

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

House Committee on Transportation & Economic Development

REVENUE: No revenue impact**FISCAL: Minimal fiscal impact, no statement issued****SUBSEQUENT REFERRAL TO: No subsequent referral****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Troy Rayburn, Administrator**Meeting Dates:** 4/29, 5/29

WHAT THE MEASURE DOES: Specifies that existing approach roads are presumed to have written permission from the Oregon Department of Transportation in certain circumstances. Specifies that written permission qualifies as approach permit. Makes property owner with approach permit responsible for maintenance cost and performance of approach road. Requires facility plans to include methodology for balancing economic development objectives of abutting properties with transportation safety and access management objectives of state highways. Outlines requirements for facility plans. Requires development of access management strategies for highway improvement projects included in the Statewide Transportation Improvement Program.

ISSUES DISCUSSED:

Issues discussed in the House Committee on Transportation and Economic Development:

- Representative Doherty introduced and provided overview of measure
- Review of stakeholder committee work
- History of and relationship to previous legislation / Senate Bill 264 (2011 Legislative Session)
- The measure is neutral regarding condemnation of private property
- Unpermitted driveways
- Outreach to and process used to work with private property owners
- Need for early notification to property owners
- Dispute review process for land owner
- Rationale for dates cited or used provide certainty for landowner

Issues discussed in Senate Committee on Business and Transportation:

- Consensus solution
- Safety remains top priority
- Improved balance between traffic flow and economic development

EFFECT OF COMMITTEE AMENDMENT: Changes term “has written permission” to “is presumed to have written permission” and clarifies burden of proof lies with Oregon Department of Transportation. Broadens applicability of presumption of written permission. States that facility plans (which include interchange area management plans, corridor plans, transportation refinement plans and access management plans) must include methodology for balancing economic development objectives of abutting properties with transportation safety and access management objectives of state highways. Outlines requirements for facility plans. Requires development of access management strategies for highway improvement and modernization projects included in the Statewide Transportation Improvement Program.

BACKGROUND: Senate Bill 408 A passed out of the Senate Committee on Business and Transportation 5-0-1. Passed the Senate chamber 30-0-0.

The Oregon Department of Transportation’s (ODOT) Access Management Unit is responsible for overseeing and directing the program that manages how and where the Department permits access to state highways from adjacent land. Access decisions are based on state law, engineering principles, and objective standards meant to balance the economic

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This summary has not been adopted or officially endorsed by action of the committee.

development needs of properties abutting highways with the need to maintain the safe and efficient operation of state highways, consistent with local comprehensive plans.

Senate Bill 1024 (2010) established new criteria for requiring approach permits in cases involving a change of use. Specifically, the measure directed ODOT to establish less stringent criteria for access to roads with lower traffic volumes, an acknowledgement that roads in more rural areas may not require the same level of control for highway access, particularly in cases where access management standards conflict with economic development. A subsequent measure, Senate Bill 264 (2011), defined criteria to be used to approve or deny access permits, and also established the Access Management Oversight Task Force to oversee implementation of Senate Bill 254 and to propose additional legislation, if necessary. Senate Bill 408-A is a product of the work of the Task Force.