

**Guidance for Implementation of ORS 366.215  
(No Reduction of Vehicle-Carrying Capacity)  
April 17, 2015**

This guidance document applies to all projects in planning, project development, development review and maintenance. The sponsor for the proposed action is typically an ODOT Planning, District or Project Delivery staff member advocating for an ODOT project. For local government projects and development review cases, ODOT staff may bring forth a project for review on behalf of a local government or developer. A review of potential Reduction of Vehicle-carrying Capacity (RVC) is required for all proposed actions on Reduction Review Routes (RRR). Communication should take place early on with your Region Mobility Liaison and the Stakeholder Forum (SF).

**New Rule**

A new administrative rule ([OAR 731-012-0010](#)) adopted in August 2013 defines terms and identifies a review process for the implementation of ORS 366.215. The OHP was amended to include references to the statute.

Section 0010	Purpose	Section 0080	Proposed Actions for Access
Section 0020	Definitions	Section 0090	Proposed Actions for Safety
Section 0030	Reduction Review Routes	Section 0100	Director Determination
Section 0040	Application of the Rule	Section 0110	Chief Engineer Certification
Section 0050	Determination of a Potential RVC	Section 0120	Local Agency Exemption
Section 0060	Stakeholder Forum	Section 0130	Commission Decision
Section 0070	Stakeholder Forum Planning Input	Section 0140	Record Keeping

**Flow Chart**

A flow chart of the review process associated with the new rule is located on page 3. Not all of the process information pertaining to the rule is in the flow chart so please refer to the first two pages of this document and the rule for additional information and clarification such as the definition of terms and requirements. The review process for a majority of the proposed actions will end with Step 2.

**Reduction Review Routes**

The RRR are now a layer in [TransGIS](#), which makes it easier to see the highways by zooming in on the map. Once you are in the program, click on the “Display” tab and then click on “Layer Catalog”. In the Layer Catalog click on “Freight” and then check the box for RRR, then click the “Apply” button. In addition to the map, section 0030 of the rule contains a link to a table of highways designated as RRR.

**ORS 366.215**

ORS 366.215 states OTC may not permanently reduce vehicle-carrying capacity of identified freight route. Exceptions are allowed if safety or access considerations require the reduction. An exception may be granted by OTC if it is in the best interest of the state and freight movement is not unreasonably impeded.

Although not in rule, the term hole-in-the-air describes the area needed to accommodate legal loads and annual permitted over-dimension loads. The hole-in-the-air refers to the entire roadway, not just the load on the road at any particular moment. We need to think of a RVC the same way the freight stakeholders do - if they can get through the highway segment today, they want to get through there

tomorrow. The Motor Carrier Transportation Division (MCTD) Mobility website includes an excellent [presentation on ORS 366.215](#) and why we have to keep oversized loads in mind when we do planning.

### Stakeholder Forum (SF)

Meeting with the stakeholders to discuss your project (Step 2) is the key step in this process. The SF includes a variety of reps (bicycle, pedestrian, trucking industry, mobile home manufacturing, oversized load freight, automobile users and a rep from any affected city, county or Metropolitan Planning Organization). In some cases, design issues can be resolved to the point where the SF does not consider the project to be a RVC. Likewise, a proposed project may actually reduce highway dimensions, but not significantly enough to impede the movement of legal loads or annual permitted over-dimension loads. After you meet with the SF there may be disagreement about whether the project should go forward. Disagreement does not mean the proposed action is without merit. MCTD facilitates the SF and does the documentation. Contact the MCTD Freight Mobility Coordinator. Phone: 503-378-6192. [MCTDMOBILITYTEAM@odot.state.or.us](mailto:MCTDMOBILITYTEAM@odot.state.or.us)

For the SF meeting, sponsor needs to prepare a project description as listed below including any anticipated safety considerations and access considerations.

- Information Needed for Stakeholder Forum Meeting**
1. Location map, highway name and milepoints
  2. Brief description of the problem or issues
  3. Brief description of the proposed project
  4. Diagram of the existing roadway cross section including existing structures
  5. Information about pinch points on the highway near the proposed project
  6. Diagram of proposed roadway cross section including proposed structures

### Planning Documents

Planning documents that include proposed actions on RRR and are subject to Commission approval must be presented to the SF. In some cases, a proposed action may be in a planning document that may not contain sufficient detail to determine if there would be a RVC. For these types of situations, the plan must identify the RRR in the plan area and indicate that proposed roadway dimensions (road width, lane widths, median widths, bike lane widths, shoulder widths, etc.) are subject to ORS 366.215 review during future design. Planning documents that include SF comments and identify the need for ORS 366.215 review may be finalized without the OTC approving a RVC at the time of plan completion.

### Oregon GovSpace

Stakeholder Forum, Director, and OTC decisions are documented on Oregon GovSpace, an internet based collaboration tool. The rule requires records to be maintained for 10 years. Registered users can view or comment on SF discussions & approvals. Instructions for registering for GovSpace: [ODOTGovSpace](#). After registering, go to the "Freight Mobility Decisions" space.

## ORS 366.215 - FLOW CHART

