

MINUTES

Access Management Oversight Task Force
Local Government Center
1201 Court St NE Salem OR 97301 (Rm 117)
10:00 – Noon, February 10, 2012

Task Force Members:

Present:

Sen. Jason Atkinson	
Sen. Betsy Johnson	
Rep. Cliff Bentz	
Rep. Margaret Doherty	
Rep. Mike McLane	
Matt Garrett, (ODOT Director)	X
Mark Whitlow, (RTF, ICSC)	X
Chris Doty (City of Redmond Planning Director)	X
Craig Pope (Chair, Polk County Commission)	X
Bob Russell (Oregon Trucking Association)	X
Rob Sadowsky (Bicycle Transportation Alliance)	X

ODOT Staff: Patrick Cooney, Peter Ignatovich, Paul Mather, Victor Dodier, Bob Bryant, Harold Lasley, Michelle Van Schaick

Guests: Bonnie Heistch, DOJ, Ann Hanus, AOC, Mary Olsen, OTC

Abbreviations Used:

ODOT – Oregon Department of Transportation

OTC – Oregon Transportation Commission

DOJ – Department of Justice

AOC – Association of Oregon Counties

SB – Senate Bill

DLCD – Department of Land and Conservation Development

Introductions/Agenda Review – Matt Garrett

Matt Garrett led the meeting with thanks to members in attendance for their time. A brief description of access management was given. Introductions followed.

Access Management Oversight Task Force

- *Task Force Rules – Victor Dodier*

Victor Dodier went over a handout with proposed rules for the task force. The handout also included Chapter 330, section 27 of the Oregon Law which describes the duties and responsibilities of the task force. It was stressed that the task force is charged with recommending legislation it deems is needed to fulfill the intent of SB 264. This task force is a continuation of the work done to implement SB 1024 and SB 264. The Task Force is required to file an annual report with interim committees related to transportation by December 1st each year. Members were asked to look over the rules in SB 264 pertaining to the task force. The 5 legislative members not present were introduced, and it was explained that the task force was still missing a representative from the cities because of Chris Doty's resignation. It was decided the task force would not take a motion on the rules today, but would bring this back to the next meeting.

Craig Pope asked about whether alternates would be allowed to attend task force meetings as substitutes for members. The answer was no because SB 264 does not make provision for alternates. If there is a vacancy due to resignation, it is up to the governor to name a replacement. The importance of attending task force meetings was emphasized because absences could delay decisions without enough votes to provide a quorum. Members understood this was a legitimate issue and it would be addressed if it becomes a problem.

- *Selection of Task Force Chair – Matt Garrett*

Matt Garrett asked if everyone would submit suggestions to him for a chairperson. He also said these meetings could be conducted virtually if needed, and voting can be done that way as well.

- *Access Management Stakeholder Committee Role – Bob Bryant*

Bob Bryant went over the history of ODOT's work with the stakeholder committee during the past two years. He talked about the stakeholder committee and some of the decisions made in that process that became legislation. There were questions about the role of the task force in relationship to the stakeholder committee and whether the task force would replace the committee. Bob Russell recommended that the stakeholder group remain in tact and provide recommendations and support to the task force. He would like to see the task force charged with oversight to the work of the stakeholder committee where many of the technical issues could be worked. Matt Garrett concurred.

Bob Russell commented that it might help if the task force members in the legislature are contacted personally to ensure they know what they are being invited to attend. He recommended something in the meeting invitations that clearly describes what the meeting is for.

Matt Garrett stressed that as the task force works through some of the issues, it will keep the OTC apprised of what is being done.

Access Management Statutes & Rules – ORS 374 & OAR 734-051

- *Background – Harold Lasley*

It was decided to delay the history presentation until legislative members who would benefit were also in attendance.

- *Stakeholder Process / SB 1024 & 264 Briefing – Bob Bryant*

It was decided to delay the presentation of changes resulting from stakeholder process until legislative members who would benefit were also in attendance.

Permanent Rulemaking Timeline

- *Current Status – Harold Lasley*

Harold Lasley went over ODOT's permanent rulemaking timeline (handout and slide). By February 21st, 2012, a draft of the permanent rules needs to be distributed to small business and DLCD. There are opportunities for comments and revisions throughout the rulemaking process but the process must conclude in time for OTC adoption of permanent rules in June. After that, any changes to the permanent rules would go through the same process unless a case could be made that the change was an emergency.

Rob Sadowsky asked about the role of the task force through the rule making process. Bob Russell answered that SB 264 establishes the task force to sunset in 2015. Matt Garrett let members know that if there is a need to amend the temporary rule prior to adoption of the permanent rule to address some of the outstanding issues, the OTC has signed off on taking that action. He assured everyone that there is a little bit of flexibility between the temporary and permanent rules.

Mark Whitlow stressed his concern with the rule making process. He went over the history he has had with ODOT and the stakeholder committee. This led to discussion about possibly having a user guide to help applicants and task force members understand the new rules. Other possibilities include having a "Plain English Version" of the rule. The stakeholder committee would still write the technical aspect of the rule, and the task force would fine tune the plain language version to make the rules more user-friendly. There were concerns with the timelines to do this. It was thought that perhaps the rule should be ready by May 1st, 2012, to give everyone time to work on a user-friendly version. It was decided that the draft permanent rule ODOT has been working be sent to the stakeholder committee for comment.

There was discussion about “parking lot” issues from stakeholder process that still need to be addressed. Some came about as a result of the temporary rule. The most immediate work of the stakeholder committee is to work on issues related to unpermitted approaches and “change of use”. Mark Whitlow said his three main concerns regarding “change of use” permits are: 1) What is the process? 2) What is included? and 3) How do you measure prior use? Members agreed that safety is always a primary concern in developing the rules. Matt Garrett emphasized that the key to this process in ODOT’s eyes is balance. ODOT historically was primarily focused on mobility and safety, and now is shifting its balance more toward economic development.

Next Steps

Mark Whitlow suggested keeping the small group approach to finish the “change of use” issue to get it right in the permanent rule. He talked about and commended the progress and change that ODOT has accomplished to date.

Matt Garrett summarized five next steps.

1. ODOT will get the existing draft permanent rule language to the stakeholder committee.
2. The stakeholder committee needs to continue, as well as the subgroups. It was suggested that Rob Sadowsky consider having a representative attend the subgroup meetings.
3. The task force needs to adopt a work plan that is a disciplined approach, then it needs to be put into place. It was suggested that the work plan include a summary of what has been accomplished up to date.
4. The new rules need to be translated into plain language.
5. Members need to vote on a chairperson. The next time the task force meets will be determined by the chairperson.

Bob Russell said Senator Johnson was his obvious choice for the chairperson. Craig Pope supported this appointment.

Matt Garrett described the need to engage with legislative members by phone or in personal meeting to help provide some background and context for future discussions of access management.