sections that are a safety concern and/or operational ‘bottle necks’ that need special attention.
- Strategies to control access in some areas.

If an Access Management Plan has been developed (as described in *OAR 734-051-0155*), and the plan is approved by ODOT through an intergovernmental agreement and adopted by the local government, it becomes the standard by which the need for access control is determined.

NOTE: *An approach shown in a State and Local Transportation Plan is not sufficient justification for the determination that access control is not needed. Typically, if the facility requires access control, an approach shown on a plan would need to show a benefit to the state highway system.*

Continued on next page

Determination of Need – Access Control, Continued

**FACTOR:
Comprehensive
Plan and Land
Uses**

Decisions to acquire or retain access control must be consistent with the appropriate State, Regional and Local transportation plans. Comprehensive Plans that identify the long range plan for a given jurisdiction regarding land uses, transportation, services, and quality of life, can also provide guidance regarding where access control should be acquired and/or retained. retention of Access Control. Comprehensive plans (similar to transportation plans) may identify sensitive areas where:

- There is a desire is to limit private land access and development pressures; and
- Access Control may be an appropriate tool to help accomplish these and other comprehensive plan goals and objectives.

The land uses in an area can also provide guidance regarding the need for Access Control. In areas where development pressures continue to progress along the State Highway and have not been, or can not be, adequately regulated through the permit process, acquisition or retention of access control may be an appropriate solution. However, just because access control could be used, does not mean it is the appropriate tool in all situations, and consideration should include:

- The classification and importance of the highway; and
- Where the goals and objectives can be carried out through the permit process and the local ordinances, especially in urban environments.

Finally, the resolve of the local governments regarding protection of transportation facilities should be considered. For example:

- Communities that have strong development and access management ordinances/policies to enforce access management, may have less of a need for retaining Access Control unless specifically stated within an adopted plan; but
- Communities that do not have strong development and access management ordinances/policies, and have promoted land use changes that intensify the development and private access pressure along state highways, are candidates to retain or acquire access control in order to better protect the state highways.

An “Access Management Plan”

What is an “Access Management Plan” for a Project?

The “Access Management Plan” (AMP) or the “Interchange Access Management Plan” (IAMP) for a project builds on the *access management strategy* developed for the project. The AMP outlines strategies for handling access management for the parameters of the project, including both current actions and future actions, as appropriate.

- The AMP can be developed by ODOT, or it can be developed by a Consultant.
 - If there are specific elements outlined in the *Conditions of Approval* for the project, the AMP must contain those specific elements.
-

AMP Statement of Work

The statement of work, whether completed by ODOT or by a consultant, should include the following elements:

- Introduction / Background
- Purpose / Project Objectives
- Study Area
- Work Tasks and Products to include:
 - Task 1 – Establish an Access Management Subteam
 - May Establish and use a Technical Advisory Committee for public involvement and input
 - Task 2 – Review Existing Statutes, Rules, Plans, Policies and Standards
 - Task 3 – Data Collection and Inventory, including:
 - Private and Public Approach Inventory (to map current conditions)
 - Highway Characteristics (survey and document)
 - Land Use Characteristics (collected, inventoried and mapped)
 - Traffic Characteristics (compile traffic volume and crash records)
 - Methodology used, or to be used in the case of a contractor
 - Task 4 – Develop and Evaluate Alternatives
 - Task 5 – Develop the Draft AMP or IAMP
 - Task 6 – Include Public Involvement at this point, as appropriate
 - Task 7 – Develop the Final AMP or IAMP
 - Task 8 – Outline Implementation Measures
 - Prepare Intergovernmental Agreement
 - Adopt AMP into TSP
 - Prepare necessary code amendments or local ordinances

Continued on next page

An “Access Management Plan”, Continued

NOTE: See Appendix F, Sample Agreement and Access Management Plan.

**Pertinent
Sections to
Consult**

- When to Use a Subteam, Membership and Function
 - Subteam Process – When an AM Subteam is NOT ESTABLISHED
 - Subteam Process – When an AM Subteam is REQUIRED
 - Subteam Process – When an AM Subteam IS ESTABLISHED, though Not Required
 - Factors to Consider in Evaluating Access Management Solutions
 - Communicating Access Management Decisions with Property Owners
 - Modernization Projects
 - Operations Projects
 - Preservation Projects
 - Safety Projects
 - Bridge Projects
-

An IGA for Developing an “Access Management Plan”

Need for an Intergovernmental Agreement

Some projects that include the development of an *Access Management Plan* or an *Interchange Access Management Plan* in their “Conditions of Approval” also require intergovernmental development agreements. Some “Conditions of Approval” state:

The City (County) of _____ shall adopt the access management plan as a part of a development agreement between the City (County) of _____ and ODOT as provided in ORS 94.504.

The “Conditions of Approval” also may list the following, in addition to the requirements of ORS 94.504, as elements the development agreement shall include:

- An automatic renewal of the agreement unless the City (County) of _____ takes a positive action to terminate the agreement.
- If the agreement is to be terminated that the City (County) of _____ give notice to ODOT in advance of a public hearing on the matter and that the public hearing be held prior to the expiration of the agreement.
- Changes or termination of the agreement in advance of expiration shall require formal affirmative action by the Oregon Transportation Commission and the City (County) of _____.
- The agreement can expire if the City (County) of _____ includes the access management plan in its Transportation System Plan.

Some projects list additional elements, such as:

ODOT will apply the access spacing standards found in the OAR 734, Division 51, or in the local TSP (whichever is more restrictive). The goal is to meet the appropriate spacing standards, if possible, but at the very least to improve conditions by moving in the direction of the spacing standards.

Thus, it is important to obtain a copy of the “Conditions of Approval,” and include all the elements in the IGA.

Continued on next page

An IGA for Developing an “Access Management Plan”, Continued

The IGA

The IGA needs to include the following elements:

- Recitals
- Terms of Agreement
- ODOT Obligations
- City or County Obligations
- General Provisions

NOTE: A sample IGA is included in Appendix F.

Getting an Access Management Plan into a Transportation System Plan

Why is it important to get an Access Management Plan (AMP) into a TSP?

The AMP will:

- Provide a comprehensive inventory of all public and private approaches along the highway within the scope of the project.
 - The inventory shall identify all rights of access between the adjoining properties and the state highway, including reservations, indentures and grants of access.
- Include additional relevant information such as zoning and land use for properties within the project area.
- Include a set of recommended measures to bring existing approaches into compliance with the access management standards in the Division 51 rules.
- Include access management strategies for future approaches.
- The goal is *to meet the appropriate access management spacing standards, but at the very least to improve current conditions by moving in the direction of the access management spacing standards. (OAR 734-051-0115)*

Getting the AMP into the TSP will:

- Include the AMP, through the planning process, as the standard against which future approaches are evaluated.
-

What Else is Needed?

- Implementation of the TSP (and the AMP) by incorporating them into local ordinances or codes.
- This step will eliminate any argument that the city (county) doesn't have to follow the TSP because the city's zoning ordinances (or county codes) didn't incorporate the elements of the TSP.

Right to an Appeal

- When there is a Right to an Appeal** The property owner has the right to appeal the closure of an approach if:
- The approach is legally permitted, or
 - The property owner has demonstrated that the approach is grandfathered, and
 - There is no reservation of access, nor is any access control being acquired. since, in these instances:
 - ODOT will acquire the rights of access prior to beginning construction, and the property owner will no longer have access rights when construction commences.
-

- When there is NO Right to an Appeal** The property owner has no right to appeal the closure of an approach if:
- The approach is at a reservation of access and ODOT acquires the rights of access, thus ODOT “owns” the access rights prior to beginning construction.
 - The approach is not at a reservation of access but, ODOT acquires access control, thus ODOT “owns” the access rights prior to beginning construction.

NOTE: See *Closing an Approach as Part of a Project* for more specifics on how closures of approaches are handled.

Appeal Options

- Appeal Options** The appeal options available to the property owner are:
- Region Review
 - Collaborative Discussion
 - Administrative Hearing

See the *Access Management Manual, Approach Application and Permit Process* for specific information on the processes for each of the options listed.

Remedies and Acquisitions

Remedies In the case of some approach closures, remedies may be offered by ODOT's Right of Way Section.

- This determination is separate from the appeals process.
 - A remedy offer **cannot be appealed**.
 - See *Closing an Approach as Part of a Project* for more specific information on remedies.
-

Acquisitions Some approach closures will result in the acquisition of access rights.

- This determination is separate from the appeals process.
- In these instances, there is no appeal on the closure of the approach since access control is acquired prior to beginning construction.
- See *Closing an Approach as Part of a Project* for more specific information.

Permits for Approaches

Permits for Approaches along a Project

A new Permit to Operate, Maintain and Use an Approach is needed in the following circumstances:

- The approach has been moved from its original location.
 - Changes are made to the approach, even though it remains at its current location, such as:
 - Width of the approach,
 - Surface type, or
 - Design type (e.g., from drop curb to radius).
 - New or different terms or conditions are placed on the operation, use or maintenance of the approach.
-

Who is Responsible for issuing the New Permits

- The Project Leader is responsible for providing the Permit Specialist with a list of all approach changes.
 - The Permit Specialist makes those changes in CHAMPS and issues a new Permit to Operate, Maintain and Use an Approach, where appropriate.
-

Fee for a New Permit to Operate, Maintain and Use an Approach

There is no fee for issuing a new Permit to Operate, Maintain and Use and Approach, per *OAR 734-051-0245*.

Recording Access Control

Recording Access Control in ROW Files and on ROW Maps

If access control is changed in any way, that change will be reflected in the ROW files and on the ROW maps, such as:

- Where access control is acquired.
- Where an approach at a reservation or a grant of access is closed and the right of access is acquired at that location.
- Where access control, currently owned by ODOT, is relinquished.
- Along the length of the project, if access control was not previously recorded in either the ROW files or on the ROW maps.