

Oregon Traffic Control Devices Committee

October 22, 2004

Meeting Minutes

Marion County Public Works
Salem, Oregon

Members Present: [Robin Lewis](#), Chair, City of Bend; [Joel McCarroll](#), ODOT Region 4; [Eric Niemeyer](#), Vice-Chair, Jackson County; [Cynthia Schmitt](#), Marion County; [Randall Wooley](#), City of Beaverton; [Ed Fischer](#), Secretary, ODOT State Traffic Engineer; [Rob Burchfield](#), City of Portland; [Joseph Marek](#), Clackamas County; [Alan Hageman](#), OSP

Members Absent: [Charles Radosta](#), ITE/Kittelson & Associates

Others Present: Jan Gipson, Kevin Haas, Massoud Saberian, Greg Stellmach, Julia Wellner, ODOT Traffic Engineering & Operations Section; Dan MacDonald, Swede Hays, ODOT Rail Brian Barnett, City of Springfield; Orville Gaylor, Retired ODOT; Tom Larsen, City of Eugene; Craig Black, Angela Kargel, ODOT Region 2; Mike McCarthy, Marion County

Introduction – Approval of Minutes – Additional Agenda Items

Chairperson Robin Lewis called the meeting to order. She introduced Sgt. Alan Hageman, new committee member representing the Oregon State Police. Alan is out of OSP's General Headquarters in Salem. The committee and other attendees introduced themselves. Joe Marek moved and Randall Wooley seconded approval of minutes from September 22, 2004. The committee approved. Jan Gipson said she'd like to add a short item to the Agenda regarding a Federal Register extension of comment period for which she's provided handouts.

OLD BUSINESS

Draft OAR Revisions & Significant Changes for Part 2

Julia Wellner handed out what should be just about the end of Draft Oregon Supplements for Part 2 of the 2003 MUTCD, and related sign designs. She noted that one item hadn't made it to the agenda for Section 2B.45.

The new item became necessary due to a signal supplement that was approved at the September meeting for Section 4D.04 C.2, That supplement reflects Oregon laws allowing turns on red after stopping, and deletes the paragraph referencing the new RIGHT ON RED AFTER STOP sign. The proposal would delete the guidance that reads *"Where turns on red are permitted and the signal indication is a RED ARROW, the RIGHT (LEFT) ON RED ARROW AFTER STOP (R10-17a) sign (see Figure 2B-19) should be installed adjacent to the RED ARROW signal indication."* and would add a standard that the sign shall not be used.

Members weren't convinced that it was advisable to entirely eliminate the sign as an option. for specific cases where engineering judgment found that the sign was needed for emphasis.

After discussion, the committee thought it would be best to reframe the Guidance as an option, and not prohibit the R10-17a sign, by adding the following supplement:

ORS 811.360 permits vehicular traffic facing a Steady Red Arrow signal indication to make certain turns after stopping, making a RIGHT (LEFT) ON RED AFTER STOP (R10-17a) sign unnecessary. Delete the third paragraph of the second Guidance, and insert the following Option:

“Option:

Where turns on red are permitted and the signal indication is a RED ARROW, the RIGHT (LEFT) ON RED ARROW AFTER STOP (R10-17a) sign (see Figure 2B-19) may be installed adjacent to the RED ARROW signal indication where engineering judgment determines that additional emphasis is needed.”

Decision – Ed Fischer moved that the committee adopt the amended supplement. Randall Wooley seconded and the committee passed the motion.

Julia reviewed the September committee decision to adopt the MUTCD for permanent Photo Enforced installations, and to develop a Oregon Supplement covering portable/temporary Photo Radar installations. She was reporting back with proposed supplements for 2B.46, PHOTO ENFORCED Signs and 2C.53 PHOTO ENFORCED Plaques and a draft of new Sign Policy drawing for a portable version of the SPEED PHOTO ENFORCED sign that addressed the requirements of ORS 810.434-810.439.

It was suggested that a few clarifying words be added to the beginning of the standard for 2B.46, and the committee was in favor of the two supplements to replace both sections as follows:

2B.46 PHOTO ENFORCED Signs (R10-18, R10-19, OR22-21)

Oregon Revised Statutes 810.434 through 810.439 allow photo enforcement of speed and red light violations in certain jurisdictions. The law requires that signs be posted on major routes entering the jurisdiction where such photo enforcement is in use, as well as in advance of the photo radar or red light unit. Replace the entire Section with the following:

“Standard:

Where photographic equipment is being used to enforce traffic regulations, a TRAFFIC LAWS PHOTO ENFORCED (R10-18) sign (see Figure 2B-1) shall be installed on all major routes entering a jurisdiction to advise road users that some of the traffic regulations within that jurisdiction are being enforced by photographic equipment.

Standard:

Where photographic equipment is being used to enforce traffic regulations, one of the following Photo Enforced signs *shall* be installed near the relevant traffic control device:

- A black and white PHOTO ENFORCED (R10-19) sign (see Figure 2B-1) mounted below a regulatory sign, or
- A portable black and white SPEED PHOTO ENFORCED (OR22-1) sign (see ODOT Sign Policy) for temporary photo radar units, or
- A black and yellow PHOTO ENFORCED sign below a warning sign (see Supplement for Section 2C.53)

For speed enforcement, the PHOTO ENFORCED sign (assembly) shall be located between 100 and 400 yards in advance of the photo radar unit, in accordance with ORS 810.438.”

2C.53 PHOTO ENFORCED Plaque (W16-10)

ORS 810.434 - 810.439 allows photo enforcement of speed and red light violations in certain jurisdictions. The law requires that signs be posted in advance of the photo radar or red light unit. Replace the entire Section with the following:

“Standard:

Where photographic equipment is being used to enforce traffic regulations, one of the following Photo Enforced signs shall be installed near the relevant traffic control device:

- A black and yellow PHOTO ENFORCED (W16-10) sign (see Figure 2C-11) mounted below a warning sign, or
- A black and white PHOTO ENFORCED sign (see Supplement for Section 2B.46)

For speed enforcement, the Photo Enforced sign (assembly) shall be located between 100 and 400 yards in advance of the photo radar unit, in accordance with ORS 810.438.”

Randall Wooley noted that his city attorneys would be happy to have something adopted that clarifies sign size requirements and that he was incorrectly assuming that signs might be way too big for convenience but since that was for expressway standards, and the conventional road standard is 24 inches, it shouldn't be a problem. The committee didn't think a sign replacement deadline was needed in the supplement.

Decision – Joel McCarroll moved to adopt both 2B.46 & 2C.53 as modified, Rob Burchfield seconded and the committee approved. Note: The committee also approved the stand alone portable SPEED PHOTO ENFORCED sign design in conjunction with this vote. The new sign design will be added to the Sign Policy as revised sign OR22-21.

Julia then returned to the 2C.36/2C.46 Advisory Exit, Ramp, and Curve speed signs and Advisory Speed Plaques issue from the September meeting. Unscientific studies done by ODOT, Marion County and Portland indicate that using the new MUTCD option of ball banking speeds at a 16 degree reading rather than the old 10 degree reading would increase speeds on these signs from 10-15 MPH and that's not always a safe speed. CALTRANS is adopting a supplement which refers to state policy, which Julia recommends. This will allow time to do further research and then change the policy if needed at a later date.

To do so, she suggested the following supplement language be adopted:

2C.36 Advisory Exit, Ramp, and Curve Speed Signs and
2C.46 Advisory Speed Plaque

Although current research indicates that drivers favor speeds on curves closer to a 16-degree ball bank reading, Oregon favors a more conservative approach to Advisory Speed signing.

Delete the last Option paragraph and the Support paragraph in 2C.36 and 2C.46, and add the following Guidance:

“When used, the speed shown on Advisory Speed signs and plaques should be established using the table included in the current edition of ODOT's Sign Policy and Guidelines.”

[Post-meeting note; the Chapter reference will be removed from the supplement, to allow for future Sign Policy format changes.]

Further discussion included information that other states have also been against the 16-degree ball bank recommendation and were considering their own supplements. Nick Fortey has been asked to provide information on the research that supported it. The committee agreed with a proposal that ODOT suggest a formal research proposal to determine what a safe ball bank reading should be in Oregon. With this supplement, using the 85th percentile speed or depending on an engineering

study in unusual circumstances would be precluded, due to current wording of the Sign Policy. It's all in the entrance speed of the road and the ball bank reading. Consistency in how the calculation is made was considered a value so that drivers aren't misled into unsafe speeds. Cindy was still concerned that while there should be a standard to be followed, use of the ball bank should not be the only allowable methodology. Revision of the current policy will be reviewed as time allows after the OAR process is completed.

Decision – Ed Fischer moved to accept the supplement as presented. Randall Wooley seconded and the motion passed.

- ✓ Action Item – Joel and Ed will work on drafting a research proposal on appropriate ball bank settings and also whether the 85th percentile speed should be included as an optional method for setting advisory speeds for exit ramps and curves.

Discuss Draft OAR Revisions & Significant Changes for Parts 4

4D.15 Massoud Saberian then reported on Part 4. He said that the subcommittee generally was trying to change the language so that it reads better. Rob Burchfield expressed concern that not allowing for the use of the 85th percentile speed in judging when 12-inch lenses are used on signal heads because he wants to make sure the signals are visible in time for vehicles to see it and stop safely. The committee noted that it was guidance and that in practice the larger lenses are used unless other conditions such as following signals are considered. However, the committee consensus was in agreement with Rob against the supplement.

Decision – Eric Niemeyer moved that the existing supplement 4D.15 be deleted without replacement. Cindy Schmitt seconded and the committee approved.

Discuss Draft OAR Revisions & Significant Changes for Parts 8

Massoud said the subcommittee hasn't yet met but the language in draft form was sent out the day before so that folks would get a chance to look at it before this meeting. Massoud said Dan MacDonald from Rail Division could provide explanation to the committee. The current supplement only covers two items in Part 8. The proposal from Rail Division has quite a few others. Ed suggested that the committee could approve any of the proposals they were comfortable with immediately. The rest will go to the subcommittee for further discussion and revision.

Massoud read an email from Tom Lancaster which stated in substance that Rail has valid issues and concerns but they belong in a policy and procedure manual, like other Traffic manuals and not in the MUTCD. He suggested a Rail Crossing Policy handbook.

Ed Fischer responded that part of the reason for changing the Manual via Oregon Supplement is to bring it in to compliance with Oregon law and Oregon administrative rules so that we can be consistent and in compliance with both. Ed said that he and his staff and Dan MacDonald and his staff met and went through a whole list of revisions. After paring the list down, Ed's office is fairly comfortable with the remaining proposals although not all of the proposals will receive unanimous approval.

Dan MacDonald said that he and his staff of 8 are responsible for all public crossings in the state of Oregon, above, below or at grade. He passed out copies of all current Rail OAR's that are referenced, in the draft supplements as well as copies of the complete ORS's cited from ORS 824.200 to ORS 824.256 (except for Figure 5). Ed said that if there is a question about the authority of the Rail Division, the documents answer them. Certain ORS's and/or OAR's take some engineering judgment or engineering discretion away from traffic engineers in the State of Oregon.

Dan said that even so, the OAR's are written such that you can apply for basically anything you want. The standards are set forth in the OAR's but Dan noted there is always room through the formal crossing order application process to apply for something different from what is set forth in the rule.

Rob Burchfield brought up Portland's discomfort with the current OAR's being enacted without OTCDC approval or sufficient voice from local jurisdictions. Dan said they are the current OAR's that Rail Division operates under and whether or not they were brought to the OTCDC's attention, they were served on every public road authority in the State of Oregon. Rob said that the point he wanted to make was that the committee had asked for further review at that time that was not allowed for. Passing the OAR's didn't resolve the issue. Dan said that at the time, he understood that every city or county was served with the draft OAR's so the opportunity to bring it to the committee did exist individually. He said in the future, Rail Division will ask Ed to bring the complete OAR's to the committee. Everyone has one voice in the process so if a jurisdiction wants to bring it to the OTCDC, and have the committee send comments back to Rail, that's fine. The jurisdiction could also send Rail Division comments on their own. Ed said that the Rail Division promised before Dan took over that when they go back to review or update the OAR's, those issues are back on the table for discussion, consideration, and revision. He said as the committee goes through the proposed supplements, it may uncover the need to revisit some of the OAR's.

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8A.01 Introduction - Rail is proposing adding "the Railroad" following "with jurisdiction..." to SUPPORT in the 3rd paragraph. Dan said this would clarify the fact that by Oregon law, regulation of the installation of traffic control devices at highway-rail grade crossings is vested by the state in the Oregon Department of Transportation through its Rail Division. Cindy asked if the ORS specifically brings the railroad into the decision-making process. Dan said yes it does, universally, whether in constructing, modifying, separating the grade or what have you. If you're impacting a private third party they are a party to the application.

Cindy asked if it was a vote or if the state through Rail Division is making a decision. She said the final decision is the order, so who decides what the final order is going to be? Dan said there are two methods to do that. If everyone agrees, it's a non-contested case and an ex parte order will be issued by the department on behalf of the state. The state has the final say on what goes on there. If one or more of the parties disagrees with something, it goes to a contested case in court. In court, the administrative law judge for the state will hear from the railroad, the road authority, and the Rail Division staff, acting as the state's expert. The judge draws up an order of what he thinks is the impartial judgment on the issue and submits this order to the Director for his review and signature. That becomes the order. If a party still disagrees with what the administrative law judge decided and the Director signed, they have the right to appeal at the court of appeals, followed by the state supreme court.

Committee members still saw a distinction between participating in testimony, and participating in the actual decision. Massoud asked Dan if he could answer more specifically why "the Railroad" needs to be added to the supplement. Dan said in the state of Oregon, you cannot have a crossing order if the railroad doesn't participate. Robin asked if they're not considered an agency with statutory authority. Dan said no, the railroad is the railroad.

Ed Fischer suggested commas should be inserted prior to and after "the Railroad" if the committee agrees to the concept so it reads as follows.

"The highway agency or authority with jurisdiction, the railroad, and the regulatory agency with statutory authority, if applicable, jointly determine the need and selection of devices at a highway-rail grade crossing."

Further, to point out the statutory requirement in Oregon law that the Rail Division has the stated regulatory authority in Oregon, Rail proposes adding to STANDARD before listed definitions:

Regulation of the installation of traffic control devices at highway-rail grade crossings is vested in the State in the Oregon Department of Transportation through its Rail Division.

SUPPORT:

ORS 824.200 to 824.256, OAR Chapter 741, Department of Transportation Subdelegation Order No. 15

Ed asked about where a person would be able to find the Subdelegation Order. It isn't something that's readily available. Dan said the cites were for the committee's clarification and may not be needed in the actual supplement. Jan said that the statement is actually a Support statement, not a Standard. It is supporting information for the Standard. Dan said this would satisfy Rail's concern.

Ed Fischer moved to approve both support supplements as amended and include the "Support" citations as part of the same paragraph.

Randall suggested that all of this should be elevated above 8A.01 to apply to the whole chapter. By doing that it might shorten the section by alleviating the need for similar supplements being proposed. Ed said that had been considered and that 8A.01 seemed to be the appropriate general location for the supplements. Joel also thought a blanket statement further up front that applies to the whole chapter would work more economically. Ed withdrew his motion and suggested that this be sent back to the subcommittee to work further on. Dan said that Rail had a concern with general statements in 8A.01 because their experience was that people skip past that as general statements and skip directly to a specific subsection like 8B.06.

Joel suggested that the problem might be that people aren't reading the supplements at all, so repeating information there might just be repetitively pointless. Others agreed. Ed said this needs to be addressed more than it's been done in the past, both in publishing the supplements and providing direction to owners and users of the MUTCD on what the supplements mean and how to use them.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting.

The committee then discussed two proposed insertions as follows:

Insert "(PCOI)" following "Advance Preemption" in STANDARD, Item 1.

Insert "(VCOI)" following "Simultaneous Preemption" in STANDARD, Item 20.

Dan said they were simply trying to reconcile terms used in Oregon with terms used at the national level. Randall pointed out the terms are not synonymous, for instance, advance preemption triggers PCOI. Dan agreed to strike these two proposals while keeping two proposed definition additions from the current supplement for PCOI and VCOI as follows:

Add the following to STANDARD (from Traffic Management Section):

24. Pedestrian Clear Out Interval (PCOI) - The interval prior to the start of a railroad preemption sequence at a traffic control signal, during which active pedestrian "WALK" intervals will be terminated and pedestrian clearance intervals, will be provided. The PCOI is initiated by the "advance preemption" provided by the railroad.

25. Vehicle Clear Out Interval (VCOI) - A traffic control signal interval during which motor vehicles are permitted to advance through a highway intersection and away from a railroad grade crossing. The controllers for both the highway

intersection and the railroad grade crossing are electrically interconnected. Generally the VCOI follows a pedestrian clear out interval (PCOI). The VCOI is initiated by the “simultaneous preemption” provided by the railroad.

SUPPORT:

This information is provided to coordinate terminology used in the MUTCD with terminology used in Oregon.

Decision – Ed Fischer moved to approve the two new Standard definitions. Joe Marek seconded and the committee approved.

8A.02 - Rail is proposing the deletion from Standard, 2nd paragraph the following: “Highway Agency with the jurisdictional and/or statutory authority” and “and from the railroad company”. They would insert “Oregon Department of Transportation Rail Division through the issuance of a crossing order.

After some discussion, the committee agreed that the current supplement has similar language and is adequate as is:

The second paragraph of the Standard shall be revised to read:

"Before a new or modified highway-rail grade crossing traffic control system is installed, approval shall be obtained from the Oregon Department of Transportation, Rail Division as documented in a Rail Crossing Order."

Decision – Ed Fischer moved to reject the proposal and retain the current supplement. Joe Marek seconded and the committee approved.

Dan then brought up the proposed guidance statement as follows:

Add the following to Guidance, 3rd paragraph, “For additional information, contact the Rail Division of the Oregon Department of Transportation. Reference Oregon Revised Statutes Chapters 823 and 824, Oregon Administrative Rules Chapter 741”

The committee didn’t see this statement as being needed and it died without a vote.

8A.04 – Rail proposed adding the following paragraph to the Standard:

“Issuance of a rail crossing Order by the Rail Division of the Department of Transportation is required prior to closure of a public highway-rail grade crossing.”

Dan said that this was another case where the MUTCD didn’t advise that the Rail Division must issue a rail crossing order prior to closing a public highway-rail grade crossing. It was pointed out that the word “closure” should more accurately be “elimination” since rail crossings may be temporarily closed without intention of removing them. Dan agreed. The committee consensus was that this language was unnecessary in the MUTCD since the Manual doesn’t say how one goes about following through on other standards. They felt that somebody involved in such a case would have sufficient information to know how to follow-up. The language in the MUTCD is accurate. Dan said that if adequate language can be included in the beginning of the chapter as previously discussed, this proposal could also be discarded at the subcommittee level.

The committee then discussed whether the local authority should be able to remove obviously inaccurate signs in cases such as where the rails have been physically removed or paved over at a crossing. Dan made it clear that whatever past experience was, that the jurisdiction just needed to let Rail Division know of any such crossings and Rail has the staff to follow up with the railroad and the city with all due diligence. They will work with all parties to get the appropriate order issued and allow removal of the signs in a reasonable amount of time.

The second part of 8A.04 will also be reviewed by the subcommittee with a view towards covering it at the beginning of Chapter 8. Joel requested and Rob agreed that the term engineering judgment not be eliminated when this supplement is reworded to include the need for a crossing order.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting.

8B.01 – Dan said this could similarly be reworded by the subcommittee into the beginning of Chapter 8.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting.

8B.02 – Dan said this supplement would prevent jurisdictions from putting inadequate sized STOP and YIELD signs. The committee consensus was to modify the wording as follows so that larger sized signs could also be used when called for:

“The size of R1-1 (STOP) and R1-2 (YIELD) signs to be mounted at highway-rail grade crossings shall be at least as noted in table 2B-1 for a Conventional Road.”

Decision – Joe Marek moved to accept the amended supplement. Eric Niemeyer seconded and the committee approved.

8B.03 – Massoud said this would change the current Option as delineated below, making it a Standard with the word “shall” inserted for “may also” to comply with Oregon law and OAR. The committee had no objection to this proposal.

“The supplemental Number of Tracks sign shall be used at highway-rail grade crossings with automatic gates.”

Decision – Randall Wooley moved to accept the proposal. Ed Fischer seconded and the committee approved.

8B.04 – This supplement, which Dan wanted in order to bring the MUTCD into compliance with the OAR’s would first delete Standard paragraphs “B”, “C” and “D” in their entirety, allowing the Rail Division the flexibility they feel they need to best perform their mission. Some committee members felt that they would still have the flexibility by leaving these Standards in. The Rail Division also proposed adding two other paragraphs to Standard as follow:

“Prior to installing or altering signs at highway-rail grade crossings, authority must be granted from the Rail Division of the Department of Transportation through the issuance of a crossing Order.”

“Placement of highway-rail grade crossing advance warning signs shall be in accordance with OAR 741-110-0040 and Figure 5.”

With time running out, the committee agreed to defer this item to Massoud’s subcommittee.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting.

8B.08 – Dan said that this was another case of defining authority required by Rail Division. It would delete all of this section in the MUTCD and replace it with the following Standard:

“Authority to install STOP or YIELD signs must be obtained from the Rail Division of the Department of Transportation through the issuance of a crossing ORDER.”

Robin said this too should be covered by 8A. There followed some discussion of whether Rail Division could be considered a Highway agency with all necessary authority, etc. Ed noted that this supplement would simplify the Section 8B.08 by deleting all the other language and inserting this simple Standard. The committee then passed this item on to the subcommittee.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting.

8B.09 – Dan said it would also fall in under a general statement at the start of Chapter 8. It was left out of the draft but the subcommittee should consider how to be sure it is covered.

8B.12 – Dan said that this Section is in the current supplement as 8B.09. There is no need for the supplement since Rail Division doesn't deal with them.

Decision – Ed Fischer moved to delete the existing supplement, that would cover this. Rob Burchfield seconded and the committee agreed.

8B.17 – Dan said this would change the Standard in the MUTCD to Guidance. They don't see the Low Ground Clearance Highway-Rail Grade Crossing sign as necessarily needed. They don't require them.

Decision – Ed Fischer moved to change the Standard to Guidance and change "Shall" to "Should". Rob Burchfield seconded and the committee agreed.

8B.17 also was recommended to add a new Standard as follow:

"When the Low Ground Clearance sign is authorized for installation in conjunction with the side road Advance Warning sign (W10-2, W10-3, or W10-4), both signs shall be mounted on the same post, with the Low Ground Clearance sign located below the Advanced Warning sign."

Dan said this would be another case of making clear how it's done in the State of Oregon. This would be to warn drivers before going onto a side road with the humped crossing what is coming up. A supplemental low ground clearance plaque was suggested as a better alternative by Rob Burchfield and Robin agreed. It's not shown, and would have to be designed. Dan thought it would be more descriptive with the picture, the committee wasn't so sure. This one was deferred to the subcommittee to work out.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting.

8B.20 – Dan said it was regarding pavement markings, which by rule in Oregon are required on all paved approaches. So there is no exemption for under 40 MPH in Oregon. Therefore Rail Division suggests deleting the following from the 3rd Standard paragraph: "Where signals or automatic gates are located, and at all other highway-rail grade crossings where the posted or statutory highway speed is 60 km/h(40 mph) or greater". Rob said he disagreed with this one and would like to keep the Standard as it is. He said it was the same discussion as was had about the advance warning signs, as to whether it's a supplement issue or a rule issue. Dan said this wouldn't change any existing crossings if the Standard isn't changed. Rob said that he was concerned that in future cases the road authority wouldn't allow exceptions where practical. He would like some guidance that was followed to allow flexibility. Dan agreed it could be guidance and not a Standard.

Changing the existing rules may not be easily done until sometime in the future. Dan suggested that they could treat the Standards as guidance, depending on how the supplement was written and only use them in a narrow set of circumstances. Ed said he thought we would have to resolve differences

between Rail and OTCDC supplements at the time he took the Supplement to the OTC for approval. He pointed out that he could not recommend to the Oregon Transportation Commission that they adopt a Supplement that legally contradicts Rail Division's OAR's. He hopes that after the first of the calendar year, at some point, to enter the OAR process for the MUTCD supplement and he believes we should also be entering the process for the revision of the necessary Rail Division OAR's, possibly concurrently. Dan said that would have to be worked out, including the timing. He's not opposed to reopening the OAR process but he's not guaranteeing that changes will be made as the OTCDC would like them. The committee agreed that squabbling agencies would not be a good idea. After further discussion, the committee agreed to send the issue to subcommittee for further discussion.

✓ Action Item – Massoud will take these issues back to subcommittee for further work and report back to the committee at the next meeting on this and remaining proposed supplements.

Dan suggested that he and Ed would need to talk internally about how they want to do it procedurally inside the agencies. Ed said that could be done. He said that he thought the process should be done simultaneously or concurrently. Dan said he was hesitant because it's a huge process and with the workload he knows about, he's reluctant to commit to a workload he knows he can't meet. The commitment is there to reopen Rail's OAR's but just not necessarily in January. Further discussion to thoroughly understand the issues may be helpful. Ed agreed further conversation between Traffic and Rail would be needed, as well as some discussion with Bruce Warner.

Ed said the subcommittee needs to determine exactly what conflicts may exist between the OAR's and the supplement perhaps some options should be given in case for instance, a Rail OAR isn't practicable to change, perhaps the Oregon Supplement OAR may need to budge. The OTC can't be approving something that creates more problems down the road through more contradictions between the OAR's.

Other options, such as a interim Rail policy recognizing the need to reopen their OAR's, or emergency OAR's were suggested. Ed pointed out that part of the conversation with Bruce is that this was adopted in 2003 and we have until the end of 2005 to adopt the Manual or we jeopardize federal funding. Rob said that Rail, at the time of the last MUTCD update, adopted their OAR's with the knowledge that it conflicted with the existing MUTCD and Oregon Supplements. So this is chicken and egg. Now this is just the next revision of the MUTCD. Joel said that in the cases where conflicts exist between Rail's OAR's and the new MUTCD, the subcommittee needs to look at what is the best policy, such as should you have pavement markings on all approaches. If it's not a good idea, then it should be dealt with now, not just papered over. Ed agreed that was an expectation of the subcommittee.

The committee discussed whether any other representation was needed on the subcommittee from more Rail Division staff or staff representatives from railroads. Dan said it wasn't likely that the railroads would send anybody at all, other than attorneys. He said that the railroads in the previous process were concerned about liability if standards weren't applied uniformly.

Rob noted that the rest of the proposed Section 8 supplements would also be taken on by the subcommittee. He also had another issue that he wanted to be noted. He said that he'd seen black on orange signs installed in his right of way recently that say "Warning, Radio Controlled Locomotives in Use in This Area". He asked if that needed to be covered by Rail's OAR's. Dan said that he thought that would be preempted by the federal law. He said most likely, that's an operating practice of the railroad. He can look into that. He thought it might be an issue on the city's right of way but it might be a federal issue. He said it's not a traffic control device. Rob asked if it shouldn't be in his right of way at a crossing without an order from Rail Division. Dan said he'd like to say yes but his gut feeling is that the railroad industry has a federal preemption that says that Rail Division is precluded from telling the railroads that they can't post the signs at the crossing. Rob suggested that should be followed up on so he will know whether he can remove such signage in city right of way. Dan agreed.

- ✓ Action Item – Dan will have further conversation with Rob and look into what the authority and extent of any federal preemption on these signs is.

Discuss Draft OAR Revisions & Significant Changes for Parts 6

This item was postponed to the next meeting due to lack of time.

Non-Agenda Items

All members got Doug Bish's Guide to School Zone Safety draft. Jan noted the Federal Register document she'd handed out which gives members further time to comment on traffic sign retroreflectivity.

Next Meeting Date

The committee agreed that a November meeting was needed to complete the revisions to the Oregon Supplements. The date for that meeting was set for November 19th at 9:00 a.m. It will be held in Salem at the Marion County Shops.

Meeting Adjournment

The meeting adjourned at 12:37 pm.