

# ODOT Approval Procedure for Local Truck Routes

July 26, 2007

## Purpose

On a regular basis the Oregon Department of Transportation receives inquiries from local governments about how to designate local truck routes. These requests are typically responded to in a variety of ways by various ODOT staff. Based on the outcome of a recent Supreme Court case, ODOT may delegate authority to local jurisdictions to designate local truck routes for safety reasons. In order to ensure consistency and provide a framework for making decisions on local truck route designations, ODOT needs a procedure to guide ODOT staff and local jurisdictions. The purpose of this document is to outline the procedure and lay out the necessary steps to seek approval of a local truck route by the Oregon Transportation Commission (OTC). It also provides additional information on local truck routes so that ODOT and local jurisdictions have a common understanding of the issues.

## Background

### Federal preemption and court decisions

Since 1980, most trucking has been deregulated. In 1994 the Federal Aviation Administration Authorization Act was passed and contained language to effectively eliminate state authority to regulate intrastate commerce. Economic regulation of intrastate commerce formerly included regulation of entry, price and routes. This federal legislation basically preempted states rights to prescribe routes.

The application of this law was challenged in a couple of instances and one case went to the Supreme Court in 2002. The case was City of Columbus, et al, Petitioners v. Ours Garage and Wrecker Service, et al.

The Supreme court decision says : "We hold that §14501(c) does not bar a State from delegating to municipalities and other local units the State's authority to establish safety regulations governing motor carriers of property, including tow trucks. A locality, as §14501(c) recognizes, is a "political *subdivision*" of the State. Ordinarily, a political subdivision may exercise whatever portion of state power the State, under its own constitution and laws, chooses to delegate to the subdivision. Absent a clear statement to the contrary, Congress' reference to the "regulatory authority of a State" should be read to preserve, not preempt, the traditional prerogative of the States to delegate their authority to their constituent parts."

The Supreme Court decision goes on to say "Local jurisdictions can establish a truck route with specific delegation of authority from the state to do so; however, local regulation that is not genuinely responsive to safety concerns garners no exemption

from preemption.” Once the delegation of authority is given, the only acceptable basis for directing trucks off a given route is for objective safety reasons.

### Effect of court decisions on Oregon state law

Prior to 2002, designation of local trucks routes was allowed per ORS 810.040 Designation of Truck Routes (see Attachment D). In general, the statute says that a road authority can designate any of its highways as a truck route and prohibit the operation of trucks upon any other of its highways that serves the same route or area served by the truck route designated.

As a result of the Supreme Court decision, ORS 810.040 has been preempted to the extent that in an addition to receiving a delegation of state authority to proceed, the local jurisdiction now has to also establish a bona fide safety reason to create the truck route and that burden was not created by ORS 810.040. For decision-making purposes, it is necessary to characterize “bona fide safety reasons” and determine how local jurisdictions can show that designation of a local truck route is warranted.

## **Procedure**

### 1. Local government inquires about a local truck route and submits letter of request

Local government staff meets with Region staff to discuss the request. Region staff provides local government staff with a Local Truck Route Request Packet which includes a flow diagram for OTC approval (Attachment A), templates used to collect data (Attachment B), Impacts to Consider Prior to Designating a Local Truck Route (Attachment C) and Oregon Revised Statutes Pertaining to Truck Routes (Attachment D).

Any local government requesting approval from ODOT for a local truck route that diverts trucks from a state highway shall submit a letter of request along with the completed templates. As stated in the Background section above, before ODOT approves a local truck route, the local government must provide objective safety reasons for the designation of a local truck route. For the purpose of this procedure, the term “safety” shall pertain to safety associated with pedestrians, bicyclists and drivers but not structures. In the letter of request, the local government must make a plausible argument that there is a prospective safety concern. In outlining its case, the local government can refer to events and changes that occurred in the past (i.e. a trend in longer trucks, increase in percent of trucks) and events or changes that will occur in the future (i.e. installation of pedestrian medians to the highway or changes in land use). Legitimate safety issues may include factors such as crashes involving trucks and other reasons. A map or maps should also be included in the submittal that clearly shows the highway segment being diverted and the local street truck route.

### 2. ODOT Region reviews application

The roles and responsibilities at the Region pertaining to the review of the local truck route will be identified by the Region Manager. The Region needs to involve Motor Carrier Transportation Division (MCTD) staff in their review process. The Freight Mobility Section of ODOT should have the opportunity to provide comments as well. In working with the local government, the Region needs to be timely and keeping the local government informed of the status of the work being reviewed.

ODOT Region conducts initial screening of application. Approval of the local truck route does not change or modify any of the highway designations associated with the section of highway being diverted (National Network, National Highway System or State Highway Freight System.) In addition, none of these designations will transfer over to the local truck route.

The Surface Transportation Assistance Act of 1982 authorized the establishment of a "National Network" for trucks where Federal width and length limits would apply. It includes the Interstate System and other designated highways which were part of the Federal-Aid Primary System in effect at that time.

### 3. Develop Local Truck Route Implementation Plan

If application appears reasonable, the Region sends a memo to the local government asking them to prepare a Local Truck Route Implementation Plan (LTRIP) which describes any improvements that are needed to the local truck route. This effort needs to be coordinated with ODOT Region and Motor Carrier Transportation Division (MCTD) staff. During development of the LTRIP, it may be appropriate for the local government to do a limited outreach with stakeholders. The LTRIP is a detailed description of all of the improvements needed to the local streets that need to occur prior to the opening of the local truck route. The LTRIP should include the following:

- A schedule of when improvements will be made
- Street improvements plan,
- Intersection/signal improvements plan ,
- Truck route sign plan (Truck routes signage shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) – See Truck Route Sign - Section 2B.45)
- Maintenance plan
- Enforcement strategy.

If the recommended improvements and schedule in the LTRIP are appropriate, the ODOT Region sends a memo to the local government stating so.

### 4. Local government holds public hearing

It is advisable that the local government meet with stakeholders (residents, local businesses, Oregon Trucking Association, County, MPO or other appropriate

stakeholders) before the public hearing to determine support for truck route. Potential stakeholders include:

- Residents and Neighborhood Associations
- Local businesses
- Local School District
- Oregon Trucking Association
- County, MPO or other agency impacted
- Other appropriate stakeholders

Local government is required to notify public and hold a hearing on the proposed local truck route (see ORS 227.400 in Attachment D). A staff report should be prepared that includes a discussion on the need for the local truck route, the impacts of the truck route and a draft ordinance to implement the local truck route. It would also be helpful to identify any cost associated with improvements needed for the truck route and estimated street maintenance costs due to the truck route. Depending on the situation, a local government may include in the staff report, an amendment to the TSP contingent upon OTC approval of the truck route.

#### 5. Draft Intergovernmental Agreement

A draft Intergovernmental Agreement (IGA) between the local government and ODOT needs to be prepared. The IGA and LTRIP should clearly outline jurisdictional responsibility for each of the elements in the plan. The IGA should include a maintenance agreement that ensures that the local truck route is properly maintained. There should also be a statement in the IGA indicating the possibility that the local truck route designation could be revoked if the roadway is not maintained properly. IGA is then signed by the local government.

#### 6. ODOT meets with its stakeholders on the local truck route

A summary of the local government's action along with the information on the proposed local truck route is provided to ODOT stakeholders including the Oregon Trucking Association and others as appropriate.

#### 7. ODOT Region prepares packet for upcoming OTC hearing

If there appears to be consensus on the request for a local truck route, the packet should be prepared as a consent calendar item. The packet needs to include a summary of the application, summary of the local government's action, summary of discussion with the stakeholders and a map. The staff report that goes to the OTC should state that the proposed local truck route would offer a safer route through town with fewer conflicts. It would be inappropriate for the staff report to state that the

highway section is unsafe or not safe. Staff would be asking the OTC to approve the local truck route and delegate signing of the IGA to appropriate staff.

8. OTC approves or denies request

The request for a local truck route designation is presented to the OTC for approval. There is no appeal process for constituents who disagree with the decision to allow/disallow the local truck route as both the local government and OTC have a public hearing process.

9. Local government makes improvements to per LTRIP

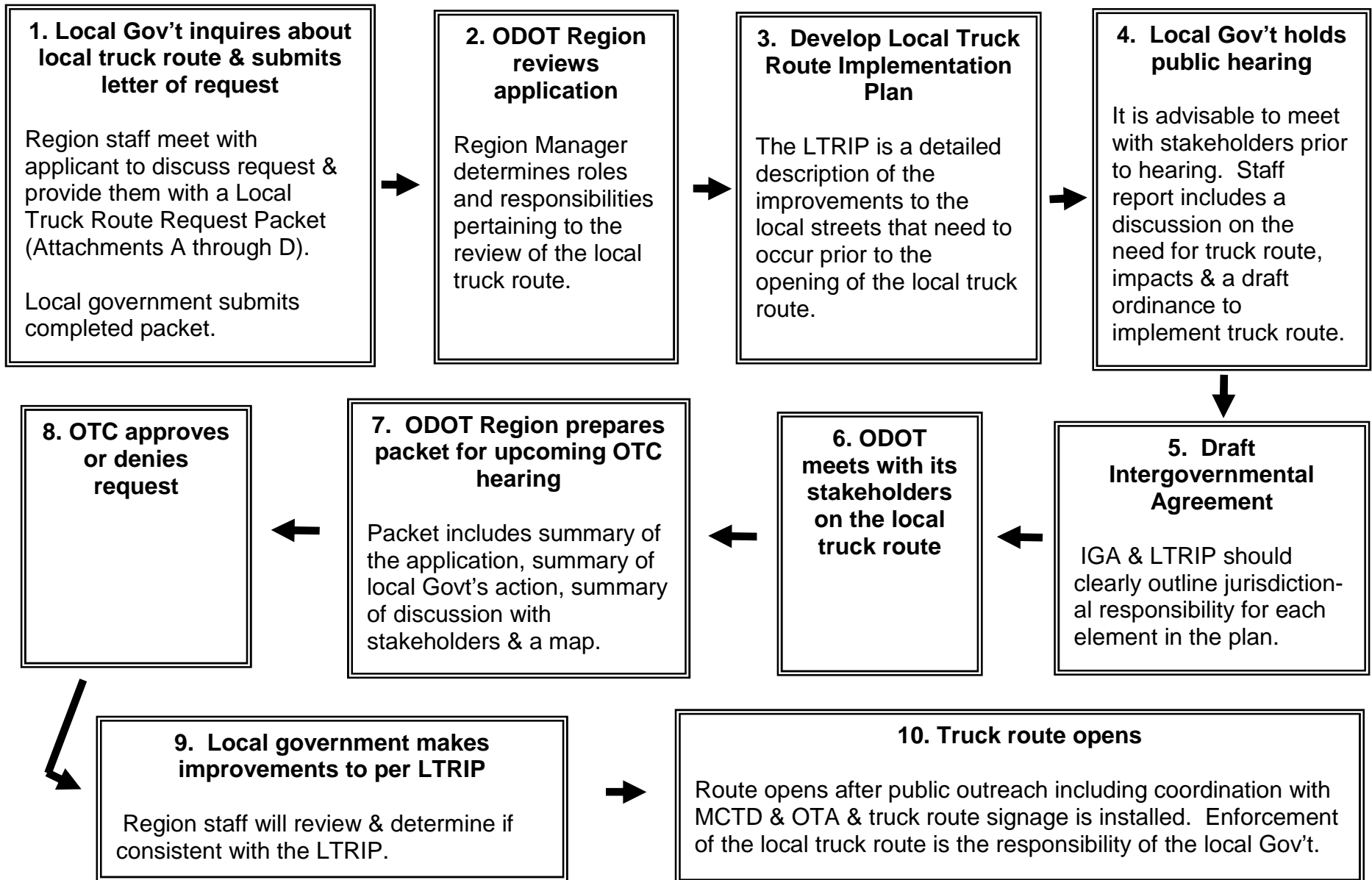
After approval, all street, intersection, signal and signage improvements described in LTRIP need to be completed. Once these improvements are in place, Region staff will review and determine if they are consistent with the LTRIP. The local truck route does not open until all necessary improvements are in place.

10. Truck route opens

Truck route opens after public outreach including coordination with MCTD and the Oregon Trucking Association (OTA) and truck route signage is installed. In some cases, the local government may need to complete an update of its Transportation System Plan (TSP) so that the local truck route is consistent with the plan. As mentioned in Attachment C, enforcement of the local truck route is the responsibility of the local government.

The OHP Plan Manager with support from the Road Inventory and Classifications Section will be responsible for maintaining the inventory of the local trucks routes associated truck traffic diverted off of state highways.

**Attachment A – Flow Diagram - Process for ODOT Approval of a Local Truck Route**



## Attachment B - Highway Segment and Local Street Truck Route Templates

### Template 1 - Highway segment to be diverted

If more than one highway segment being diverted, please fill out one template per highway. *Response column filled out as an example.*

Highway Segment Attribute	Response	Comments
Local government/Applicant Name	Mayberry	
State highway name & route number	Oregon Coast/US 101	
Length of highway segment	2,900 feet	
Milepoints of highway segment (To look up current MPs please see web site at <a href="https://www.oregon.gov/odot/data/pages/road-assets-mileage.aspx#reports">https://www.oregon.gov/odot/data/pages/road-assets-mileage.aspx#reports</a> )	MP 28.34 to MP 32.55	
STA designation	Yes	
Commercial Center designation	no	
OHP highway classification	Statewide	
OHP freight route	no	
National Highway System	Yes	
National Network	yes	
Average Daily Traffic - most recent year	29,000	
Estimated percent trucks	23.5%	
Average number of trucks per day	1,650	
Number of recorded crashes during the most recent last 3 years involving trucks	3	
Number of recorded crashes with fatalities during the most recent 3 years involving trucks	0	
Number of highway travel lanes in each direction and widths	1 lane, 12' wide	
Highway segment is a couplet	no	
Posted speed for most of the highway segment	25 mph	
Other posted speeds	35 mph	
Number of signalized intersections	6	
Number of intersections with stop signs, flashing yellow lights etc.	2	
Striped bicycle lanes present on most of	yes	

<b>Highway Segment Attribute</b>	<b>Response</b>	<b>Comments</b>
highway segment		
Sidewalks present on highway segment	yes	
Median present on highway segment	no	
Pedestrian crossing striping present at most intersections	no	
Highway segment with on-street parking	no	
Other attributes as appropriate for the request		



## Template 2 - Local Street Truck Route

If local truck route involves more than one street, please fill out one template per street.  
*Response column filled out as an example.*

Local Street Attribute	Response	Comments
Local government/Applicant Name	Mayberry	
Street name, classification and Federal Functional Classification (See maps at <a href="https://www.oregon.gov/ODOT/Data/Pages/Maps.aspx">https://www.oregon.gov/ODOT/Data/Pages/Maps.aspx</a> )	Cherry Ave./ Arterial	
Length of street segment	2,900 feet	
Number of travel lanes in each direction and widths	1 lane, 12' wide	
Pavement condition (very good, fair, poor)	good	
Pavement design is compatible with trucks	yes	
Street segment is a couplet	no	
Posted speed for most of the street segment	25 mph	
Other posted speeds	35 mph	
Number of signalized intersections	6	
Number of intersections with stop signs or other control devices such as flashing yellow lights	2	
Striped bicycle lanes present on most of street segment	yes	
Sidewalks present on most of street segment	yes	
street segment has on-street parking	no	
Name and weight limit any bridges	Clear Creek Bridge, 3 Tons	
Primary adjacent land use	industrial	
Turn radii at intersections connecting to state highway	1 <sup>st</sup> and Willow St. – 25 feet 4 <sup>th</sup> and Fir St. - 50 feet	
Railroad grade crossings	none	
Other attributes as appropriate for the request		

## **Attachment C – Impacts to Consider Prior to Designating a Local Truck Route**

### Maintenance issues

Maintenance needs to be considered. The pavement needs for truck route roadways deteriorates faster than other local streets. The cost to maintain truck routes may differ from local streets when utilized by a significant number of trucks.

### Location issues

The designation of a truck route in or near residential neighborhoods, school areas, hospitals and some business areas may raise concerns from some residents and business owners. The increase in noise, especially at stop signs and signals may not be compatible with certain land uses.

### Design and safety issues

The proposed route should be easy to follow, avoid low-clearance and weight-limited sections of road and not include much out-of-direction travel. In order for the truck route to function adequately, it should be comprised of arterial streets or a higher, avoid sharp turns and stay clear of residential areas. In designing the local truck route, public safety should receive primary attention. In some cases, the designation of a local truck route may create new safety issues. Keeping the truck route as direct as possible minimizes public exposure.

The design features and structural strength of the streets selected for the truck route must accommodate the anticipated truck traffic. The critical design features that influence truck route design include vertical clearance, lateral clearance, weight limits and turning radii. Many local government intersections are not designed to accommodate the turning movement of large tractor-trailer combinations. It is difficult at some intersections for trucks to stay in their travel lane during turning movements. Right turn movements for trucks are the most difficult.

On-street parking on some parts of the truck route limits sight distance which decreases driver reaction time if pedestrians walk out on to the street.

In some areas, a truck route would require controls (stop signs and traffic signals) at intersections that otherwise would have not need the controls.

### Congestion issues

Sometimes a truck route creates more congestion at its intersections with the state highway partly because of the turn movements. Dedicated turn lanes are sometimes needed.

### Impacts to freight movement

The circuitry of the route and travel time should be evaluated. However, the time it takes a truck driver to traverse the truck route is usually more important than the distance. The trucking industry should support the truck route.

In some cases, it may be appropriate for the truck route to be in effect during certain times. Deviations from the route allowed for certain hours of the day or days of the week may need to be explored.

### Enforcement issues

An integral component to a well working truck route is to mark and sign the truck route clearly and possibly make truck route maps readily available. Depending on the situation, some trucks may not use the local truck route for a number of reasons. Enforcing trucks to use the local truck route is the responsibility of the local government. Using the truck route will rely upon self-compliance given the limited capability of local police departments. Some trucks will continue on to the “diverted highway” to service business located there, because the signage was confusing or other reason.

### Other issues and considerations

In 1994, the North Central Texas Council of Governments developed a very informative report on local truck route issues which includes a comprehensive discussion on impacts. The report is on the National Transportation Library’s webpage. The report also contains a sample truck routing ordinance. The link to the report is <https://ntl.bts.gov/DOCS/TEX.html>

## **Attachment D – Oregon Revised Statutes Pertaining to Truck Routes**

### **ORS 810.040 Designation of Truck Routes; limitations.**

Each road authority may designate any of its highways or any section of any of its highways as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any other of its highways that serves the same route or area served by the truck route designated. The authority granted under this section is subject to all of the following:

- (1) The governing body of an incorporated local government shall not designate a truck route or prohibit the operation of any vehicle on a:
  - (a) State highway that is within the boundaries of the local government without the written consent of the Department of Transportation.
  - (b) County road that is within the boundaries of the local government without the written consent of the governing body of the county.
- (2) Any designation or prohibition made under authority of this section must be imposed by appropriate order, resolution or ordinance.
- (3) A road authority exercising authority under this section shall erect and maintain signs in a conspicuous manner and place at each end of the highway or section of highway where a designation or prohibition is imposed to give notice of the prohibitions or designations imposed. The road authority shall erect and maintain signs giving notice of any prohibitions or designations imposed under this section at such other places as may be necessary to inform the public.
- (4) A prohibition or designation imposed under this section is effective when signs giving notice thereof are posted as required by this section.
- (5) Penalties are provided under ORS 811.450 for violation of requirements imposed under this section. [1983 c.338 §148]

### **ORS 227.400 Public Meetings for Designating Truck Routes**

- (1) A local government council shall not establish a new truck route or revise an existing truck route within the local government unless the council first provides public notice of the proposed truck route and holds a public hearing concerning its proposed action.
- (2) The local government council shall provide notice of a public hearing held under this section by publishing notice of the hearing once a week for two consecutive weeks in some newspaper of general circulation in the local government. The second publication of the notice must occur not later than the fifth day before the date of the public hearing.

(3) The notice required under this section shall state the time and place of the public hearing and contain a brief and concise statement of the proposed formation of the truck route, including a description of the roads and streets in the local government that will form the truck route.

(4) As used in this section:

(a) "Truck" includes motor truck, as defined in ORS 801.355, and truck tractor, as defined in ORS 801.575.

(b) "Truck route" means the roads or streets in a local government which have been formally designated by the local government council as the roads or streets on which trucks must travel when proceeding through the local government. [1985 c.564 s.1]

### **ORS 811.450 Violation of Posted Truck Routes; Defense; Penalty.**

(1) A person commits the offense of violation of posted truck routes if appropriate signs designating truck routes are posted and the person does not operate a vehicle in compliance with the posted requirements.

(2) Authority to establish and change truck routes for purposes of this section is established in ORS 810.040.

(3) It is a defense to a charge of violation of this section if the person so charged can establish that the person could not reach the person's destination without traveling upon the street, road or highway prohibited under the posted requirements.

(4) The offense described in this section, violation of posted truck routes, is a Class B traffic violation. [1983 c.338 §647; 1985 c.393 §39; 1995 c.383 §70]  
(Rail Crossings)