

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

Department of Transportation, Highway Division

734

Agency and Division

Administrative Rules Chapter Number

Lauri Kunze

(503) 986-3171

Rules Coordinator

Telephone

Department of Transportation, Highway Division, 3930 Fairview Industrial Dr. SE, Salem, OR 97302

Address

RULE CAPTION

Traffic Signal Approval, Installation, Modification, and Removal on State Highways

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

734-020-0485

AMEND:

734-020-0020, 734-020-0400, 734-020-0420, 734-020-0430, 734-020-0470, 734-020-0480, 734-020-0500

REPEAL:

734-020-0025, 734-020-0032, 734-020-0034, 734-020-0135, 734-020-0140, 734-020-0440, 734-020-0450, 734-020-0460, 734-020-0490

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS 184.616, 184.619, 366.205, & 810.200

Other Authority:

None

Statutes Implemented:

ORS 810.200 & 810.210

RULE SUMMARY

The compelling reason for this rulemaking action is to make the traffic signal rules current, remove any unnecessary requirements, and to eliminate inaccurate, obscure, and cumbersome references.

The adoption of rule 734-020-0485 establishes the design standard for installation of new, replaced, or significantly modified signal installations. The amendment of the following rules are needed: 734-020-0400 establishes the purpose for the Traffic Signals rules 734-020-0400 through 734-020-0500 for the Department of Transportation to approve the installation, modification, or removal of traffic signals. 734-020-0420 provides the definition of terms used within the Traffic Signal rules 734-020-0400 through 734-020-0500. 734-020-0430 clarifies the State Traffic Engineer approval process. Intersections shall meet MUTCD warrants unless the State Traffic Engineer finds otherwise. 734-020-0470 defines the desirable traffic signal spacing and allows State Traffic Engineer to use discretion for approval. 734-020-0480 describes the requirement for the use of traffic signal progression analysis in the traffic signal approval process. 734-020-0500 states the conditions an existing traffic signal may be removed. The repeal of the following rules are needed: 734-020-0020 list guidelines for Parking and Turn prohibitions, which are currently available in the Traffic Manual. 734-020-0025 list guidelines for U-Turn Designation, which are currently available in the Traffic Manual. 734-020-0032 list definitions referring to Portable Traffic Signals, which are part of the guidelines and equipment specifications. 734-020-0034 list the Guidelines for portable traffic signals, which is a standard specification and bid item. Guidance will be moved to an appropriate technical manual. 734-020-0135 states the General Policy for multiple right and left turns at highway intersections, which is included in the Traffic Manual. 734-020-0140 lists the Criteria for Multiple Left or Right Turn Movements, which will be included in the Traffic Manual. 734-020-0440 is the Application Procedure for Installation of Traffic Signals on State Highways at Public Roads. This is now covered under 734-020-0430. 734-020-0450 is the Application Procedure for Installation of Traffic Signals on State Highways at Private Roads. This is now covered under 734-020-0430. 734-020-0460 is Consideration for Approval of a Traffic Signal Installation and this is included in rule 734-020-0430. 734-020-0490 is the Conditions of Approval Warrants are under 734-020-0430 and

installation, and this is included in rule 734-020-0485. 734-020-0485 is the conditions of approval. Variants are under 734-020-0485 and approaches are under 734-020-0485.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

<u>12-21-2011 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>11-14-11 2:11p.m.</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

ARC 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Transportation, Highway Division

734

Agency and Division

Administrative Rules Chapter Number

Traffic Signal Approval, Installation, Modification, and Removal on State Highways

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

the adoption of 734-020-0485; the amendment of 734-020-0020, 734-020-0400, 734-020-0420, 734-020-0430, 734-020-0470, 734-020-0480, 734-020-0500; and the repeal of 734-020-0025, 734-020-0032, 734-020-0034, 734-020-0135, 734-020-0140, 734-020-0440, 734-020-0450, 734-020-0460, 734-020-0490

Statutory Authority:

ORS 184.616, 184.619, 366.205, & 810.200

Other Authority:

None

Stats. Implemented:

ORS 810.200 & 810.210

Need for the Rule(s):

The compelling reason for these rules is to make the traffic signal rules current, remove any unnecessary requirements, and to eliminate inaccurate, obscure, and cumbersome references.

The adoption of rule 734-020-0485 establishes the design standard for installation of new, replaced, or significantly modified signal installations. The amendment of the following rules are needed: 734-020-0400 establishes the purpose for the Traffic Signals rules 734-020-0400 through 734-020-0500 for the Department of Transportation to approve the installation, modification, or removal of traffic signals. 734-020-0420 provides the definition of terms used within the Traffic Signal rules 734-020-0400 through 734-020-0500. 734-020-0430 clarifies the State Traffic Engineer approval process. Intersections shall meet MUTCD warrants unless the State Traffic Engineer finds otherwise. 734-020-0470 defines the desirable traffic signal spacing and allows State Traffic Engineer to use discretion for approval. 734-020-0480 describes the requirement for the use of traffic signal progression analysis in the traffic signal approval process. 734-020-0500 states the conditions an existing traffic signal may be removed. The repeal of the following rules are needed: 734-020-0020 list guidelines for Parking and Turn prohibitions, which are currently available in the Traffic Manual. 734-020-0025 list guidelines for U-Turn Designation, which are currently available in the Traffic Manual. 734-020-0032 list definitions referring to Portable Traffic Signals, which are part of the guidelines and equipment specifications. 734-020-0034 list the Guidelines for portable traffic signals, which is a standard specification and bid item. Guidance will be moved to an appropriate technical manual. 734-020-0135 states the General Policy for multiple right and left turns at highway intersections, which is included in the Traffic Manual. 734-020-0140 lists the Criteria for Multiple Left or Right Turn Movements, which will be included in the Traffic Manual. 734-020-0440 is the Application Procedure for Installation of Traffic Signals on State Highways at Public Roads. This is now covered under 734-020-0430. 734-020-0450 is the Application Procedure for Installation of Traffic Signals on State Highways at Private Roads. This is now covered under 734-020-0430. 734-020-0460 is Consideration for Approval of a Traffic Signal Installation, and this is included in rule 734-020-0430. 734-020-0490 is the Conditions of Approval. Warrants are under 734-020-0430 and approaches are under 734-020-0485.

Documents Relied Upon, and where they are available:

The Manual on Uniform Traffic Control Devices (MUTCD) found at: <http://mutcd.fhwa.dot.gov/>. The ODOT Traffic Signal Policy and Guidelines, ODOT Traffic Manual, ODOT Traffic Signal Design Manual, and Oregon Standard Specifications for Construction, which are available on the Oregon Department of Transportation, Traffic-Roadway Section website: <http://www.oregon.gov/ODOT/HWY/TRAFFIC-ROADWAY/>. For assistance you may call Don Wence, Traffic Operations Engineer at 503 986-3576.

Fiscal and Economic Impact:

The proposed changes inherent to these rules are purposefully considering the economic and fiscal impacts. Slight fiscal and no economic impacts are anticipated as a result of these rules.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Slight impact on studies/reporting and slight savings on reviews. No significant overall change.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

None

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None

c. Equipment, supplies, labor and increased administration required for compliance:

None

How were small businesses involved in the development of this rule?

If not, why?:

Fourteen groups representing the small business stakeholders contacted. They were provided a copy of the proposed rules and given 10 days to comment; no comments were received.

Administrative Rule Advisory Committee consulted?: Yes

An Advisory Committee of six members was consulted. Three are members on the Oregon Traffic Control Devices Committee and represent private consulting engineers, Oregon cities, and ODOT.

<u>12-21-2011 Close of Business</u>	<u>Lauri Kunze</u>	<u>lauri.g.kunze@odot.state.or.us</u>	<u>11-14-11 2:11 PM</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2007