



OREGON DEPARTMENT OF TRANSPORTATION  
**PROJECT DELIVERY LEADERSHIP TEAM**  
**OPERATIONAL NOTICE**



NUMBER	REVISION #	SUPERSEDES	EFFECTIVE DATE	VALIDATION DATE	RESCINDED DATE
PD-03	3	PD-03 & PD-03(A) 2006	02-03-2015		
SUBJECT			TOPIC/PROGRAM		
Access Management in the Project Delivery Process			Access Management		

**PURPOSE:**

To establish general guidance and expectations for implementing access management in the project delivery process with highway improvement projects in the Statewide Transportation Improvement Program (STIP). The guidance includes instructions regarding timing, notification, and type of engagement with local jurisdictions and property owners, prior to and during project decision-making in relation to approaches.

**BACKGROUND/RATIONALE:**

ORS 374.308 instructs ODOT to balance its interest in protecting the highway with the economic interests of abutting property owners, and includes detailed instructions about the content, form, and timing of engagements with property owners and local jurisdictions when considering access management issues on highway improvement projects.

ORS 374.308 takes its place among the older access management statutes, ORS 374.305, 307, 310 and 312, which continue to allow ODOT to issue approach permits and to address safety problems and preserve the functionality of highways in accordance with the Oregon Highway Plan (OHP). ORS 374.308 simply requires that these functions be balanced with private economic interests.

The new portions of the statute that have direct application to projects are supported by administrative rules primarily as OAR 734-051-5120.

**DEFINITIONS:**

*Access Management Strategy (AMStrat):*

A project delivery document developed by ODOT, in collaboration with cities, counties and affected real property owners abutting a state highway in the affected area, that identifies the location and type of public and private approaches and other necessary improvements that are planned to occur primarily in the highway right of way and that are intended to improve current conditions on the section of highway by moving in the direction of the objective standards described in ORS 374.311, subject to safety and highway operations concerns.

The Access Management Strategy will inform development of the *Official Project Access List (OPAL)* which will address all approaches within the project limits.

*Affected Real Property Owner:*

An owner of record of real property or property rights whose property abuts the highway and whose highway approach(es) is located within the project limits and whose access may be affected based on the criteria in the draft methodology.

*Collaborative Discussion:*

A meeting or series of meetings conducted by ODOT pursuant to the terms of OAR 734-051-5120(7), involving an affected real property owner and other interested parties who may help reach understandings and resolve differences. The other parties may include, but are not limited to, business owners, property tenants, local government representatives and/or any other knowledgeable persons.

*Dispute Review Board:*

A process for reaching understandings and resolving differences that is conducted pursuant to OAR 734-051-5120(8). It involves bringing together the ODOT director or a designee of the director, a representative from the local jurisdiction, an independent traffic engineer and a representative of the business sector for a hearing and discussion.

*Draft Methodology:*

The documentation that is prepared as an initial step in the development of an Access Management Strategy. It identifies the criteria, including goals and objectives, used for evaluating approaches for possible modification, relocation or closure. The methodology will include how to evaluate and balance the economic development objectives of properties abutting state highways, with the transportation safety and access management objectives of the state highway. The draft methodology is subject to review in a Collaborative Discussion and/or Dispute Review Board if requested by an affected real property owner.

*Exemption Memo:*

A document explaining why a STIP project is not going to relocate, modify, or close any approaches within the project limits, and thus is exempt from the requirements of ORS 734.408.

*Finalized Methodology:*

The methodology documentation that has been approved and signed by the Region Manager following timely engagement with affected real property owners, cities, counties and any other internal or external stakeholders and after any requested Collaborative Discussions and/or Dispute Review Boards have been completed. Only after the methodology is finalized may development of the Access Management Strategy proceed.

*Highway Improvement Project:*

As defined in OAR 734-051-5120(1)(b), a *highway improvement project* is a project in the Statewide Transportation Improvement Program that proposes to modify, relocate, or remove existing public or private connections to the state highway within project limits.

The project may be classified as any type of capital improvement project (e.g., safety, pavement, enhancement) on any portion of the state highway system.

*Official Project Access List (OPAL):*

A project document that lists the location and type of all connections to the highway within the limits of the project and how specific actions are being addressed by the improvement project, as guided by the project's AMStrat.

**GENERAL ACCESS MANAGEMENT STRATEGY EXPECTATIONS & GUIDANCE:**

Determining the Level of Access Management Work to Incorporate in a Project and Exemptions

Initiation of project expectations regarding Access Management needs to occur very early in the development process. Generally this should be around the time of scoping and no later than the time a project Charter is being drafted.

Access Management Strategy expectations do not apply to Facility Plans (which are covered under OAR 734 051 7010), or any preliminary project development work which would precede Facility Planning or other more generalized environmental/development type work which will not need specifics regarding access.

One of the first questions to consider is whether or not the project can be exempt. A project is exempt if it is not defined as a Highway Improvement Project under the terms of OAR 734-051-5120(1)(b) because it is not in the STIP or there are no planned approach modifications, relocations or closures, and thus no AMStrat is required. (See Appendix A for what constitutes a modification.) In making decisions about the level and type of access management work to pursue on a project:

- Project representatives must be very deliberate in their initial assessment of project purpose, need, and scope to be absolutely sure there is a need and a priority to pursue consideration of any potential changes in access, that they can clearly articulate the need to do so very effectively by a publicly understandable explanation, and that there is support to do so by adjacent jurisdictional partners (e.g., city, county, USFS).
- There should not be an assumption about needed changes in access based on standards, knowing that changes to any access will need to have a clearly articulated, documented, and supported justification based on specific safety and/or operational concerns created by the presence of the access, either currently or anticipated over the design life of the project.
- It is acceptable to conclude early on that the project will not modify, relocate, or close any existing accesses if it is the right thing to do and we can clearly explain the reasoning. If this is the conclusion, then the project will be exempt, and no AMStrat (and no methodology) will be required.

If, and whenever the determination is made that an AMStrat is not required, an Exemption Memo must be completed explaining why this is the case.

### Development of the Methodology

If the project is a Highway Improvement Project in the context of OAR 734-051-5120(1)(b) because it is in the STIP and the project will modify, relocate or remove one or more highway approaches, an AMStrat is required for the project. Work should begin immediately on the steps and required communications which collectively convey the ODOT intention to act transparently and collaboratively in making access management decisions:

- OAR 734-051-5120(5) provides an overview of what is required in terms of the public involvement process for access management. It is likely that for many projects general communications about the project can be coordinated with some of the access management requirements. For this reason, project staff should be thinking from the earliest stages how to integrate the access management communications with cities, counties, highway users, and affected real property owners impacted by the project into the PD-12 communications plan for the project.

In establishing the AMStrat, project representatives are required to engage affected real property owners in developing a draft methodology. What “engagement” consists of will vary from project to project depending on the nature of the project, the community and what is proposed generally for community outreach. At the end of the process, project staff must be able to point to specific information that was distributed about the coming project, how potentially affected property owners were engaged, and what type of opportunity for input and comment people had during the period in which the methodology was developed.

OAR 734-051-5120(4)(a)(A) through (J) outlines factors that may or should be considered as a starting point in establishing the methodology. In all projects, the proposed methodology should describe a decision-making process that is consistent with the available local Transportation System Plan (TSP) and any other applicable planning documents, with references. Local agency staff and other local experts on economic development should be able to assist in this work.

- For the context of the draft methodology and AMStrat development, project representatives will work with the associated cities, counties, highway users, and affected real property owners to identify the deficiencies and establish the long-term vision for the relevant highway segment(s) that will guide the scope and design of project improvements.

An available TSP and/or facility plan often describes a vision for the given highway segment, including access management. Some sections of state highway have “Segment Designations” as provided in the Oregon Highway Plan, Policy 1B, which designations memorialize agreements between ODOT and the local government about how a section of highway will be managed in an area that is zoned for commercial or mixed uses. In some cases it may be necessary to develop project-specific visioning.

### Review of the Methodology

OAR 734-051-5120(6)(7)(8)&(9) give instructions about how affected real property owners may have the methodology reviewed in a Collaborative Discussion and/or Dispute Review Board. Allowances for these processes should be made in the project schedule and they should be incorporated into the PD-12 communications plan for the project.

If a review is not requested or if a review concludes with a Collaborative Discussion, the Region Manager finalizes the methodology by approving and signing. If a review goes onto a Dispute Review Board, the ODOT Director finalizes the methodology by approving and signing.

### Development of the AMStrat

After the finalized methodology is established and when the AMStrat is being developed, project representatives will recommend the locations and/or disposition of any approach modifications, relocations, or closures following collaboration with affected real property owners.

The criteria agreed to in the methodology should be applied to each individual approach within the project boundaries to evaluate whether the approach should be closed, relocated or modified, and what the location, size and design of each approach should be. Meetings with individual affected real property owners should be held to ensure that ODOT has a full understanding of property uses, the types and numbers of vehicles that access the site, usage patterns during the day, circulation issues and any other impacts that could arise as a result of proposed changes.

After resolution of all issues involving the AMStrat, the OPAL is prepared. It must list every approach within the project boundaries and how it will be treated during construction.

A final decision to close, modify or relocate an approach must be sent in a notice letter that provides the property owner the option to appeal the decision through a Collaborative Discussion, and/or Dispute Review Board and/or Hearing at the Office of Administrative Hearings.

### Other Issues to Consider:

- Projects that do not appear in the STIP, but which will involve modification, relocation or closure of a public or private highway approach do not require the development of an AMStrat or methodology. However, property owners must receive notice of the decision and must be given an opportunity to appeal the decision through a Collaborative Discussion, Dispute Review Board or Contested Case Hearing. This includes local jurisdiction projects on state highways. Contact Ann Zeltmann, the ODOT Appeals Coordinator, at 503-986-4379 if you are working on a non-STIP project that will modify, relocate or close a private approach.
- Medians: Development of medians must be consistent with ORS 366.215. Ideally the issue will be addressed in a facility plan but it may occur as part of a project. The median must not appear in the AMStrat as an item to be contested.

## **PROJECT DEVELOPMENT MILESTONE RELATED EXPECTATIONS:**

For projects requiring an AMStrat, there are a number of Access Management tasks and deliverables which are critical. Descriptions and requirements can be found for these tasks in Appendix B.

### Draft STIP Milestone:

- Access Control Report
- Existing Approaches Status Report
- Access Management Worksheet
- Right of way cost estimate (in relation to access changes)
- Access management scoping report
- Preliminary Engineering (PE) cost estimate (in relation to access changes)
- Schedule of work (for project-development related access management work)

### Design Acceptance Milestone:

- Development of Methodology
- Review of Methodology
- Development of AMStrat
- Official Project Access List
- Access Deficiency List
- Access management element of Design Acceptance Memorandum
- Access modification and closure letters delivered to property owners
- IGA provisions to address local government access issues (if applicable)
- Updated schedule and budget to complete access management work
- Oregon Transportation Commission decision package (if applicable)

### Final Contract Plans/PS&E Milestone:

- Local TSP or Comprehensive Plan amendments
- Oregon Transportation Commission decision/approval action
- Access Management Checklist

### Following Construction – Between 2<sup>nd</sup> and 3<sup>rd</sup> Note

- Confirmation of CHAMPS records

A summary description of the access management project tasks listed above may be found in Appendix B.

## **ROLES & RESPONSIBILITIES:**

Area Manager and Project Leader: Play a key role in determining how to integrate the access management goals and objectives into the project.

District Permitting Staff: Produce the Existing Approaches Status Report and issue permits prior to Third Note.

ODOT Director: If there is a review of the methodology by a Dispute Review Board, the ODOT Director considers the recommendation of the Dispute Review Board and finalizes the methodology.

Region Access Management Engineer (RAME) or Project Access Management Engineer: Analyze the significance of any access management issues located within the proposed project boundaries. The RAME works with the Area Manager and Project Leader to establish which approaches are priorities and require attention during the project.

Region Manager: The Region Manager finalizes the methodology if there is no review of the methodology requested. The Region Manager manages the Collaborative Discussion process if there is one and finalizes the methodology if there is no follow-up Dispute Review Board.

Right of Way/Region: Prepares cost estimates.

Right of Way/Technical Services: Conducts right of way research.

## **REFERENCES:**

### **STATUTES:**

ORS 374.305, 307, 308, 310 and 312 provide the regulatory framework within which project delivery staff may address access issues.

### **POLICY:**

Goal 3 of the 1999 Oregon Highway Plan delineates the Department's principle access management policies and contains the Functional Highway Classification System which may be relied upon for the established vision for the highway if no other plans are in place for a particular highway segment.

Appendix A describes what level of change to a highway approach results in a modification of an approach. Paving projects that are being developed should apply these standards.

### **RULES:**

OAR 734-051 is the administrative rule that specifies legal requirements and procedures for access management. Section 5120 sets forth the requirements for treatment of access management issues in a STIP modification project.

ORS 366.215 provides the statutory requirement for development of medians.

## **APPENDICES:**

[A: Definition of What Constitutes a Modification](#)

[B: Description of Project Access Management Subtasks](#)

C: Sample documents and templates

[C1: Sample Project Exemption Memorandum -- US 395 Alkali Lake-Lake Abert](#)

[C2: Sample Draft Methodology -- Tualatin Valley Highway at 185<sup>th</sup> Avenue](#)

[C3: Sample Draft Methodology -- US101: Pleasantown Sidewalk Project](#)

## **Appendix A: Definition of What Constitutes a Modification**

The issue has arisen of what constitutes “modification” of an approach within a project. This is an important question when a project touches an approach but the project doesn’t want to get bogged down in extensive access management work. It is a particularly important question for paving projects, which may touch many approaches.

The language of OAR 734-051-5120(1) reads as follows:

### Access Management in Project Delivery

#### (1) Applicability

(a) This rule applies to access management in the project delivery process for modernization and highway improvement projects included in the Statewide Transportation Improvement Program.

(b) For purposes of this rule, a highway improvement project is a project in the Statewide Transportation Improvement Program that proposes to modify, relocate, or remove existing public or private connections to the state highway within project limits.”

If a project is **not** proposing to modify, relocate or remove an existing public or private connection, the project does not have to comply with the access management strategy requirement. This eliminates the need for the process of developing the methodology and with it the possibility of property owner reviews in a Collaborative Discussion and/or Dispute Review Board.

Proposed definitions for when a methodology and strategy are not needed or needed in a project:

1. The following actions **do NOT constitute a modification** if all of the work is conducted within the ODOT right of way:

- Paving an apron that was previously not paved is not a modification
  - Widening or narrowing the paved area to bring the apron into conformance with the ODOT Highway Design Manual is also not a modification
  - If you are paving an area that is significantly narrower than the unpaved area, you should work with the property owner to establish the exact location
- Paving a radius that was previously not paved is not a modification
  - Enlarging or reducing the size of the radius to bring the apron into conformance with the Highway Design Manual is also not a modification
  - However, reductions in the size of the radius require communication with the property owner to ensure that the approach can adequately serve the types and numbers of vehicles that are anticipated to enter the property

2. The following action **may or may not constitute a modification** if all of the work is conducted within the ODOT right of way. If there is any question about whether the action is a modification, staff should err on the side of declaring the action to be a modification.

- Putting in curbs within the ODOT right of way may or may not be a modification

3. The following actions **do constitute a modification**:

- Any pavement of an approach within the owner's property, including a safety wedge or paving to keep gravel off the roadway. (Project staff must involve the Region right of way staff to get legal access to the property.)
- Installing curb and sidewalks on the property owner's property. (Project staff must involve the Region right of way staff to get legal access to the property.)

**Open Frontage:** Defining limits for an approach that was previously open frontage, either with paving or curbing, pursuant to OAR 734-051-3015(6) is not a modification and does not entitle the property owner to a post-decision review pursuant to OAR 734-051-3080.

**Medians:** Installation of a median is not a modification of an approach because it occurs entirely within the ODOT right of way.

## **Appendix B: Description of Project Access Management Subtasks**

Access Management deliverables are typically completed during three macro-level Critical Path Milestones in a STIP project and in the immediate aftermath of construction. These milestones are the *Draft STIP*, *Design Acceptance*, *Final Plans/PS&E* and after construction between 2<sup>nd</sup> and 3<sup>rd</sup> Note. Following is a brief description of access management deliverables typically completed at each of these milestones. These deliverables are required to ensure that an accurate record is maintained of the status of existing highway approaches and are required except when the Region Manager signs an Exemption Memorandum.

### **Draft STIP Milestone**

Completion of the deliverables listed for this milestone are intended to ensure that the scope, schedule, and budget of projects programmed in the STIP provide for access management work tasks consistent with rules, policies, and the requirements and guidelines of this Notice.

- Access Control Report – The Access Control Report documents and summarizes the research on the location of access control performed by the Right of Way Section of the Technical Services Branch. Information in the report is used to develop the Scoping Report and the Existing Approaches Status Report.
- Existing Approaches Status Report -- Documentation that confirms the location of all existing approaches under the provisions of OAR 734-051 prior to any project work. It is a baseline report of all of the existing approaches on the highway at the beginning of the project, which is necessary as a first step in getting to the Official Project Access List, which lists all of the approaches to be provided within the project limits upon completion of the project. This report may be a stand-alone report or combined with other reports or documentation.
- Right of way cost estimate – Cost estimate for purchasing access rights, offers to remedy closure of approaches (see OAR 734-051-6010 through 6070), and other property acquisitions as needed.
- Access management scoping report -- Report identifies and describes all access management issues that have potential scope, schedule and budget consequences for the project. This includes requirements and recommendations for development of an AMStrat or Facility Plan; the potential scope of access closures or modifications that could impact right of way acquisition; access issues, problems, and recommendations for further consideration during project development. The report could be a stand-alone document, or a component of a comprehensive project scoping report.
- Preliminary Engineering (PE) cost estimate – Cost estimate for personnel, services and supplies that will be charged to the project expenditure account (EA). The cost estimate is expected to document assumptions and rationale underlying the estimate and to address all the major work requirements and recommendations in the scoping report. Developing the cost estimate may require compiling information from several sources involved in the project, including maintenance, planning, consultants, right of way, and other ODOT staff and consultants.

- Public/stakeholder involvement plan – A plan that explains how communication regarding access management issues on the project will be managed. The plan may be a stand-alone document or a component of the Project Communications Plan specified in PD-12.
- MS Project schedule of work – Schedule of access management tasks and deliverables entered in MS Project based on what is known about needs and requirements of the project at the Draft STIP milestone.

### **Design Acceptance Milestone**

Completion of the deliverables listed for this milestone are intended to ensure that critical decisions are made in a timely manner and incorporated into subsequent project design, right of way acquisition, communication plans, budget and schedule.

- Methodology -- A document that describes the criteria, including goals and objectives, which will be used to evaluate approaches for possible modification, relocation or closure. It also includes how to evaluate and balance the economic development objectives of properties abutting state highways, with the transportation safety and access management objectives of the state highway.
- Methodology Review – Affected property owners may request a review of the Methodology in a Collaborative Discussion and/or Dispute Review Board.
  - AMStrat -- An AMStrat is required for any STIP project that involves modification, relocation or removal of legal approaches. The document describes which approaches will be modified, relocated or removed.
  - Official Project Access List. The Official Project Access List documents approval of all approaches to be provided within the project limits upon completion of the project. Documented approval of this list by the RAME and the Technical Center Manager is required.
  - Access Deficiency List<sup>1</sup>. This list is a subset of the Official Project Access List. It lists all accesses that will remain open upon completion of the project but are considered priorities for future modification, relocation or removal. This list is prioritized by the Region and submitted to the Statewide Access Management Program Office. The Statewide Office will develop criteria for the Region to use in prioritizing this list. At completion of this milestone, the deficiency list should be compiled and maintained at the District office, with a copy going to the Statewide Access Management Program Office.
  - Access management element of Design Acceptance Memorandum – Narrative that describes the principal design features to address access management that will be

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<sup>1</sup> The purpose of the Access Deficiency List is to develop a statewide inventory that helps to assess funding needs and priorities for improvements. It is recommended that the list also be sent to the District Office where these accesses can be flagged for action if future change of use or other actions allow.

incorporated into the project, i.e. medians, driveway consolidation, revising local street connections, access control, turning movement restrictions, etc.

- Access modification and closure letters delivered to property owners<sup>2</sup>. Letters notifying property owners of changes that will be made to their access as part of the project and their appeal rights under OAR 734-051. Copies of all closure letters are to be reviewed by the Statewide Access Management Program Office prior to mailing to the landowner.
- IGA provisions to address local government access issues (if applicable). These provisions address work that the local government needs to authorize to occur as part of the project because it affects facilities or land under local jurisdiction. For example, closing or changing the alignment of local streets, or moving an access from the state highway to a local road. *It is important to identify the need for such actions as early as possible and to work with local governments to develop IGA provisions.* Depending on the nature of the local actions and the local code, amendments to the local Transportation System Plan (TSP) or Comprehensive Plan may be required. These amendments can involve lengthy public hearing processes which could impact the project schedule and budget. A TSP amendment is a land use decision and must occur before the final environmental document is issued for a Class 1 or Class 3 project or before construction of a Class 2 project.
- Updated schedule and budget to complete access management work. Updates incorporated into the overall schedule for completing project work.

### **Final Contract Plans/PS&E Milestone**

Completion of the deliverables listed for this milestone will ensure that required administrative actions are completed, and that deliverables and requirements have been met.

- Local TSP or Comprehensive Plan amendments (if applicable). Completion of local government actions needed to authorize project work affecting facilities or land under local jurisdiction. This requirement applies only to Class 2 environmental projects at this milestone. (For Class 1 and Class 3 projects, these actions must occur before the final environmental document is issued.)
- Oregon Transportation Commission decision/approval action (if applicable). Project file documentation of approval action by OTC may consist of a memo-to-file, OTC minutes (or excerpt), or other documentation of official action.
- Access Management Checklist. Checklist completed by the Technical Services Branch, Office of Pre-Letting. Projects will not be released for bid advertising until all requirements listed are documented or can be otherwise verified. Exceptions to this requirement may be granted by the Roadway Section Manager in accordance with the Office of Pre-Letting procedures. z

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<sup>2</sup> Some decisions regarding access may not be known at this milestone. The Project Communication Plan should establish expectations and provide guidance for communicating with property owners who may be affected by decisions at a future point in the project.

### **Following Construction – Between 2<sup>nd</sup> Note and 3<sup>rd</sup> Note**

Completion of the deliverables listed for this milestone are intended to ensure that after construction and when the final documentation tasks are being completed on a project, that permit records are updated by the District Offices. Completion of this task at this time in the project schedule ensures that access management tasks identified in the OPAL are completed prior to project closeout.

- Confirmation of CHAMPS records. This deliverable confirms that information in the Central Highway Approach/Maintenance System (CHAMPS) has been reviewed and revised to accurately reflect the existing approaches after the project's completion. This may result in issuing new permits or revising existing permit records. The confirmation required by this deliverable may be noted on the Official Project Access List or by separate memo to the project file. A copy of the confirmation must be submitted to the Statewide Access Management Program Office.

**Appendix C1: Project Exemption Memorandum**

**Project Exemption from Access Management Strategy  
Key # 18694: US 395 Alkali Lake – Lake Abert**

**Context & Background:**

The US 395 Alkali Lake – Lake Abert project is a preservation project from MP 37.00 to MP 73.25.

The purpose of the US 395 Alkali Lake – Lake Abert project is to improve the condition of the pavement.

This section of highway is in poor condition from M.P. 0.2 to M.P. 73.3. The existing roadway structure is simply worn out (i.e., old, weak, and stripped). Other than recent Chip Seal work, no new pavement structure has been added. It has been 20 years since this section was paved and now it is faced with the need for more significant treatments.

The purpose of Preservation Projects is to improve the condition of the pavement. The program's primary goal is keep highways in the best condition at the lowest lifecycle cost through proactive and preventative measures to add useful life to the road surface. Given the purpose and funding constraints of the Preservation Program no access management actions are being planned for this project

**Criteria for Access Management Decisions**

This memo documents the decision that OAR734-051-5120 is not applicable for this project, because the criteria under 1(a) and (b) are not met, as the project is not a modernization project and is not a highway improvement project that proposes to modify, relocate, or remove existing public or private connections to the state highway within the project limits. Below is a list of criteria for project decisions in relation to access approaches within the project limits:

- No changes to existing accesses are proposed, highway access will be retained to every property that has highway access today.
- All existing connections to the highway will be permitted; permits may be issued during and after the construction of the project is complete.
- No access rights will be acquired.
- None of the ODOT Project Delivery Operational Notice PD03 deliverables will be needed for this project.
- If any individual approach might be impacted for constructability purposes within the right-of-way, the approach will be replaced with the same type and size approach and at the same location as existing.

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Area Manager Recommendation

Date

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Region Manager Approval

Date

## **Appendix C2: Sample Draft Methodology -- Tualatin Valley Highway at 185<sup>th</sup> Avenue**

Date

Property Owner

Address

Subject: Opportunity to Review Access Management Methodology  
For Upcoming Highway Improvement Project:

Tualatin Valley Highway at 185<sup>th</sup> Avenue

To address the vehicle crash history and congestion at the intersection of TV Highway and 185<sup>th</sup> Avenue, the Oregon Department of Transportation (ODOT) is developing a safety project to install raised concrete islands (traffic separators) along the eastbound and westbound left turn lanes at the intersection to prevent left turns at driveways in the intersection area (see attached for map of project area). According to our records, there have been a number of crashes involving left-turning vehicles going into and out of the various driveways and unsignalized intersections on TV Highway in the vicinity of 185<sup>th</sup> Avenue. We also believe these left-turning vehicles have contributed significantly to the traffic congestion in the area and indirectly contributed to the number of rear-end accidents in the area by causing opposing traffic to slow or stop abruptly. In conjunction with this project, we are planning to do some minor widening of the highway, construct bus pullouts on the highway, and are considering driveway consolidation where feasible.

As part of this project, ODOT developed an Access Management Methodology, which appears below. You are receiving this document because we are seeking property owners who may be affected by the decisions related to driveway changes as part of this project. We encourage you to review this information and notify ODOT about any concerns you have. We will be receiving written comments and requests for reviews of the Methodology for 21 days.

The Methodology identifies evaluation criteria that are intended to help ensure decisions balance the economic development desires of property owners abutting the state highway with the safety, and mobility considerations for the public and stakeholders using state highways. These criteria include the following:

### **Economic Development**

- Consider the type of existing business: e.g. destination oriented business vs. business that relies on pass-by traffic.
- Consider traffic count information, including the number of vehicles turning left into or out of the property.
- Consider change in travel patterns and reasonable ability to take advantage of proposed U-turns.
- Evaluate other existing driveways and out of direction travel.
- Consider site circulation affected by potential driveway consolidation opportunities. Driveway consolidation will only be pursued in response to existing crash histories, sight

distance issues (the ability to safely see to turn in and out of a property) associated with specific driveways, or based on documented agreements with affected property owners.

### **Transportation Safety**

- Improve safety throughout the corridor by reducing the frequency and severity of crashes.
- Evaluate driveways for insufficient sight distance.
- Evaluate the frequency, severity and location of pedestrian crashes.

### **Mobility Goals**

- Improve mobility and traffic operations at TV Highway and 185th.
- Identify driveways located within the 95th percentile queue length on the highway during highway peak hour (The 95<sup>th</sup> percentile queue length is the length of vehicle queues approaching the intersection which is exceeded 5% of the time during the peak hour. This measure is consistent with national standards).
- Identify the effects of U-turns on mobility of the corridor.
- Gather input from freight, bike, pedestrian and transit stakeholders.

### **Access control**

- Determine locations where ODOT has acquired the access rights from adjacent property owners.
- Ensure that existing driveways are consistent with the properties' access rights.
- Explore opportunities to consolidate driveways to reduce the number of potential conflict points on the highway.

### **Corridor Context**

- Evaluate the goals of the project with what the state highway is intended to be used for: in this case, TV Highway is classified as an Urban Principal Arterial, moves traffic over long distances at higher speeds.
- Evaluate the goals of the project with respect to the highly congested conditions at rush hours.
- Evaluate the goals of the project with respect to local land use plans.

### **Public Support**

- Consider public input when refining the scope of the project.
- Encourage the participation and support from the local jurisdiction in the project development process.

If you have any questions or comments regarding the above Methodology, please contact Ana Jovanovic, the Project Delivery Team Leader, at (503) 731-8469. If you'd like to request a review of the Methodology through either a Collaborative Discussion or a review by the Access Management Dispute Review Board per Oregon Administrative Rule (OAR) 734-051-5120(6),(7) or (8), please submit a written request to me within 21 days of the date of this letter.

After those 21 days, and any subsequent review process, the access management methodology will be finalized and decisions will be made on the final scope of the project. Changes to existing driveways made as part of the project will be developed in collaboration with the affected property owners and business owners. Affected property owners will be informed of the final design and impacts to their driveway and subsequent appeal rights.

Again, if you have any questions, please contact Ana Jovanovic

Sincerely,

Rian Windsheimer  
Region 1 Manager

## **Appendix C3: Sample Draft Methodology -- US101: Pleasantown Sidewalk Project**

Date

Current Owner  
PO Box 7  
Sometown, OR 00000

**Subject: Draft Access Management Methodology and  
Opportunity to Request Review**  
US101: Pleasantown Sidewalk Project  
Oregon Coast Highway, (US101), No. 9

To Whom It May Concern:

### **Project Description**

The City of Pleasantown in collaboration with the Oregon Department of Transportation (ODOT) is currently designing a transportation project that will encompass 7<sup>th</sup> Street to Ocean View Drive. This project is a bicycle and pedestrian improvement project which will provide continuous sidewalks along both sides of the highway with crosswalks at key locations, provide for bike lanes on both sides of the highway, improve highway traffic flow by consolidating and defining driveway access, create on-street parallel parking and increase the parking on side streets and in parking lots and improve the streetscape with landscaping, street furniture and street lights.

### **Purpose and Need**

The purpose and need for this project is primarily to address pedestrian and bicycle safety. US101 through downtown Pleasantown is the economic/activity center of this tourist-oriented community. The combination of through-traffic, local traffic, cyclists, and pedestrians creates congestion and unsafe conditions, particularly throughout the summer and on weekends. The lack of connected pedestrian facilities creates hazardous conditions for people walking along and across the highway. The lack of designated bike lanes creates an unsafe condition for local and through-cyclists due to conflicts with motorists. Unstructured access and head-in parking on properties fronting Hwy 101 is a major cause of traffic congestion and conflicts. The lack of well-structured and connected multi-modal facilities limits the ability to provide an attractive streetscape.

### **Goals and Objectives**

Hwy 101 through the downtown core is the activity center of Pleasantown. The Pleasantown City Council and the community recognize this and have prioritized the need for Hwy 101 through downtown to become a safer, more accessible and attractive activity center. This is an opportunity to make Hwy 101 through downtown Pleasantown a showpiece. A safe, functional and attractive Hwy 101 through the downtown core will enhance the livability of Pleasantown, contribute to the City's reputation as a tourist destination, and provide a pleasing experience for the scenic byway traveler.

## Access Management Methodology Background

The access management methodology is the criteria used for evaluating road approaches (driveways) for potential mitigation, modification or closure. The methodology should balance the economic development objectives of properties abutting state highway with the transportation safety and access management objectives of state highways, in a manner consistent with local transportation system plans and the land uses permitted in the local comprehensive plans.

1. Access management is balancing access to developed land while ensuring movement of traffic in a safe and efficient manner. US101 throughout this project is designated a Statewide Highway on the National Highway System. It is also a Scenic Byway and a Special Transportation Area (STA). Statewide Highways *typically provide inter-urban and inter-regional mobility and provide connections to large urban areas, ports, and major recreation areas that are not directly served by Interstate Highways. A secondary function is to provide connections for intra-urban and intra-regional trips. The management objective is to provide safe and efficient, high-speed, continuous-flow operation. In constrained and urban areas, interruptions to flow should be minimal.*
2. An STA is a designated district of compact development located on a state highway within an urban growth boundary in which the need for appropriate local access outweighs the considerations of highway mobility. While traffic moves through an STA and automobiles may play an important role in accessing an STA, convenience of movement within an STA is focused upon pedestrian, bicycle and transit modes. The primary objective of an STA is to provide access to and circulation amongst community activities, businesses and residences and to accommodate pedestrian, bicycle and transit movement along and across the highway.
3. The Average Daily Traffic (ADT) at mile point 164.31 (3<sup>rd</sup> St.) was 4,500 in December of 2012. The posted speed limit is 25 mph. The road approach spacing standard for this highway segment is 150 feet. While not always able to meet this spacing standard, the goal is to move in the direction of improving the spacing between approaches.
4. ODOT has the responsibility of providing the traveling public a safe and efficient transportation facility. Oregon Revised Statutes (ORS) 374.310(2) charges the state to manage its highways “in the best interest of the public for the protection of the highway or road and the travelling public.” ORS 374.305 states that certain actions may be taken, including removal, alteration or change of an approach road when “the public safety, public convenience and general welfare” require such action.
5. The 2003 Highway 101 Refinement Plan Safety Analysis identified recommendations that roadway improvements to reduce speed and manage access are warranted along with providing preventative measures in order to reduce the crash risk along the corridor. Some potential mitigation measures that may decrease vehicular crash rates along the study corridor included:
  - Decrease of access frequency (intersections, driveways)
  - Decrease the number of conflict points requiring driver decision

- Improve sight distance at intersections and driveways
6. The adopted Pleasantown Village Circulation Plan states the need to make Hwy 101 safer and more aesthetically pleasing for pedestrians, cyclists and motorists. The 2003 Hwy 101 Downtown Refinement Plan advanced these concepts with a conceptual design. The City has been working with ODOT Region 2 over the past few years to develop the 2012 Hwy 101 Refinement Plan that provides the design detail needed to advance this project to engineering and construction.
  7. In the Transportation Enhancement Grant the City applied for, one of the problem statements was “Unstructured access and head-in parking on properties fronting Hwy 101 is a major cause of traffic congestion and conflicts.”  
In addition a community benefit cited was “Livability and economic stability/development will be significantly enhanced with this project. Retail establishments and restaurants are located on both sides of Hwy 101 through the project area. The grocery store, post office, and visitor’s center are located on the west side of the highway. Residential and vacation dwellings are located within one block of Hwy 101 to the east and west. Scenic view of the bay, ocean, Cape Perpetua, and the forested hillside are at the south end of the project. Connected pedestrian and bicycle facilities, better traffic flow from parking and access improvements, and streetscape amenities will improve the experience and appearance of downtown.” A user benefit cited was “Additionally, many Hwy 101 byway travelers stop to shop, eat, and enjoy the amenities of Pleasantown. The daily use of downtown Pleasantown will increase with the proposed multimodal improvements and amenities.”

## Access Management Methodology

Based on the project goals and objectives and the methodology background discussed above the following Access Management Methodology has been developed for the subject project:

### Objectives of property owners:

- a. When considering how to balance the transportation safety and access management objectives of the highway in a manner consistent with the local TSP and land uses permitted in the TSP against the economic objectives of properties abutting the highway ODOT will consider the following objectives of properties:
  - The nature of the business
  - Unique aspects of the business
  - Approved land uses

### Public policy considerations:

- b. Remove or reduce head-in parking and backing onto the highway and provide for on street and/or off street parking
- c. Improve spacing between road approaches by consolidating and providing for shared approaches where possible.
- d. Define the width of undefined approaches to a width that will serve the planned use of the property.
- e. Provide for adequate sight distance at intersections and approaches.

- f. Ensure that design changes allow access to remain adequate to serve the volume and type of traffic reasonably anticipated to enter and exit the property, based on the planned uses for the property.

### Review of Access Management Methodology by Affected Property Owners

We invite your comments on the Access Management Methodology outlined above. If you would like to discuss or comment on the Access Management Methodology without requesting a formal review of the document, please feel free to contact me (Jerry Wolcott) at (541) 757-4164.

If you would prefer a more formal review of the document, you are entitled to have the Access Management Methodology reviewed in a Collaborative Discussion and/or a Dispute Review Board. To make a request for either or both of the processes, please submit a request in writing within 21 days of the date of this letter to:

Sonny Chickering  
Region 2 Manager  
455 Airport Road SE, Bldg. B  
Salem, Oregon 97301-5395

A Collaborative Discussion is conducted pursuant to OAR 734-051-5120(7). It is an informal process that allows you to discuss your concerns about the Access Management Methodology and to present additional information in writing or in person to the ODOT Region 2 manager and the panel of ODOT and local representatives selected by the Region Manager to attend the meeting. After the Collaborative Discussion the Region Manager may opt to modify the Access Management Methodology or to finalize it without modification. At the conclusion of the process, property owners are notified of the final decision and receive a copy of the finalized Methodology.

An Access Management Dispute Review Board is conducted pursuant to OAR 734-051-5120(8). The department selects members to sit on the review board consisting of any or all of following:

- (a) A designee of the ODOT director who is familiar with the location in which the road approach is located;
- (b) A representative of the local jurisdiction in which the road approach is located;
- (c) A traffic engineer who practices engineering in Oregon; and
- (d) A representative of the community from the economic or business sector.

The dispute review board review considers information presented by affected property owners and by ODOT and makes a recommendation to the ODOT director about whether to modify the Access Management Methodology. After the Dispute Review Board meets, the ODOT director may opt to modify the Access Management Methodology or to finalize it without modification. At the conclusion of the process, property owners are notified of the final decision and receive a copy of the finalized Methodology.

Following receipt of your request for a formal review of the Methodology, you will receive a follow-up communication from ODOT advising you of the next steps in the process.

The Access Management Methodology is only the criteria by which road approaches (driveways) will be evaluated. No decision on your road approach has been made at this time. If and when the access sub-team makes a decision regarding your road approach, you will be sent a letter inviting you to meet with the access sub-team to discuss your approach and collaborate on the final design. If after that discussion we cannot come to agreement you will have additional rights to appeal the decision which will be sent to you in a separate letter.

Again, if you would like to discuss the Access Management Methodology further without requesting a collaborative discussion or dispute review board, please feel free to contact me at (541) 757-4164.

Thank you for your prompt attention to this matter.

Sincerely,

Jerry Wolcott  
ODOT Project Leader

cc: Angela Kargel – ODOT Region 2 Traffic Manager  
Amy Ramsdell – ODOT Area 4 Manager  
Jim West – ODOT Region 2 Access Management Engineer  
Jamie Hollenbeak – ODOT Region 2 Access Mgmt. Project Delivery Coordinator  
Dan Dooley - ODOT District 4 Permits  
Ann Zeltmann - ODOT Appeals Coordinator  
John Doe – City of Pleasantown Planner, PO Box 345, Pleasantown, OR 97498