

MINUTES

Access Management Oversight Task Force  
4040 Fairview Industrial Dr, Salem, OR 97302  
Diamond Lake Conference Room  
August 24, 2012  
3:00 – 5:00 pm

Task Force Members:

Present:

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

ODOT Staff: Harold Lasley, Bob Bryant, Jerry Marmon (by phone), Erik Havig, Paul Mather, Victor Dodier

DOJ Staff: Bonnie Heitsch

Other Attendees: Ann Hanus, AOC

**Existing Unpermitted Connections (EUC)**

There was a discussion of the draft legislative concept that Bonnie Heitsch sent to Mark Whitlow in early August. Bonnie explained that that she developed this proposal as an attempt to capture concerns of stakeholders and ODOT. Mark acknowledged that he has not responded to this proposal and the ball is in his court. Mark explained that the broad concept he wants to achieve is that connections are legal unless ODOT can prove they are illegal. He is looking to establish legal presumptions that would be “self-effecting” and avoid burden of making determinations that current rules require. One idea he is considering is to presume all driveways are legal on highways where ODOT has constructed a highway project. Bob Bryant responded that Mark’s idea would have the effect of legalizing most, if not all existing driveways because ODOT has had projects on most of the highway system at one time or another. Bob said that ODOT does not support the idea of grandfathering on such a broad scale.

Bob Bryant identified the following as key concerns for ODOT in the legislative concept:

- Obligation to ensure what ODOT approves is reviewed for safety.
- Need to resolve unfairness resulting from SB 274 that applies more stringent standards to applications that are not for a change of use and less stringent standards to applications for change of use.
- Clarity about what use of an approach would be grandfathered because this sets the baselines for future changes in use of approach.
- Potential future cost and liability issues if existing approaches are grandfathered without evaluation.

Craig Pope commented that he wants to make sure fiscal and other impacts to the public of proposed changes are understood. Senator Johnson commented that she is concerned about the economic impact to property owners who have to battle with ODOT over access.

Matt Garrett commented that Mark's response to the legislative concept Bonnie developed needs to occur before the OTF can make a decision. He also asked that as work continues, stakeholders and ODOT identify any "quick hits" that would allay stakeholder concerns in the short term.

### **Access Management in Interchange Areas**

Harold Lasley gave an overview of the discussion paper prepared by Jamie Jeffrey.

Greg Jones described his experience in dealing with the conflict between ODOT interchange area spacing standards and City of Portland street spacing standards adopted under TPR/RTP requirements. He said that the difference in standards has been a major point of contention in recent discussions that occurred during development of interchange area management plans (IAMPS).

Matt Garrett commented on importance of mainline safety and operation in this discussion and the need to balance local land use and economic development need against regional and statewide needs.

There was general agreement that flexibility around spacing standards is the key. Senator Johnson gave an example of Sauvie Is. School where she thinks ODOT is not being flexible. She said that the school wants to put up modular building and is being asked to provide a traffic impact analysis. She doesn't understand why this analysis is needed, especially since she has been told that the expense of the analysis equates to a teacher position for the school.

Victor Dodier introduced principles that ODOT has developed for a legislative concept Senator Johnson commented that some of the stated principles seem vague and unclear. She asked about a concept that would describe procedural requirements based on various levels of interchange complexity. Several comments from ODOT staff indicated that the variability and the scope of issues involved did not lend themselves to simple categorization and may result in less flexibility. .

Discussion included the following points about interchange areas and access management planning:

- Interchange Area Management Plans (IAMPS) are long term planning document, generally 20 years.
- SB 264 created lower standards and less stringent criteria for approving permit applications for access around interchanges that override the 1320' standard and other criteria that applied prior to SB 264.
- Land use and highway operations around interchanges are often different than other sections of hwy. and need special attention.
- Other than spacing standards, there is little guidance for staff in rules about development of IAMPS. This places greater burden on the IAMP guidelines to provide guidance to staff on importance of balancing economic development and other factors.
- IAMPS can provide important information to property owners about how ODOT and local government view development and access around interchange areas in the long term.
- ODOT does not develop IAMPS in a vacuum. Rather they are developed with local governments at the table from start to finish. Collaboration with local governments and stakeholder affected by planning covers a wide range of issues. Access is just one of many issues addressed during the process.
- The majority of IAMPS accept that some access will occur at less than the ODOT standard. Exceptions are common.
- Before ODOT adopts IAMPS, the local government is asked to adopt the plan to ensure state and local plans are aligned.
- New tools in TPR encourage broader look at local issues than would have occurred a few years ago.

Greg Jones commented that in Portland, the IAMP process seems to result more in compromise by the City than by ODOT. His view is that IAMP guidelines allow flexibility, but it appears that ODOT staff needs stronger direction and better instruction on how to apply it. Matt Garrett said that this is a training issue for ODOT staff, consultants, and local government staff -- all the people at the table need to understand what flexibility exists and how to use it.

Craig Pope asks about strengthening advocacy within ODOT for local interests. Matt Garrett responded that change is underway in ODOT to take a broader view of the transportation system and all modes, not just ODOT facilities. This change puts greater focus on the local system and local interests.

Several comments questioned whether legislation is needed to address stakeholder issues. Matt Garrett commented that ODOT is still working to understand and make changes in its policies, rules, and technical guidance to align with changes in the transportation planning rule and SB 264. Senator Johnson asked how we will memorialize agreements for change if expectations are not put in statute. Bob Bryant responded that this is typically done through administrative rules. Mark Whitlow urged the Task Force to continue working on a legislative concept to provide direction on key issues, including economic development needs of adjacent land. He thinks concept should include using local jurisdiction standards on cross roads.

### **Review Workplan status**

Harold Lasley reviewed timeframes and critical dates on Task Force and Stakeholder Committee workplan. He pointed out that development of legislative concepts for September 17 pre-session filing was falling behind schedule. Senator Johnson stated that the rigidity of schedule is not allowing time to talk about issues in a manner that is productive. Craig Pope expressed concerns that SAC is not performing its function to provide recommendations that the Task Force can take action on. There was general agreement that the workplan needed to be adjusted and this would be done outside of the meeting.

The decision was made to cancel the stakeholder committee meeting scheduled for August 27 to allow time to work on legislative concepts.

### **Summary of action items from meeting**

- Mark Whitlow will contact Bonnie to work on legislative concept for existing unpermitted connections.
- Harold Lasley will cancel scheduled August 27 meeting of SAC.
- Paul Mather will follow up on the Sauvie Is. school situation in response to Senator Johnson's concerns.
- Commissioner Pope will meet with ODOT to work on revisions to workplan.