

MINUTES

Access Management Oversight Task Force
4040 Fairview Industrial Dr, Salem, OR 97302
Diamond Lake Conference Room
July 17, 2012
3:00 – 5:00 pm

Task Force Members:

Present:

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

ODOT Staff: Harold Lasley, Bob Bryant

DOJ Staff: Bonnie Heitsch (by phone)

Other Attendees: Patrick Brennan, Administrator, House Interim Committee on Transportation and Economic Development (by phone)

Introductions/Agenda Review

Senator Johnson, Task Force Chair, led the introductions. Minutes of the June 8, 2012 Access Management Oversight Task Force (OTF) meeting were approved as submitted.

Stakeholder Advisory Committee (SAC)

The minutes of the June 18, 2012 Stakeholder Advisory Committee (SAC) meeting were corrected to reflect the actual date of the meeting. The May 24, 2012 date shown on the SAC minutes was an error.

Existing Unpermitted Connections (EUC)

Senator Johnson invited Bob Bryant to open the discussion on the EUC issue by reporting on the SAC meeting results. The SAC revised the problem statement

based on numerous comments received at the 6/8/12 OTF meeting. Senator Johnson expressed concern that resolution of the issue is generating excessive process but no results. Bob Bryant commented that work on the problem statements were intended to make sure there was a clear articulation of the problems before getting too far into the developing solutions.

Bob Bryant explained that a major problem is the perception that without some kind of legal permission, a land owner is at greater risk that a connection could be closed. Grandfathering reduces the risk and provides some level of certainty; but ODOT's goal and preference is to get them permitted. He discussed the handout describing solutions discussed by SAC and ODOT. He explained ODOT's two-part recommendation is that 1) develop less stringent approval criteria for permitting these connections (such as was developed for the Change of Use/Moving in the Direction Of process); and 2) systematically research construction records to identify EUC eligible for grandfathering. Senator Johnson expressed need for solutions to fit within budgetary constraints.

Mark Whitlow expressed frustration that his concept for establishing a "rebuttable presumption" is not being heard: All EUCs should be presumed to be grandfathered, unless ODOT establishes that they do not qualify. The burden would shift to ODOT to establish that a permit is required. Bob Bryant commented that a better long term solution would be for ODOT to focus resources to get all of the EUC under permit rather than grandfathered. Harold Lasley expressed need to document what EUCs are grandfathered by legislative action, otherwise the same problems we are trying to solve will occur in the future. Documentation is necessary to manage the process and solve the problem in the long term.

Director Garrett shared that he is struggling with how blanket grandfathering EUC might expose the state to liability and future expense. But he said it is clear that correcting these problems is going to take time and money and that ODOT needs to take action to resolve the issues. He directed Harold Lasley to tell him what resources will be required to make progress.

Bob Russell, Bob Bryant, Greg Jones and Craig Pope discussed categorical options that have been considered for grandfathering or permitting and which ones require legislation. Senator Johnson expressed a preference for getting the process in legislation because of the certainty a statute creates. Bonnie Heitsch explained that ODOT already has the authority to permit or grandfather what it has built.

The group requested that Victor Dodier begin developing draft legislation centered on a 3-tiered approach:

1. Use the principle of "rebuttable presumption" inside UGB and determine what to do with everything else.

2. Categorically grandfather certain EUC's based on specific agreed upon criteria. Examples that were expressed include EUC's on highways with less than 5000ADT, those serving rural agricultural or farm uses, and certain highway classifications.
3. Develop a work plan for completing the statewide inventory that would include the research to identify:
 - a.) whether a connection is permitted or not, and if not,
 - b.) whether there is sufficient documentation to qualify as connection 'grandfathered'

Director Garrett asked that the process be kept simple.

Updates

Harold Lasley explained that work has begun on the brochures for Change of Use, weaving and a couple of other topics that will communicate changes in statute and rules in lay terms. He expects to have drafts for task force review in the next few months. The information is being prepared for applicants, local governments and other stakeholders and will be distributed through a variety of channels, including ODOT's website. Craig Pope requested that particular attention be given to local governments. Director Garrett also asked that attention be given to webinars to bring people together who want to engage.

Mark Whitlow asked and the group consented that Jim Coombes, who works on Fred Meyer's fueling station issues, will be added as a member to the Stakeholder Group to replace Brent Ahrend who resigned earlier.

Parking Lot

(Senator Johnson left the meeting at 4:12 and Co-Chair Craig Pope took over control of the meeting.)

Bob Bryant presented a consolidated list containing all of the parking lot issues that have been identified since Del Huntington was involved in the process. He noted that some issues have been combined and that issues have been prioritized high, medium or low.

Bob Russell requested that the group make a decision about legislation at the next meeting regarding the use of mid-block U-turns. Bob Bryant noted that although we had made progress on the issue prior to the last legislative session, local governments objected because it involves evaluating every intersection. The group noted that U-turn configurations have been developed on Hwy 101 at Lincoln Beach and in Beaverton. Harold Lasley explained that they can be done without legislation.

Mark Whitlow addressed the issue of project development. While there is encouragement in the current rules to prepare plans, the Region Manager can exempt the project from developing access management plans and they are rarely developed. He expressed that more balance and parity is needed between access management and economic development on projects. He asked that the task force develop written agreement on this issue but no action was taken.

Bob Russell asked that a decision be made at the next meeting regarding proximity of approaches to ramp terminals that involves a different numerical standard and also couches decisions in terms of safety and engineering judgment. Mark Whitlow expressed concern that the current rule is an “unthinking rule.” Bob Bryant noted that in order to eliminate a lot of work for each individual project a lot of thinking went into development of the rule. Harold Lasley explained that much of the reasoning behind the standards is based on signal timing and progression for smooth traffic flow. He also noted that there is a deviation process that allows for less than the standard. Bob Russell explained that local governments would like to expand their tax base in proximity to the intersections without having problems such as Woodburn with traffic backed up on the mainline. Bob Bryant explained that is exactly what the rule is designed to protect against. Harold Lasley explained that mobility standards and goals also drive access decisions at interchanges. Craig Jones expressed concern about the difficulty in obtaining deviations; local governments should be able to argue in favor of greater congestion in the pursuit of economic development. Director Garrett said he has an obligation to bring this to the Oregon Transportation Commission so that they understand the intent and the compromises that we are being asked to make.

Summary of action items from meeting

- Request Victor Dodier to begin developing draft legislation centered on a 3-tiered approach
- Continue on development of communication materials.
- Focus on developing solutions for project development and IAMPs problems.

- The SAC meeting at the end of July is scheduled to work on interchange problems.

Next Meeting

A poll will be emailed to schedule next task force and stakeholder meetings.