

Oregon Traffic Control Devices Committee

Meeting Minutes

July 18, 2003

Marion County Shops, Salem, Oregon

Members Present: Joseph Marek, Chair, Clackamas County; Eric Niemeyer, Vice Chair, Jackson County; Doug Bish for Ed Fischer, Secretary, ODOT Traffic Services Engineer; Charles Radosta, ITE/Kittelson & Associates; Robin Lewis, City of Bend; Cynthia Schmitt, Marion County; Rob Burchfield, City of Portland; Bill Ciz, ODOT Region 1; Randall Wooley, City of Beaverton

Members Absent: Ed Fischer, Secretary, ODOT State Traffic Engineer; Jim Rentz, Oregon State Police

Others Present: Terry Hockett, City of Salem; Robert Morast, Washington County; Ed Chastain, Lane County; Mike Coleman, City of Portland; Bill Brownlee, Marion County; Jan Gipson, Orville Gaylor, Richard Wood, Cameron Grile, Tim Burks, ODOT Traffic Management Section; Craig Reiley, Dan MacDonald, ODOT Rail Section

Introduction/Approval of May 16, 2003 Meeting Minutes

Chairperson Joseph Marek "gavelled" the meeting to order and attendees introduced themselves. Chair Marek asked for additional agenda items and there were none. Charles Radosta then moved, Cynthia Schmitt seconded, and the committee voted approval of the May 16, 2003 meeting minutes.

Old Business

Proposed Rule Change CFR - Work Zone Safety & Mobility

Jan Gipson noted she hasn't received any comments since the last meeting on the proposal. The proposal can be seen on-line at:

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-11020.htm>

Jan handed out a one-page summary from this document of the major changes as follows:

The proposed changes to 23 CFR part 630 subpart J are intended to facilitate consideration of the broader safety and mobility impacts of work zones in a coordinated and comprehensive manner across project development stages. The following is a summary of key proposed changes:

▶ *Title change of 23 CFR part 630 subpart J to "Work Zone Safety and Mobility."*

▶ *State transportation departments (hereinafter referred to as "States") to develop and adopt work zone safety and mobility policies. These policies will support the systematic consideration of the safety and mobility impacts of work zones during project development; and address the safety and mobility needs of all road users (i.e., motorists, pedestrians, bicyclists, and persons with disabilities), workers, and other affected parties (i.e., public facilities such as parks, recreational facilities, fire stations, police*

stations, and hospitals; and private parties such as businesses and residences) on Federal-aid highway projects.

▶ States to conduct work zone impacts analysis during project development to better understand individual project characteristics and the associated work zone impacts. This will facilitate better decisionmaking on alternative project options and in the development of appropriate work zone impact mitigation measures.

▶ States to develop Transportation Management Plans (TMPs) for projects as determined by the State's policy and the results of the work zone impacts analysis. A Transportation Management Plan (TMP) documents the mitigation strategies identified during this analysis. The TMP facilitates a more comprehensive approach to manage the safety and mobility impacts of work zones, by including a Transportation Operations Plan (TOP) and a Public Information and Outreach Plan (PIOP) in addition to the current requirement for a Traffic Control Plan (TCP).

▶ Provisions that allow States to be more creative and performance oriented in their procurement processes by allowing flexibility to choose either method-based or performance-based specifications for their contracts.

Jan said there would be a lot of putting together and writing up what ODOT already does and seeing if any enhancements need to be made. Cities and counties should only be affected in those areas where they're working with federal funding. They should go through the language and make sure they're in compliance. ODOT's Transportation Management Plan is expected to address the requirements but some enhancements may be needed. The work is more in the planning than the operations area.

The committee discussed various aspects of the rule and how it will apply. Comments are due by September 4, 2003, but the effective date of the rule hasn't been determined. Comments to date can be read at <http://dmses.dot.gov/search/searchResultsSimple.cfm>. A link is also available on that page to submit comments. Jan said if anybody has comments, they may be forwarded to her. ODOT may or may not comment, that has not yet been determined. Jan will continue to study, monitor the issue.

✓ Action Item: Jan will update at next (October) OTCDC Meeting

Sign Policy & Guidelines (Use of term "The Traffic Engineer")

At the last meeting, after a briefing on proposed updates to the Sign Policy and Guidelines a clarification was suggested to specify "the State Traffic Engineer" rather than just "the Traffic Engineer" on Historic Trail Signing Guidelines. Ed Fischer then suggested this may be an issue elsewhere in the publication. The committee agreed the issue should be researched further and returned to this month's agenda. Orville Gaylor gave some history on how the wording came to be in the publication. He pointed out that the publication specifies the State Traffic Engineer as the authority when dealing with signs on state highways, and generically talks about the traffic engineer when appropriate so that it can apply to local traffic engineers on other roads. He saw no reason to revise the wording.

The committee then discussed what the term "Traffic Engineer" legally means in Oregon and historic variations on traffic and other engineer's certification and professional stamps as issued in Oregon. It seems that some local government engineering job titles are designated as "Traffic Engineer" although the incumbent may not necessarily be a Traffic Engineer. It was suggested that further clarification be sought from the Oregon State Board of Examiners for Engineering and

Land Surveying (OSBEELS) and be provided at the next (October) meeting. Doug Bish said ODOT's Traffic Management Section will contact OSBEELS and advise the committee.

✓ Action Item: ODOT will update at the next (October) OTCDC Meeting

New Business

Senate Bill 663 (U-turns)

Doug Bish handed out a summary and copy of the Bill. He said the original legislation was to make Oregon like other states in permitting U-turns at signalized intersections. However it has evolved into a requirement for ODOT to conduct a study regarding the feasibility of expanding the number of locations where U-turns are permitted. He said June Ross (June.H.ROSS@odot.state.or.us) will be studying this for ODOT and is the contact for any questions or comments. Doug said a previous ODOT investigation revealed that other states generally permit the turns at unsignalized intersections except in special cases where specific conditions make it unsafe. ODOT basically does the opposite, only permitting U-turns on a limited basis after somebody's made a case for it at a specific location. Apparently the Legislature wants this to be expanded and the study is supposed to determine the cost of permitting more U-turns under current Oregon law. He said ODOT would be looking at state and local jurisdictions to see if there's a consistency of practice/procedure used in the state and possibly a development of new policy to allow more U-turns to be permitted at signalized intersections. ODOT will update the committee in about 18 months.

Rail Safety - Proposed OAR

Mike Coleman prefaced the introduction of Craig Reiley & Dan MacDonald of ODOT Rail Section by noting that Rail Section has been re-writing a portion of their OAR's and accepting comment from all interested parties. Mike said that it's clear in reading proposed rule changes in Chapter 741 that considerable material there is also in the MUTCD and other material that's implied that manages ODOT highways. He passed out a document that illustrated this by means of color coding and notes on the version Portland had received.

Mike said that in the highway chapter of the OAR, the acknowledgement of the MUTCD is made by about six brief references that primarily state that the MUTCD, Oregon Supplements and Short Term Traffic Control Handbook will be used as authority. In the chapter relating to rail crossings, there's about two dozen references relating directly to the MUTCD with specifics, a whole different style from that in the highway chapter.

Regarding the substance in the rewrite, Mike said a different question is whether additional supplements may be appropriate and how that's to be handled. He expressed concern that the OAR might limit local jurisdictions ability to take advantage of provisions in the MUTCD.

Joe Marek said that the committee should hear Craig Reiley's response because Portland's input has been provided to Rail Section and Craig has already made some changes in their proposal to accommodate some concerns. Further, he said that Ed Fischer had requested Craig bring the proposed changes to the committee after various members had noted that a lot of them are traffic control related items in the purview of the committee.

Craig Reiley clarified that since the proposed changes first came out with a deadline for comments, they've had a public meeting at which interested parties had a lot of comments and issues. He said that Rail Section has reviewed comments from them, Portland and others, and they've gone back and completely revamped the whole OAR and only has about 6 areas of disagreement now with the MUTCD, mostly on minor issues. He said Rail has adopted the MUTCD, and is working in those cases where they don't agree with the MUTCD on a particular point relating to crossing safety (primarily Part 8), they will run it through the OTCDC to update Oregon's supplement to the MUTCD. He said that's the process Rail Section is trying to get to and while the public comment period is over, the committee should have a lot of input in the supplement process.

Craig went over the history of PUC/Rail's OAR as a self-contained set of rules handed out to cities, counties, state highway officials, and railroads so they'd have everything they needed as far as regulations regarding rail crossings. The last revision to the OAR was in 1983 before they were part of ODOT. Since then, the MUTCD has gotten more and more sophisticated in addressing these issues and more road authorities have adopted the manual so Rail decided to take a look at it. Comments received back from railroads and road authorities fairly consistently wanted Rail Section to adopt the MUTCD so they did, agreeing that there's no need for duplicating the information in the manual when they could just reference it. Craig said the Attorney General gave his opinion that it might be an unconstitutional delegation of their rule making authority to just adopt the MUTCD as their rule book when they do have areas where they disagree with the MUTCD.

Craig said that more so than the rest of ODOT, Rail Section has a regulatory role so there's going to be a style difference. Craig insisted that the Rail Section is required in its regulatory role to see ODOT as just another road authority, which requires them to maintain some independence. He said he wasn't aware that the OTCDC might be seen as having some interest or function in setting their rules earlier but that he was willing to bring their supplements to the MUTCD to the committee and have them adopted in the Oregon Supplements.

Further discussion was had on details of the OAR draft, whether further opening for public comment was needed, what the actual role or authority of the OTCDC is or should be (and Rail Section's relationship/interaction with the rest of ODOT and the OTCDC by extension). Both sides noted their function, history, and the law requires them to act under their authority as they have been. No consensus was ultimately arrived at on how to cooperate in areas of overlapping interest and authority between the OTCDC and Rail Section.

Decision: Mike Coleman moved to recommend to Ed Fischer that the OTCDC have an opportunity to review and comment on the revised OAR before it's submitted to the Oregon Transportation Commission. Cynthia Schmitt seconded and the motion passed unanimously.

✓ Action Item: Doug Bish will brief Ed Fischer, who will consult with Craig Reiley and inform the committee as appropriate.

Senate Bill 179 (School Speed Zones)

Tim Burks handed out information on the recently passed bill which re-defines a "School Zone", creates new provisions and amends ORS 811.105, 811.106, 811.123, 811.124 and 811.235. Tim briefed the committee on its signing and speed zone implications. The law will be effective on the first day of 2004. The newly defined school zone is described as either:

a) a specific segment of highway adjacent to school grounds and marked by signs giving notice of the presence of the school zone, or b) a crosswalk that is not adjacent to school grounds and that is marked by signs giving notice of the presence of the school zone. He said the law also declared that signs marking a school zone may include any words, symbols or combination of words and symbols that gives notice of the presence of the school zone.

Further, the Legislature created a new provision designating a violation of maximum speed in a school zone. A person violates a speed limit in a signed school zone if they drive a vehicle in a school zone at speeds greater than 20 MPH:

- a) at any time adjacent to a school in a posted school zone within a road segment with a posted speed or speed limit of 30 MPH or less,
- b) at any time adjacent to school grounds in a posted school zone within a road segment with a posted speed or speed limit of 35 MPH or greater when a flashing light is operating or at any time posted on signs in the school zone, or
- c) at any time that a flashing light is operating or at any time posted on signs or at any time that children are present at any posted school zone at a crosswalk that is not adjacent to school grounds.

Tim's handout's included a drawing of the possible sign combinations for the three different categories of school zones/school zone signing, as well as "frequently asked questions", which the committee discussed. Essentially, the familiar "When Children are Present" is now only valid in school crossings not adjacent to schools, and all other school speed requirements are either full-time in 30 MPH or less areas or during specific times or circumstances (when flashing) in 35 MPH or higher speed areas. The committee was undecided on which signing variations they prefer for each of the three situations.

Other issues of concern were that a strict reading of the law would appear to say that the school zone actually starts at the first advance (advisory) sign rather than at the first "School 20 MPH" sign. ODOT hasn't accepted that interpretation which depends on defining the term "marking" as "to trace the bounds or limits of" when it can also be seen as "to designate" and the advance warning sign assembly is clearly designating that the school zone is "Ahead" or in "XXX Feet". A judge would have a tough time enforcing the stricter, less reasonable interpretation over one that complements the MUTCD.

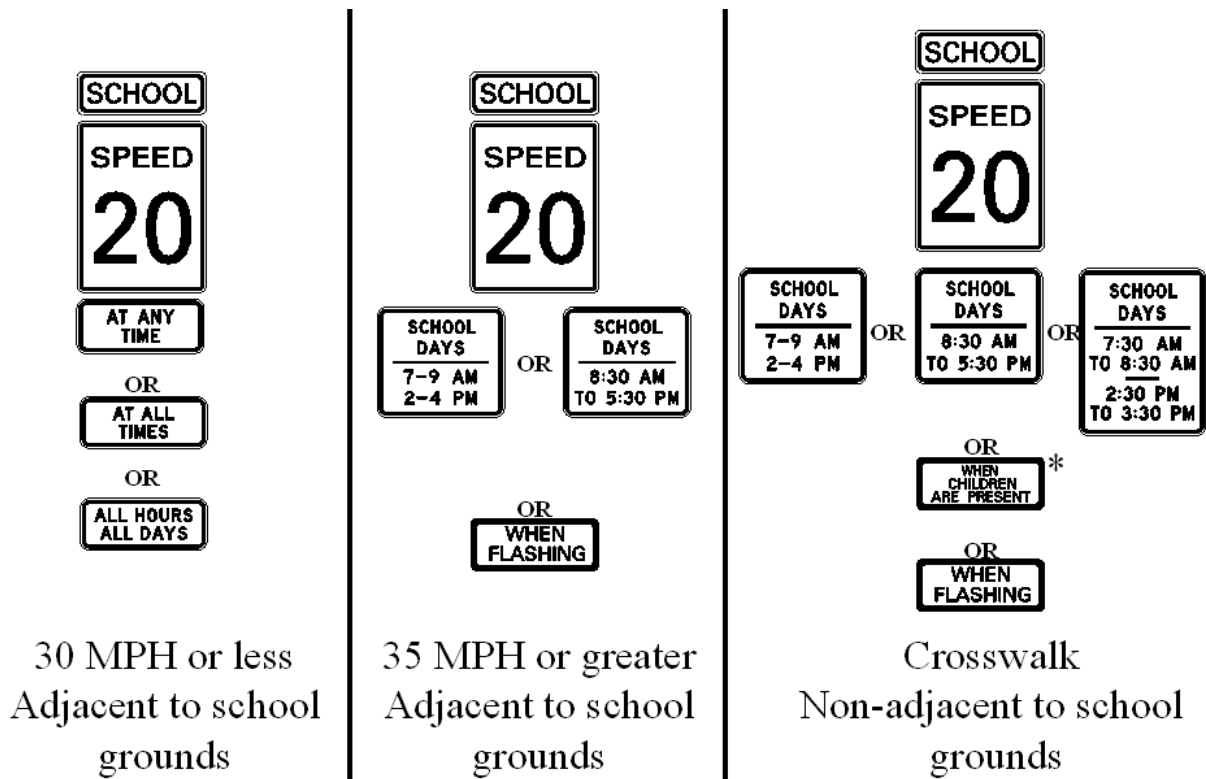
More clearly, whether deliberately or inadvertently, the legislature also narrowed the times when the double fining option is legal in school zones, limiting it to where signed, and where the definition of "When Children are Present" fits (which is in crosswalks not adjacent to schools) or "When Flashing". This means in areas adjacent to schools where the surrounding speed is 30 MPH or less, the double fines are not enforceable unless the flashing light and sign is also installed. Also, adjacent to schools where the surrounding speed is greater than 30 MPH, the double fines are not enforceable unless the "When Flashing" sign and flashing light are in place (alone or in addition to other riders).

The committee agreed to make final decisions at the next meeting regarding sign riders, considering four options for 30 MPH areas: "At Any Time", "At All Times", "All Hours, All Days", or no rider at all. They considered all options suggested for the other two possible areas, school

zones in 35 MPH or higher areas, and school crossings not adjacent to schools. It was suggested that Troy Costales be invited to the next meeting to talk about the legislative history of SB 179.

✓ Action Item: ODOT will modify the possible signing schemes in line with committee discussion and get them out to members for review prior to the October OTCDC meeting.

Note: the following was later produced and emailed to members (omitting the 'no rider at all' option as incompatible with the MUTCD):



Double fine provision applies in school zones only if posted as double and lights are flashing or the definition of “When Children Are Present” is met.

SPEED 20 Signs can also be SPEED LIMIT 20

* Preferred rider

Proposed Changes to Signal Approval OAR

Doug Bish introduced proposed changes to the *Traffic Signal Approval Process* OARs for review. These rules define the traffic signal approval process for locations on state highways. The proposed changes respond to an earlier OTCDC request to allow the State Traffic Engineer to approve traffic signals at intersections very near highway-rail grade crossings that do not meet any other MUTCD warrants. This change is necessitated by recent Commercial License Disqualification rules for certain vehicle code infractions at highway-rail grade crossings. Other proposed changes to the OARs include revising the reference to the total number of warrants from eleven to eight consistent with the 2000 MUTCD and the deletion of the requirement that only warrant 1A or 1B can be considered for projected conditions. Copies of the proposed revisions were distributed to the committee members. The committee will serve as the advisory committee during the official OAR adoption process.

Joint OTCDC Meeting in October

Joe Marek said the next meeting is at the Eugene Hilton Hotel on October 15th. Doug Bish asked whether other members felt having a meeting in conjunction with the ACTS Safety Conference was worthwhile since there doesn't seem to be a lot of difference in OTCDC attendance there. There wasn't a consensus to change the practice at this time. It was suggested that an agenda item at the Safety Conference could be SB 179 regarding school zones.

Bob Morast suggested an agenda item for the 25 MPH pavement markings for speed 25 MPH on local roads at the October meeting.

The committee adjourned at approximately 12:20 p.m.

Next Meeting

Our next meeting is scheduled for October 15th at 9:00 a.m. at the Eugene Hilton, 66 East 6th Avenue, Eugene, Oregon.

From Interstate 5:

Take exit 194B onto I-105

Follow I-105 until it ends at Jefferson Street

Take left hand exit onto 7th Avenue as freeway ends

Turn left on Oak Street

Turn left on 6th Avenue



