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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 734  
DEPARTMENT OF TRANSPORTATION  
DELIVERY AND OPERATIONS DIVISION

**FILED**

05/30/2024 3:52 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Variable Speed Limits: I-84 Eastbound, MP 211.46 to MP 216.74

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2024 5:00 PM

*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.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.*

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NEED FOR THE RULE(S)

ORS 810.180 authorizes the Oregon Department of Transportation (ODOT) to conduct speed zone investigations and set speeds on most public roads, including interstate highways. OAR 734-020-0019 contains locations and criteria for variable speed limits in Oregon. As amended, OAR 734-020-0019 will reflect changes on the Old Oregon Trail Highway (Interstate 84) to implement a variable speed zone for eastbound vehicles from Mile Post (MP) 211.46 to MP 216.74. This variable speed limit will operate in conjunction with an automatic gate closure system when the interstate is closed at Exit 216 due to weather, crash, or other event east of Exit 216.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

- ODOT Speed Zone Manual – Available at: [https://www.oregon.gov/odot/Engineering/Docs\\_TrafficEng/Speed-Zone-Manual.pdf](https://www.oregon.gov/odot/Engineering/Docs_TrafficEng/Speed-Zone-Manual.pdf).
- Engineering Study on Variable Speed Limits and Concept of Operations for Hwy 006, MP 211.46-216.74– Available upon request from ODOT.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rule change is not expected to affect racial equity because the variable speed limits will apply to all drivers equally.

FISCAL AND ECONOMIC IMPACT:

The proposed rule will have a fiscal or economic impact on ODOT. ODOT will realize a negative impact for the cost of the installation of the variable speed zone system and for personnel operating the Traffic Operations Center, where the road, traffic and/or weather conditions are monitored and collected, processed, distributed, and communicated to the variable speed signs. All drivers could see a negative fiscal impact for not obeying the new speed limit during the variable speed limit operation. Any negative fiscal impact is expected to be offset when this system is installed due to

improved safety by reducing crashes and minimizing ODOT staff exposure to traffic to set up, maintain, and remove interstate closures at this location.

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COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Oregon Department of Transportation and all drivers.

(2)(a), (b) and (c) None

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

ODOT shared draft rules with small businesses groups for comments. ODOT did not receive any replies.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

ODOT solicited comments from the Speed Zone Review Panel established in OAR 734-020-0015(6). All panel members replied with support and no additional comments.

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AMEND: 734-020-0019

RULE SUMMARY: ORS 810.180 authorizes the Department of Transportation to conduct speed zone investigations and set speeds on most public roads, including interstate highways. As amended 734-020-0019 reflects changes on the Old Oregon Trail Highway (Interstate 84) to implement a variable speed zone for eastbound vehicles from MP 211.46 to MP 216.74.

CHANGES TO RULE:

734-020-0019

Locations and Criteria of Variable Interstate Speed Limits ¶¶

This rule is applicable only to regulatory systems and not to advisory systems.¶¶

(1) All locations of interstate highways have maximum speed limits set in section (2) of OAR 734-020-0011 or statutory maximum speed limits per ORS 811.111.¶¶

(2) Variable speed limits on the following sections of interstate highways are established as follows:¶¶

(a) I-84 Eastbound, MP 211.46 - MP 216.74: The following sections each may have different speed limits based on the criteria in section (3) of this rule:¶¶

(A) 0.48 mile east of South Pendleton Interchange Structure (MP 211.46) to 0.96 mile east of East Pendleton Interchange Structure (MP 214.00).¶¶

(B) 0.96 mile east of East Pendleton Interchange Structure (MP 214.00) to 0.69 mile east of Mission Road Interchange Structure (MP 216.74).¶¶

(b) I-84 Eastbound, MP 277.49 - MP 305.00: The following sections each may have different speed limits based on the criteria in section (3) of this rule:¶¶

(A) 1.15 mile west of Clover Creek Interchange Structure (MP 277.49) to 0.30 mile east of North Powder River (MP 286.50).¶¶

(B) 0.30 mile east of North Powder River (MP 286.50) to 100 feet west of Culley Lane Structure (MP 295.65).¶¶

(C) 100 feet west of Culley Lane Structure (MP 295.65) to 0.86 mile east of Campbell Street Interchange Structure (MP 305.00).¶¶

~~(b)~~ (c) I-84 Westbound, MP 277.88 - MP 306.40: The following sections each may have different speed limits based on the criteria in section (3) of this rule:¶¶

(A) 0.76 mile west of Clover Creek Interchange Structure (MP 277.88) to 0.67 mile west of North Powder Interchange Structure (MP 285.01).¶¶

(B) 0.67 mile west of North Powder Interchange Structure (MP 285.01) to 0.24 mile west of Culley Lane Structure (MP 295.43).¶¶

(C) 0.24 mile west of Culley Lane Structure (MP 295.43) to 0.13 mile west of S. Baker Interchange Structure (MP 306.40).¶

(ed) I-5 Northbound, MP 3.68 - MP 12.00: The following sections each may have different speed limits based on the criteria in section (3) of this rule:¶

(A) 0.95 mile south of Siskiyou Highway U'xing (MP 3.68) to 0.29 mile south of Box Hill Creek (MP 5.97).¶

(B) 0.29 mile south of Box Hill Creek (MP 5.97) to 0.27 mile south of Neil Creek Road U'xing (MP 10.08).¶

(C) 0.27 mile south of Neil Creek Road U'xing (MP 10.08) to 0.16 mile north of Clayton Creek (MP 12.00).¶

(3) Criteria for Changing Speeds. The Variable Speed Limit system has two automated subsystems, 1) a congestion subsystem and 2) a weather subsystem, each determining a recommended speed based on criteria set forth below in (a) and (b). The system also includes a manual control subsystem with criteria for use as described below in (c). The system automatically displays the lowest recommended speed from the automated subsystems with the ability for limited manual intervention when appropriate.¶

(a) Automated variable speed limits for congestion:¶

(A) During periods of free flow or near free flow when there is little or no congestion and drivers are not impeded by other vehicles, the subsystem will be programmed to select the maximum speed limit.¶

(B) During periods of congestion characterized by slower speeds on the roadway the subsystem will be programmed to select recommended reduced speeds corresponding to the congested conditions.¶

(C) The 85th percentile speed will be calculated from traffic sensor data. The variable posted speed limit shall be the 85th percentile speed rounded to within 5 mph. If there are multiple traffic sensors within the segment, the 85th percentile speed will be taken from the speed sensor with the lowest speed.¶

(D) If the subsystem does not have sufficient data to calculate the 85th percentile speeds, occupancy data (percent of time a vehicle was on the sensor) shall be used to determine if vehicles are stopped at the sensors. If the presence of vehicles is indicated, then the subsystem will assume traffic is stopped and display the minimum speed limit.¶

(E) If the subsystem is unable to determine a recommended speed due to the lack of data, the subsystem will use the last valid speed until a new speed is calculated.¶

(b) Automated variable speed limits for adverse weather conditions:¶

(A) The weather responsive subsystem will select recommended reduced speeds during periods where speeds are required to be at least 10 mph below the maximum speed limit due to either adverse weather conditions or other safety hazards.¶

(B) Weather sensors must be installed within the corridor. These sensors may measure such elements as the friction of the roadway (grip factor), classify roadway surface conditions (ice or snow present), measure visibility, or other factors related to weather depending on the corridor and reoccurring conditions.¶

(C) The variable speed determined by weather sensor data shall generally be 10 to 20 mph lower than maximum speed limit in the segment depending on severity and number of conditions present. If the maximum speed limits on the highways are above 65 mph (i.e., speeds on interstate are 70 or 75 mph) then the variable speeds shall be lowered to 55 mph and 45 mph depending on severity and number of conditions present. The minimum speed limit of 30 mph will be reserved for the most severe weather conditions in combination with low visibility or where significant traction problems are present.¶

(D) The TOC has authority to disable the weather responsive subsystem when necessary or override the speed if other conditions are present and not being detected by weather sensors.¶

(E) The subsystem shall also consider the snow zone chain condition in place during inclement weather conditions. ODOT establishes the chain conditions based on OAR 734-017-0005 thru 0025.¶

(i) When chains are required on some classes of vehicles, but not all, the subsystem will recommend a 45 mph speed.¶

(ii) When chains are required on all vehicles the subsystem will recommend a 35 mph speed.¶

(F) When a chain condition is present and a weather event is being detected the slowest recommended speed shall be used.¶

(c) When sensors are not detecting properly or conditions are such that the automated system does not adequately address the conditions present on the roadway the TOC may establish variable speed limits other than those established by either the weather subsystem or the congestion subsystem in accordance with the following:¶

(A) The TOC shall have the ability to temporarily override the system when in the judgement of the Department it is necessary to protect the safety of the public or workers, or avoid damage to any portion of the highway.¶

(B) Key information such as weather and displayed speeds from the automated systems, if available, should be used to provide information for decision making.¶

(C) The minimum period for changing speeds may be overridden by the TOC and the posted speed changed immediately.¶

(D) Unforeseen conditions not covered by the automated system may necessitate overriding the automated

system such as a major natural disaster or evacuation.¶¶

(E) Other conditions include setting the variable speed system to a lower speed for properly documented reduced speeds. Examples include construction work zones or emergency conditions such as landslides.¶¶

(F) When manual control is requested, the TOC shall record who made the request and the reason for the request.¶¶

(d) General conditions for variable speed limits:¶¶

(A) Speed signs shall not display a speed greater than the designated speed limit for the segment as set in OAR 734-020-0011 and if none, then the statutory maximum speed limit in ORS 811.111.¶¶

(B) Speed Limits displayed shall be the lowest of the two automated subsystems, congestion or weather, unless overridden by the TOC.¶¶

(C) Speed limits between subsequent highway speed change segments typically shall not be reduced by more than 10 to 15 MPH between adjacent segments. These may be urban situations where speed signs are separated by no more than a few miles. In some cases (such as rural locations) where there are relatively long distances between speed signs, the speed change between subsequent sections may be much greater since there may be free flow speeds in adjacent segments and thus no reason for reduced speeds.¶¶

(D) The speed limit shall be displayed in 5 MPH increments.¶¶

(E) The speed limit shall not be decreased more than once within a 2 minute period, unless overridden by the TOC.¶¶

(F) The speed limit shall not be increased more than once within a 3 minute period, unless overridden by the TOC.¶¶

(G) The minimum variable speed limit shall not be less than 30 MPH.¶¶

(H) Variable speed signs should be posted near, and downstream of interstate entrances, typically within about 1500 to 2000 feet.¶¶

(I) Variable speed signs for urban areas should be placed at frequent intervals. For rural areas the sign interval should be at least every five miles but no more than every ten miles.¶¶

(J) The TOC shall log the speed limit being displayed on the variable speed signs and keep the log for a minimum of five years.¶¶

(K) Static signs giving warning of entering the variable speed corridor shall be placed at the beginning of the corridor.¶¶

(L) Static signs giving notice of the end of the variable speed limit may be placed at the exit points. A static speed sign shall be placed at the end of the corridor to establish the end of the variable speed and the beginning of the fixed speed limit.

Statutory/Other Authority: ORS 184.619, 810.180, 811.111

Statutes/Other Implemented: ORS 810.180, 811.111