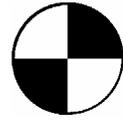




Highway Division Project Delivery Leadership Team Operational Notice



NUMBER PD-03	SUPERSEDES September 2003	EFFECTIVE DATE September 6, 2005	CANCELLATION DATE
SUBJECT Access Management in the Project Development/Delivery Process		ISSUING BODY Project Delivery Leadership Team (PDLT)	

NOTE: This document refers readers to Volume 1, Chapter 3 of the Access Management Manual entitled “*Guidelines and Resources for Access Management in Project Development and Delivery*” for additional information. That reference material is scheduled for completion in early 2006 and will be available online as it is finalized. During the interim, please direct questions about implementation of the PD-03 to Ann Zeltmann of the Statewide Access Management Unit at 503-986-4379.

PURPOSE To establish deliverables, accountabilities, and requirements and to provide general guidance for implementing access management in the development and delivery of Design-Bid-Build construction projects. The accountabilities designated herein are established to ensure consistency with OAR 734-051 and to clearly communicate key management responsibilities.

This purpose of this Notice is to establish expectations and outcomes rather than processes and procedures. However, Volume 1, Chapter 3 of the Access Management Manual provides guidance for developing processes, examples of deliverables, and other useful information relative to this Notice.

RATIONALE Access management is one of the Agency’s most effective means of protecting investments in highway improvements, addressing safety problems, and preserving the functionality of highways in accordance with the Oregon Highway Plan (OHP) classification system. It is also one of the principal goals of the OHP (Goal 3). Oregon Administrative Rule 734-051 sets forth criteria, authorities, and requirements for access management in project delivery.

For these reasons, it is imperative that the project delivery business line establish expectations and accountabilities for business practices that align with statutes, rules, and policies pertaining to access management. At the same time, managers need flexibility and control in determining how to use the available resources to accomplish work in an effective and efficient manner. This Notice is intended to provide managers the flexibility needed to implement this Notice within a variety of project contexts, while ensuring that management accountability is clearly understood and communicated.

SCOPE This Notice covers all projects which have been assigned scope, schedule, and budget accountability within the Highway Division. It applies to projects that are subject to the requirements of Operational Notice PD-02, including projects in both the D-STIP and the C-

STIP, whether delivered by the Regions, the Office of Project Delivery (OPD), or local agencies.

This Notice does not apply to the following:

- Pavement preservation projects, except when:
 - modifying, mitigating or closing approaches, or
 - the project is located within the influence area of an interchange where the project includes work on the crossroad, or
 - the project is located on an Expressway.
- Projects, including local agency projects, that are developed as mitigation relative to an Application or Permit for State Highway Approach, unless specified in whole or in part as a condition of such application or permit.
- Local agency projects that are on the local road system. These projects are analyzed for potential impact to the state system through the development review process.
- Maintenance projects funded and performed as part of District Office maintenance programs, unless otherwise directed by the Region Manager. Such projects include grind and inlay, non-structural overlays, seal coats, and other pavement maintenance projects that the Region Manager may exempt from this Notice.

STATUTES, RULES, POLICIES AND GUIDELINES

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

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

RULES: OAR 734-051 is the administrative rule that specifies legal requirements and procedures for access management. Sections 0285 (Project Delivery) and 0155 (Access Management Plans) set forth the scope and requirements for access management analysis, planning, and documentation for specific categories of projects. These sections of the OAR emphasize planning for access management, specify more extensive planning for modernization and interchange projects, and define four types of strategy and planning documents:

1. Access Management Strategy (AMStrat)
2. Access Management Plan (AMP)
3. Access Management Plan for Interchange (AMPI)
4. Interchange Area Management Plan (IAMP)

Refer to OAR 734-051, sections 0040 (Definitions), 0155, and 0285 for the formal legal definitions and requirements for each of these documents. Table 4, under the **DELIVERABLES & REQUIREMENTS** heading below, indicates which of these documents is specified in the OAR for various kinds of projects. Further information and examples of each can be found in Volume 1, Chapter 3 of the Access Management Manual.

A key provision of the OAR states that “the Region Manager may require modification, mitigation, or removal of approaches within project limits” pursuant to implementing an AMStrat, AMP, or AMPI, providing that the specified conditions are met (see OAR 734-051-0285(5)(a)-(d)). Another key provision requires that local jurisdictions adopt elements of an AMP, AMPI, or IAMP that amend the local transportation system plan (TSP), Comprehensive Plan, or local land use codes (see OAR 734-051-0155(6)(i) and 0285(6)(l)). These are key provisions that can have significant cost and schedule impacts on many projects.

In developing the four types of strategy and planning documents listed above, it is important to understand a recent ruling issued by the Land Use Board of Appeals in the *City of Talent vs Rhodes* appeal. Memoranda from the Department of Justice and the Access Management Program Manager provide explanation and guidance related to this ruling. Refer to Volume 1, Chapter 3 of the Access Management Manual for this information.

GUIDELINES: Volume 1, Chapter 3 of the Access Management Manual provides guidance for implementing this Operational Notice. The chapter is entitled “*Guidelines and Resources for Access Management in Project Development and Delivery*.”

ACCOUNTABILITIES

Operational Notice PD-02, *Project Development Decision Structure* outlines broad project accountability structure for projects covered by this Notice. Access management, as a component of project delivery, falls within the general accountability and authority structure outlined in PD-02.

This section further defines management accountabilities for major areas of work to ensure that they are clearly understood and communicated throughout the project delivery business line. It is important that Regions ensure authorities are aligned with accountabilities as defined in this Notice. Authority for decision-making related to deliverables and requirements may be delegated by accountable managers; however, the assignment of accountability for performance remains with the managers as described in this section. Delegation of authority by the accountable manager must be documented, and should be limited to a few staff in order to promote consistency in performance, process, and expectations. The re-assignment of *management* accountabilities defined below may only occur by written direction of the Region Manager in concurrence with the Statewide Access Management Program Manager.

Tables 1, 2, and 3 under the heading DELIVERABLES & REQUIREMENTS below, lists management accountability for specific deliverables defined in that section.

It is expected that much of the work related to these accountabilities will be assigned to staff and consultants who possess the requisite knowledge and skills. For example, the Region Access Management Engineer (RAME), although not classified as a management position, is a senior level technical specialist. The RAME works closely with the Statewide Access Management Program Office on a broad range of program issues. It is expected that Region management will look to the RAME for expertise and leadership related to these accountabilities. Likewise, it is expected that the use of access management sub teams, both standing and ad hoc, will continue to be a useful and effective means of implementing access management requirements under this Notice.

REGION MANAGER – Primarily accountable to exercise authorities and responsibilities defined in OAR 734-051 as those of the Region Manager, the Region Manager may designate a representative to act on his or her behalf regarding these authorities, except where the OAR prohibits a designee from doing so. *Such designation must be in writing.* A template for documenting the Region Manager’s designee is provided in Volume 1, Chapter 3 of the Access Management Manual. The template may be modified as needed.

Operational Notice PD-02 indicates that Region Project Delivery Manager or the Area Manager will generally be the Region Manager’s designee for project delivery authorities. The Department of Justice has advised that the designee must act on behalf of the Region Manager and cannot further delegate authorities defined in the OAR.

REGION PROJECT DELIVERY MANAGER (Regions 1 & 2) / AREA MANAGER (Regions 3, 4, & 5) – Major access management accountabilities include:

- Exercising authorities delegated by Region Manager and documenting any further delegation of such authorities.
- Establishing procedures and processes to implement this Notice in the project delivery program under their authority.
- Ensuring that accountabilities, deliverables, and requirements are clearly communicated and understood for all projects.
- Providing direction, resources, and other support needed to resolve contentious or controversial issues.
- Decisions that change the required deliverables as defined below, or the project phase at which deliverables are required. Such decisions must be documented in the project file.
- Working with the Statewide Access Management Program Manager in identifying problems and developing solutions to improve access management in project development/delivery processes.
- Deliverables and support as shown in Tables 1, 2, and 3 under heading DELIVERABLES AND REQUIREMENTS below.

REGION PLANNING MANAGER – Major accountabilities include:

- Providing analyses, reports and other information about Corridor Plans, Facility Plans, Refinement Plans, local Comprehensive Plans, and other existing or proposed plans related to access management.
- Coordinating with local jurisdictions to amend local TSPs, Comprehensive Plans, or other land use codes and ordinances pursuant to implementation of an AMP, AMPI, or IAMP.
- Deliverables and support as shown in Tables 1, 2, and 3 under heading DELIVERABLES AND REQUIREMENTS below.
- Working with the Statewide Access Management Program Manager in identifying problems and developing solutions to improve access management in project delivery/delivery processes.

TECHNICAL CENTER MANAGER – Major accountabilities include:

- Providing technical leadership and support to address access management issues throughout the project development and delivery process, from scoping to final PS&E.

- Assigning technical staff to provide expertise to scoping and project teams and to lead access management subteams.
- Developing and approving the Official Project Access List.
- Developing the Access Deficiency List (when applicable), and submitting such lists to the Statewide Access Management Program Office.
- Deliverables and support as shown in Tables 1, 2, and 3 under heading DELIVERABLES AND REQUIREMENTS below.
- Working with the Statewide Access Management Program Manager in identifying problems and developing solutions to improve access management in project delivery/delivery processes.

DISTRICT MANAGER – Major accountabilities include:

- Providing input on access management issues for project scoping.
- Performing research and providing information about access permits for the Tech Center in support of the development of the *Existing and Permitted Approaches Status Report*.
- CHAMPS data input.
- Participating on access management subteams, as needed.
- Working with property owners and project staff as needed to resolve disputes involving complicated or contentious issues.
- Working with the Statewide Access Management Program Manager in identifying problems and developing solutions to improve access management in project delivery/delivery processes.
- Deliverables and support as shown in Tables 1, 2, and 3 under heading DELIVERABLES AND REQUIREMENTS below.

STATEWIDE ACCESS MANAGEMENT PROGRAM MANAGER – Major accountabilities include:

- Reporting to the Project Delivery Leadership Team on progress and obstacles in implementing this Notice.
- Assessing the training needs of project delivery staff and working to develop resources and services to address those needs.
- Updating this Notice as changes occur in administrative rules, management structure, or policies and practice related of the project delivery business line.
- Facilitating the sharing of learning and best practices related to access management in project delivery.
- Working with the Access Management Leadership Team, Technical Leadership Team, various business line teams and project delivery staff to improve effectiveness and efficiency of access management in project delivery.
- Issuing technical bulletins, advisories, guidelines, and other information related to implementation of the statewide program.
- Approves reassignments of accountability in concurrence with the Region Manager.

OFFICE OF PROJECT DELIVERY MANAGER— Major accountabilities include:

- Ensuring that OPD staff and consultants establish effective processes and procedures for coordinating with Regions on access management. Region management will retain authority and accountability for access management and the performance of

deliverables and requirements of this Notice for projects assigned to OPD. As need arises, specific accountabilities may be reassigned to the Office of Project Delivery Manager or his/her designee upon written direction of the Region Manager in concurrence with the Statewide Access Management Program Manager.

- Working with the Statewide Access Management Program Manager in identifying problems and developing solutions to improve access management in project delivery/delivery processes.
- Deliverables and support as shown in Tables 1, 2, and 3 under heading DELIVERABLES AND REQUIREMENTS below.

DELIVERABLES & REQUIREMENTS

Deliverables are required at each of the three macro-level Critical Path Milestones. These milestones are defined in the Operational Notice PD-02 as *Draft STIP, Design Acceptance, and Final Plans/PS&E*. Following is a brief description of access management deliverables required at each of these Milestones. Tables 2, 3, and 4 show the accountable manager for each deliverable. These deliverables are required except when the Region Project Delivery Manager or Area Manager documents why the deliverable is not appropriate to the project or why it is best performed in another phase of the project. In making a decision to change these requirements, the Region Project Delivery Manager or Area Manager should consult other managers and staff whose work on the project could be affected by the change.

Templates, examples, criteria, and guidance documents related to these deliverables can be found in Chapter 3 of the Access Management Manual.

Draft STIP Milestone

Completion of the deliverables listed for this milestone are intended to ensure that the scope, schedule, and budget of projects programmed in the STIP provide for access management work tasks consistent with rules, policies, and the requirements and guidelines of this Notice.

- Access Control Report – The Access Control Report documents and summarizes the research on the location of access control lines performed by the Right of Way Section of the Technical Services Branch. Information in the report is used to develop the Scoping Report and the Existing and Permitted Approaches Status Report.
- Existing Approaches Status Report -- Documentation that confirms the status of all existing approaches under the provisions of OAR 734-051 prior to any project work. This report may be a stand-alone report or combined with other reports or documentation. Typical statuses include permitted, grandfathered, project-recognized, illegal or unpermitted. Unpermitted means that the approach lacks a permit record.
- Access Management Worksheet – Completed worksheet in the Project Delivery Work Planning system (PDWP). This worksheet documents consideration of a broad range of access management issues relevant to project scoping and cost.
- Right of way cost estimate – Cost estimate for purchasing access rights, offers to remedy closure of approaches (see OAR 734-051-0500 through 0560), and other property acquisitions as needed.
- Access management scoping report -- Report identifies and describes all access management issues that have potential scope, schedule and budget consequences for the project. This includes requirements and recommendations for development of an AMStrat, AMP, AMPI, or IAMP; the potential scope of access closures or modifications that could

impact right of way acquisition; access issues, problems, and recommendations for further consideration during project development. The report could be a stand-alone document, or a component of a comprehensive project scoping report. (See General Guidance at the end of this Notice for information about areas of emphasis for access management on various types of projects.)

- Preliminary Engineering (PE) cost estimate – Cost estimate for personnel, services and supplies that will be charged to the project expenditure account (EA). The cost estimate is expected to document assumptions and rationale underlying the estimate and to address all the major work requirements and recommendations in the scoping report. Developing the cost estimate may require compiling information from several sources involved in the project, including maintenance, planning, consultants, right of way, and other ODOT staff and consultants.
- Public/stakeholder involvement plan – A plan that explains how communication regarding access management issues on the project will be managed. The plan may be a stand-alone document or a component of the Project Communications Plan specified in PD-12.
- Schedule of work – Schedule of access management tasks and deliverables entered in AMS Projects Enterprise based on what is known about needs and requirements of the project at the Draft STIP milestone.
- AMP, AMPI, and IAMP -- OAR 734-051 requires these documents for certain categories of projects (see Table 4). In general, it is expected that the requirement or recommendation for any of these deliverables will be identified as part of a project’s planning process and that most work on them will be completed prior to the Draft STIP phase. Work associated with developing and adopting these Plans may require extensive public involvement and collaboration with local governments to address issues of land use, zoning, local streets, and other community interests. The Department of Justice has determined that for Class 1 & Class 3 environmental projects, any amendments to a TSP, local comprehensive plan, and other land use actions necessary for project development and delivery must occur before the final environmental document is issued. For Class 2 projects, these actions must occur before construction of a project. Further guidance on issues related to developing these plans is available in Volume 1, Chapter 3 of the Access Management Manual.

**Table 1: Accountability for Access Management Deliverables
DRAFT STIP Milestone**

Key: X= Accountable
S=Major Supporting Role

Deliverables	Accountable Managers					
	Region Manager	Region Project Delivery Manager/Area Manager	Region Planning Manager	Technical Center Manager	District Manager	Office of Project Delivery Manager
Access Control Report				X		
Existing and Permitted Approaches Status Report				X	S	
Access Management Worksheet		S		X		
Right-of-Way Cost				X		

Estimate for						
Access Management Scoping Report			S	X	S	
Preliminary Engineering (PE) Cost Estimate		X	S	S	S	
Public/Stakeholder Involvement Plan		X	S		S	
Schedule of Work		X	S	S		
AMP, AMPI, IAMP	X	S	S	S	S	

Design Acceptance Milestone

Completion of the deliverables listed for this milestone are intended to ensure that critical decisions are made in a timely manner and incorporated into subsequent project design, right of way acquisition, communication plans, budget and schedule.

- AMStrat -- An AMStrat is required for any project or section of a project that involves mitigation, modification, or removal of legal approaches. The AMStrat may be a stand-alone document or an element of an AMP, AMPI, or IAMP.
- Official Project Access List. The Official Project Access List documents approval of all accesses to be provided within the project limits upon completion of the project. Documented approval of this list by the RAME and the Technical Center Manager is required.
- Access Deficiency List¹. This list is a subset of the Official Project Access List. It lists all accesses that will remain open upon completion of the project but are considered priorities for future mitigation, modification or removal. The accesses are added to the list because the issue of concern cannot be addressed within the scope and budget of the project. The legal status of the approach is irrelevant for purposes of listing; approaches may be listed no matter what their legal status (permitted, unpermitted, grandfathered, illegal, etc.) This list is prioritized by the Region and submitted to the Statewide Access Management Program Office. The Statewide Office will develop criteria for the Region to use in prioritizing this list.
- Access management element of Design Acceptance Memorandum – Narrative that describes the principal design features to address access management that will be incorporated into the project, i.e. medians, driveway consolidation, revising local street connections, access control, turning movement restrictions, etc.
- Access modification and closure letters delivered to property owners². Letters notifying property owners of changes that will be made to their access as part of the project and their appeal rights under OAR 734-051. Copies of all closure letters are to be reviewed by the Statewide Access Management Program Office prior to mailing to the landowner.
- IGA provisions to address local government access issues (if applicable). These provisions address work that the local government needs to authorize to occur as part of the project

¹ The purpose of the Access Deficiency List is to develop a statewide inventory that helps to assess funding needs and priorities for improvements. It is recommended that the list also be sent to the District Office where these accesses can be flagged for action if future change of use or other actions allow..

² Some decisions regarding access may not be known at this milestone. The Project Communication Plan should establish expectations and provide guidance for communicating with property owners who may be affected by decisions at a future point in the project.

because it affects facilities or land under local jurisdiction. For example, closing or changing the alignment of local streets, or moving an access from the state highway to a local road. *It is important to identify the need for such actions as early as possible and to work with local governments to develop IGA provisions.* Depending on the nature of the local actions and the local code, amendments to the local Transportation System Plan (TSP) or Comprehensive Plan may be required. These amendments can involve lengthy public hearing processes which could impact the project schedule and budget. A TSP amendment is a land use decision and must occur before the final environmental document is issued for a Class 1 or Class 3 project or before construction of a Class 2 project.

- Updated schedule and budget to complete access management work. Updates incorporated into the overall schedule for completing project work.
- Oregon Transportation Commission decision package (if applicable). In some cases, an AMP, AMPI, or IAMP may constitute a Facility Plan that requires approval by the OTC. In such cases, the project needs to be scheduled on the OTC agenda and the necessary information and reports assembled for timely submittal.

**Table 2: Accountability for Access Management Deliverables
Design Acceptance Milestone**

Key: X= Accountable
S=Major Supporting Role

Deliverables	Accountable Managers					
	Region Manager	Region Project Delivery Manager/Area Manager	Region Planning Manager	Technical Center Manager	District Manager	Office of Project Delivery Manager
AMStrat	X	S	S	S		
Official Project Access List				X		
Access Deficiency List				X	S	
Access Management Element of Design Acceptance Memorandum		S	S	X		
Modification and Closure Letters		X			S	
Local Government IGA Provisions		X	S		S	
Updated Schedule and Budget		X	S	S		
Oregon Transportation Commission Decision Package (if applicable)		S	X			
Coordinate OPD Projects with Region staff	S	S		S		X

Final Contract Plans/PS&E Milestone

Completion of the deliverables listed for this milestone will ensure that permit records are updated, required administrative actions are completed, and that deliverables and requirements have been met.

- Confirmation of CHAMPS records. This deliverable confirms that information in the Central Highway Approach/Maintenance System (CHAMPS) has been reviewed and revised to accurately reflect the status for all approaches after the project's completion. This may result in issuing new permits or revising existing permit records. The confirmation required by this deliverable may be noted on the Official Project Access List or by separate memo to the project file. A copy of the confirmation must be submitted to the Statewide Access Management Program Office.
- Local TSP or Comprehensive Plan amendments (if applicable). Completion of local government actions needed to authorize project work affecting facilities or land under local jurisdiction. This requirement applies only to Class 2 environmental projects at this milestone. (For Class 1 and Class 3 projects, these actions must occur before the final environmental document is issued.)

- Oregon Transportation Commission decision/approval action (if applicable). Project file documentation of approval action by OTC may consist of a memo-to-file, OTC minutes (or excerpt), or other documentation of official action.
- Access Management Checklist. Checklist completed by the Technical Services Branch, Office of Pre-Letting. Projects will not be released for bid advertising until all requirements listed are documented or can be otherwise verified. Exceptions to this requirement may be granted by the Roadway Section Manager in accordance with the Office of Pre-Letting procedures.

**Table 3: Accountability for Access Management Deliverables
Final Contract Plans/PS&E Milestone**

Key: X= Accountable
S=Major Supporting Role

Deliverables	Accountable Managers					
	Region Manager	Region Project Delivery Manager/Area Manager	Region Planning Manager	Technical Center Manager	District Manager	Office of Project Delivery Manager
Confirmation of CHAMPS Records		S		S	X	
Local TSP or Comprehensive Plan Amendments		S	X			
Oregon Transportation Commission Decision/Approval		S	X			
Access Management Checklist	Office of Preletting					
Coordinate Access Management Work on OTIA III Projects with Region staff	S	S		S		X

OAR 734-051 Requirements for AMStrat, AMP, AMPI, and IAMP

Table 4 below illustrates project categories specified in OAR 734-051-0155 and 0285 as requiring an Access Management Strategy (AMStrat), Access Management Plan (AMP), Access Management Plan for an Interchange (AMPI), or an Interchange Area Management Plan (IAMP).

Table 4: OAR 734-051 Requirements

AMStrat	<ul style="list-style-type: none"> • Modernization projects • Projects within an influence area of an interchange where the project includes work along the cross road • Projects on an expressway
AMP	<ul style="list-style-type: none"> • Modernization projects, except where the Region Manager documents the reasons why an AMP is not appropriate
AMPI	<ul style="list-style-type: none"> • Modernization projects where the project includes work along the crossroad, except where the Region Manager documents the reasons why an AMP is not appropriate
IAMP	<ul style="list-style-type: none"> • New interchanges • Recommended for significant modifications to existing interchanges

Requirements or recommendations for development of these strategies and plans are to be included in the scoping report. When not required by the OAR, the Region Manager or his/her designee is responsible for deciding whether to require one of these plans or strategies as a project deliverable.

GENERAL GUIDANCE FOR ACCESS MANAGEMENT IN MAJOR STIP CATEGORIES

Decisions often have to be made about the focus and priority of access management issues that should be addressed on a project. Many factors may enter into such a discussion as decisions are made. The scoping report described under the Deliverables section above needs to prioritize the access management issues within the context of the project goals and resources. Following is general guidance priorities and emphasis appropriate to various project categories.

Modernization Projects: These projects are expected to emphasize a comprehensive approach to moving access conditions in the direction of spacing standards to the maximum extent possible within project constraints. A rigorous analysis of problems and options should be performed with the goal of bringing the highway section up to current standards. Access management measures that improve operation and safety, facilitate project goals, and protect the functional classification of the highway need to be implemented to the greatest extent possible.

Operations Projects: Projects in this category vary significantly in scope and purpose. Access management emphasis should be focused on specific issues that facilitate or enhance the purpose and goals of the project. For some projects, access management may have little or no relevance. For other projects, access management may be a critical element with a focus on addressing specific access problems. For example, a project to update traffic control devices may benefit from specific access management measures to improve the effectiveness of such devices. Budget for these projects will generally only accommodate low cost solutions unless additional funding sources can be tapped.

Safety: The purpose of Safety projects is to develop and implement the most cost-effective solutions to high-priority safety problems. Emphasis should be placed on access conditions that contribute to those problems. Solutions should be evaluated on a cost-benefit basis, and the most cost-effective solutions implemented. Typically this will result in solving access issues at specific sites or areas within the project boundary. Budget for these projects will generally only accommodate low cost solutions unless additional funding sources can be tapped.

Bridge: Bridge projects include new or replacement structures, upgrades or other work to rebuild or extend the service life of bridge structures. Access management emphasis should be focused on issues near the ends of structures that will improve the operation and safety. Examples include approaches within the standard guardrail flare of the structure, sight distance problems, and illegal access.