

# Council Communication

## August 2, 2016, Business Meeting

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### Continuation of Grandview Drive Discussion

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**FROM:**

Michael R. Faught, Public Works Director, [michael.faught@ashland.or.us](mailto:michael.faught@ashland.or.us)

**SUMMARY**

This is a continuation of the June 21, 2016 and the July 19, 2016 Council business meetings where staff requested authorization to leave a non-permitted guardrail in place and spend up to \$240,000 of budgeted street funds in order to construct phase one of the proposed Grandview Drive shared road project. If approved, staff will hold a second public meeting with residents, finalize engineering plans and construct the project.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Grandview Drive Guardrail has been on the Council's agenda twice, June 21, 2016 and July 19, 2016 (see attached Council Communications). This agenda item has been continued to the August 2, 2016 Council business meeting to consider staff's request for authorization to leave a non-permitted guardrail in place and spend up to \$240,000 of budgeted street funds in order to construct phase one of the proposed Grandview Drive shared road project.

In addition, on July 7, 2016 the Council conducted a site visit of Grandview Drive in order to see the guardrail and site constraints.

The following is a brief history of the project:

- On March 18, 2010 Grandview residents petitioned the City to install sidewalks. Topography challenges on Grandview led the Transportation Commission to recommend designating Grandview as a shared road.
- Grandview Drive was designated as a shared road with the adoption of the 2012 Transportation System Plan (TSP).
- A contractor building a home on Grandview Drive installed a non-permitted guardrail in the public right of way adjacent to the tax lot boundary in the spring of 2015.
- Staff became aware of the guardrail installation in September, 2015 and the City's consultant traffic engineer determined that the guardrail should not be removed as it represented a safety improvement.



- The City of Ashland’s Legal Department initially determined the guardrail was exempt based on AMC 13.02.050 Encroachment Permits, which requires a permit for all work in the public right-of-way. However, Section 2.c, Exemptions, lists as a use not requiring a permit: Guard/handrails along edges of driveway approaches, walks, stairs, etc. that encroach in public right-of-way.
- Kim Parducci PE PTOE, Traffic Engineer with Southern Oregon Transportation Engineering, determined the guardrail represents a safety improvement and should not be removed.
- On February 2, 2016 the Public Works Director responded to an email complaint from Paul Rostykus regarding the guardrail. The explanation pointed out that a resolution to the Grandview Drive guardrail question is complex, making it important to take the time necessary to develop the best possible long term solution (see attachment).
- The City of Ashland’s Legal Department provided a more detailed discussion of why code enforcement was deferred (see attachment).
- Staff hired Civil Engineering Consultants Inc. (CEC) to develop a shared road solution that includes leaving the guardrail in place.
  - Developed a plan that includes 5 foot refuge areas on both sides of an 18’ travel lane at an estimated cost of \$240,000 (including a 30% project contingency). The actual costs of the project may be lower as some of the work can be accomplished by City staff.
  - Determined that the guardrail had been constructed to City/ODOT Standards.
  - Determined that any improvement project would require the installation of a guardrail.
- Details of the proposed Share Road Project are as follows:
  - Uses existing right-of-way,
  - Provides an 18 foot travel lane as required in the recently adopted shared road cross section,
  - Provides a five-foot pedestrian refuge on the south side or inside the curve and a five foot refuge area on the north side or by the steep drop-off where the guardrail is,
  - Cuts into the existing bank,
  - Constructs a retaining wall and gutter to improve drainage,
  - Places two new chip seal coats on the 18 foot roadway,
  - Places gravel in the pedestrian refuge areas (see attached drawings),
  - Sets the speed at 15 miles per hour, and
  - Installs two automated speed display signs and two “Shared Road” signs.
- On June 2, 2016, Public Works staff held a Grandview Drive neighborhood group meeting to discuss the proposed project and staff’s recommendation to leave the guardrail in place on Grandview Drive. While not everyone supported the project, a majority of the residents in attendance indicated that they would support the project.
- On July 7, 2016, the City Council conducted a site visit on Grandview Drive near the guardrail (see attached questions and answers).



Options:

1. The Council could decide to follow the engineer's recommendation to leave the guardrail in place and take no further action. *Staff could support this option.*
2. The Council could decide to follow the engineer's recommendation to leave the guardrail in place and authorize staff to construct the shared road project this summer or fall. *This is the preferred option by the Public Works staff.*
3. The Council could direct staff to require the contractor to remove the guardrail. *This option is not recommended by Public Works staff or the contracted engineering firms.*

**COUNCIL GOALS SUPPORTED:**

N/A

**FISCAL IMPLICATIONS:**

The engineer's estimate, which includes a 30% contingency, is \$240,000. This first phase of the project could be funded this year as proposed in the Street Fund budget by reducing planned slurry seals by \$130,000 and delaying the \$112,000 A Street sidewalk improvement project.

The Street Fund budget allocated \$200,000 per year for slurry seal work in the 2016/17 biennium budget. This project is dependent on our Street crew completing crack sealing and base repair in order for the roads to be slurry sealed. In 2016 City crews were only able to prep \$140,000 worth of slurry seal work. Based on that, staff feels reducing the anticipated 2017 slurry seal project costs to \$130,000 more accurately reflects the amount of slurry seal work that can actually be accomplished.

Final design of the A Street project needs to wait until the Downtown Parking and Multi-modal ad hoc committee completes their work which will push this project out to the 2017/2018 biennium budget. This is important as the improvement needs to match future urban design concepts.

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Staff recommends Council leave the existing non-permitted guardrail in place and authorize staff to construct the shared road project this summer or fall.

**SUGGESTED MOTION:**

- 1) Move to leave the non-permitted guard rail in place.
- 2) Move to approve the plan for improving Grandview Dr. to the shared road standard with final approved engineering drawings.

**ATTACHMENTS:**

CEC Engineering Drawings

Traffic Engineering Memo

Street Classification-Shared Roadway

ACE engineering LLC – Guardrail Engineer Observation Report

June 21, 2016 Grandview Council Communication

July 19, 2016 Grandview Council Communication

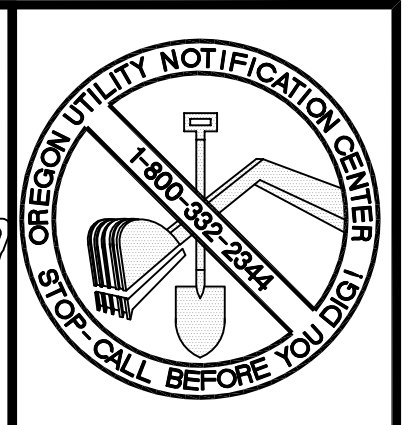
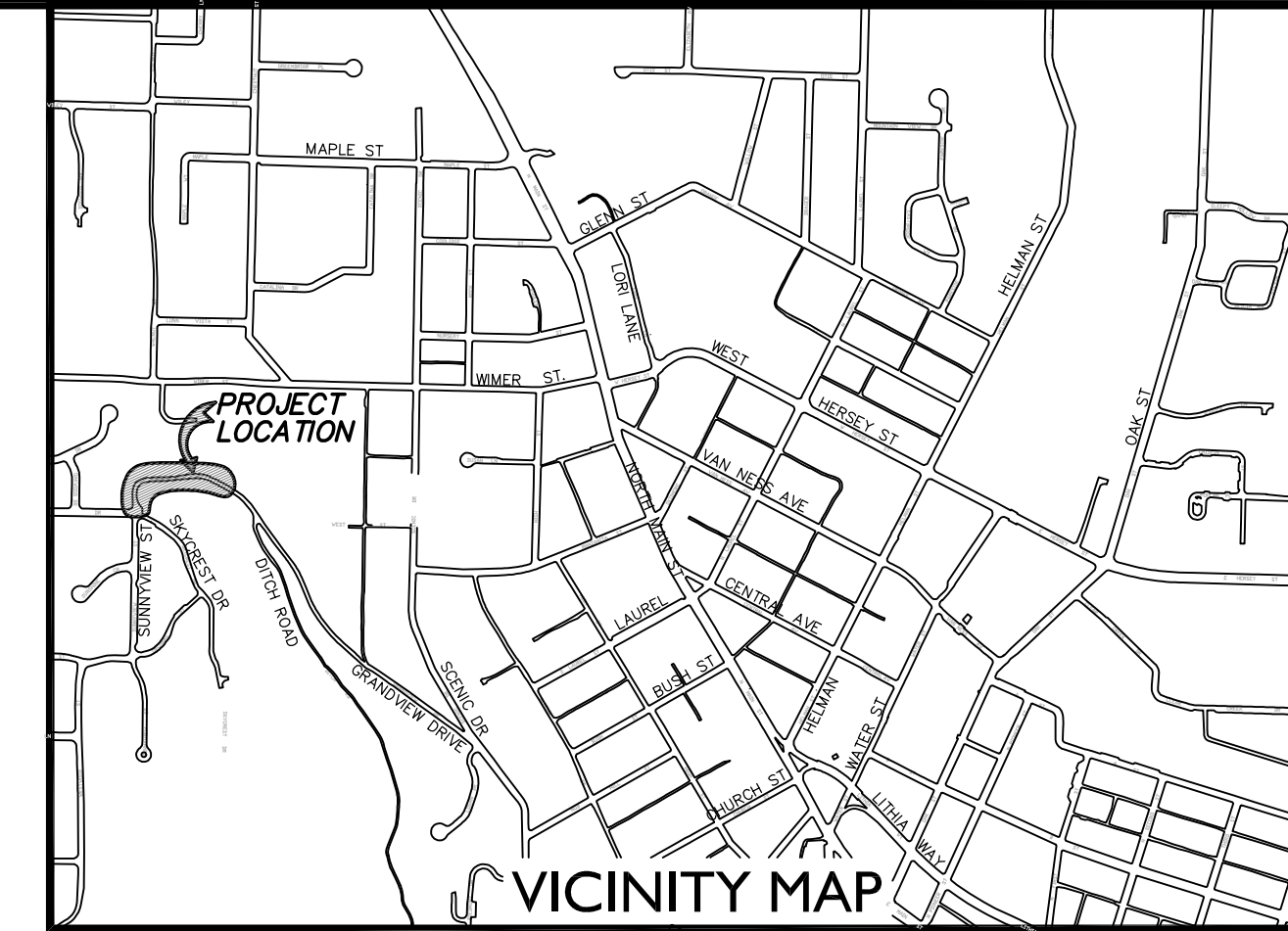


Grandview Shared Road Questions – Ashland City Council  
Code Complaint Response to Mr. Rostykus  
Legal Department Code Deferral Explanation



# CONCEPTUAL ROAD IMPROVEMENT PLANS FOR GRANDVIEW AVENUE

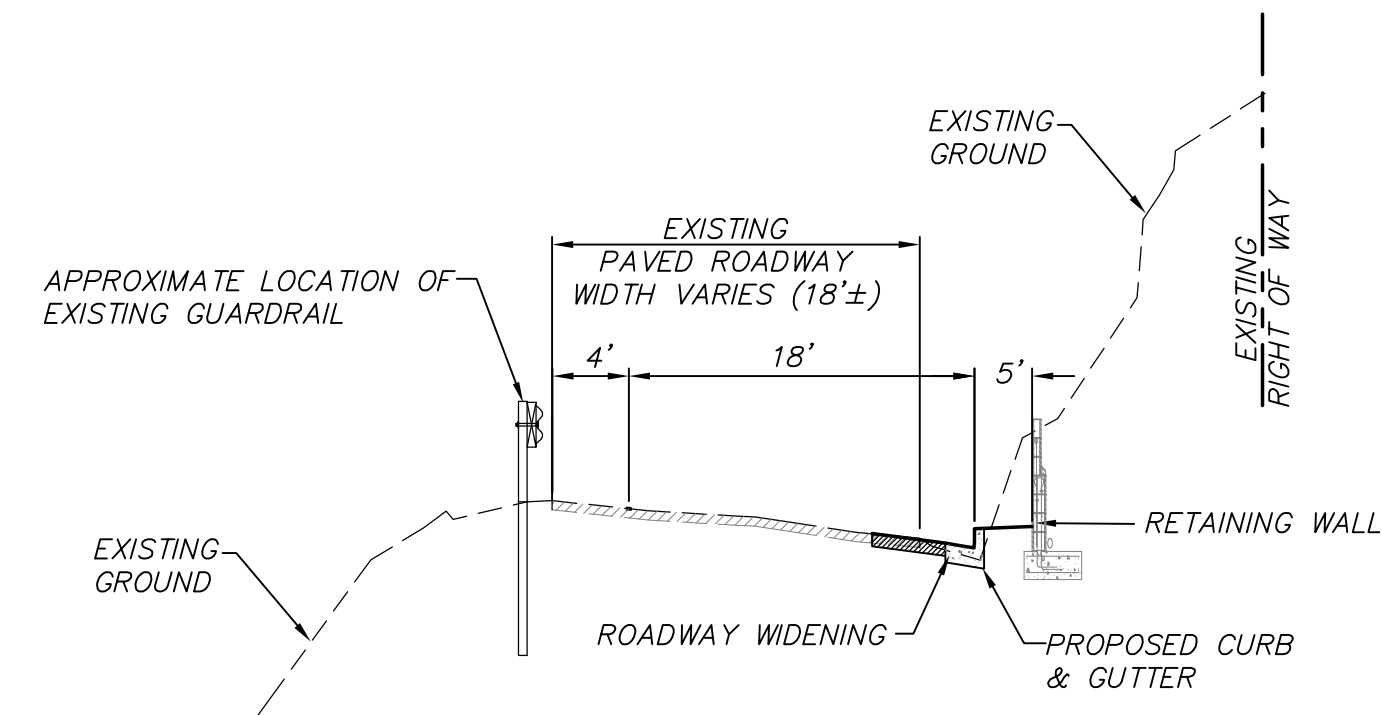
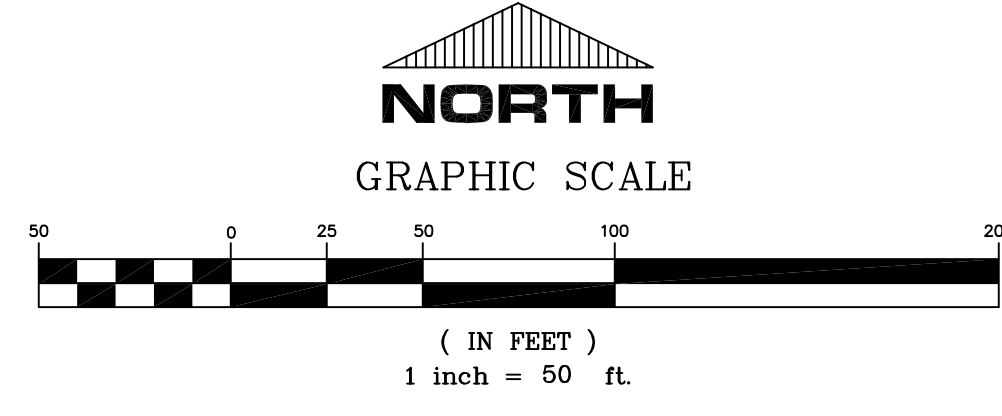
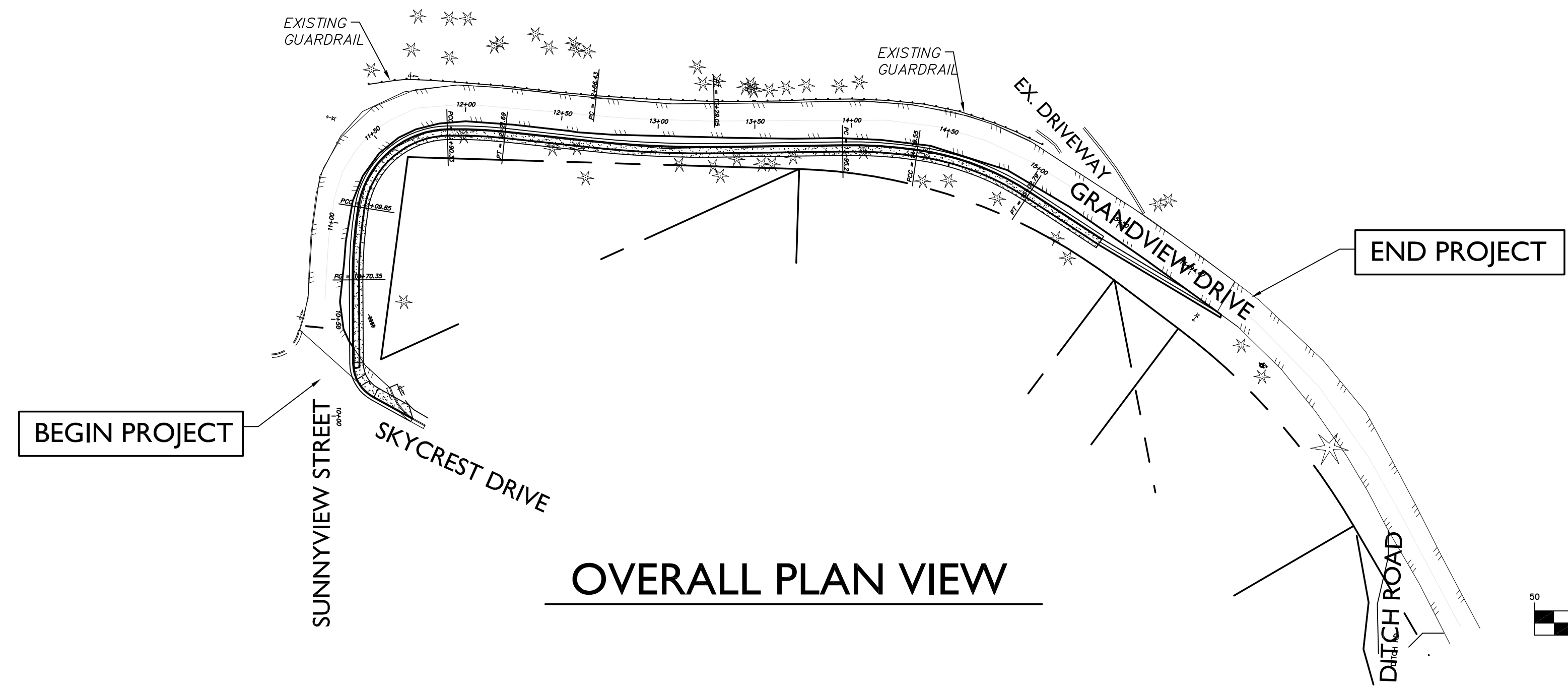
LOCATED IN  
CITY OF ASHLAND  
JACKSON COUNTY, OREGON



CALL 48 HOURS  
BEFORE YOU DIG

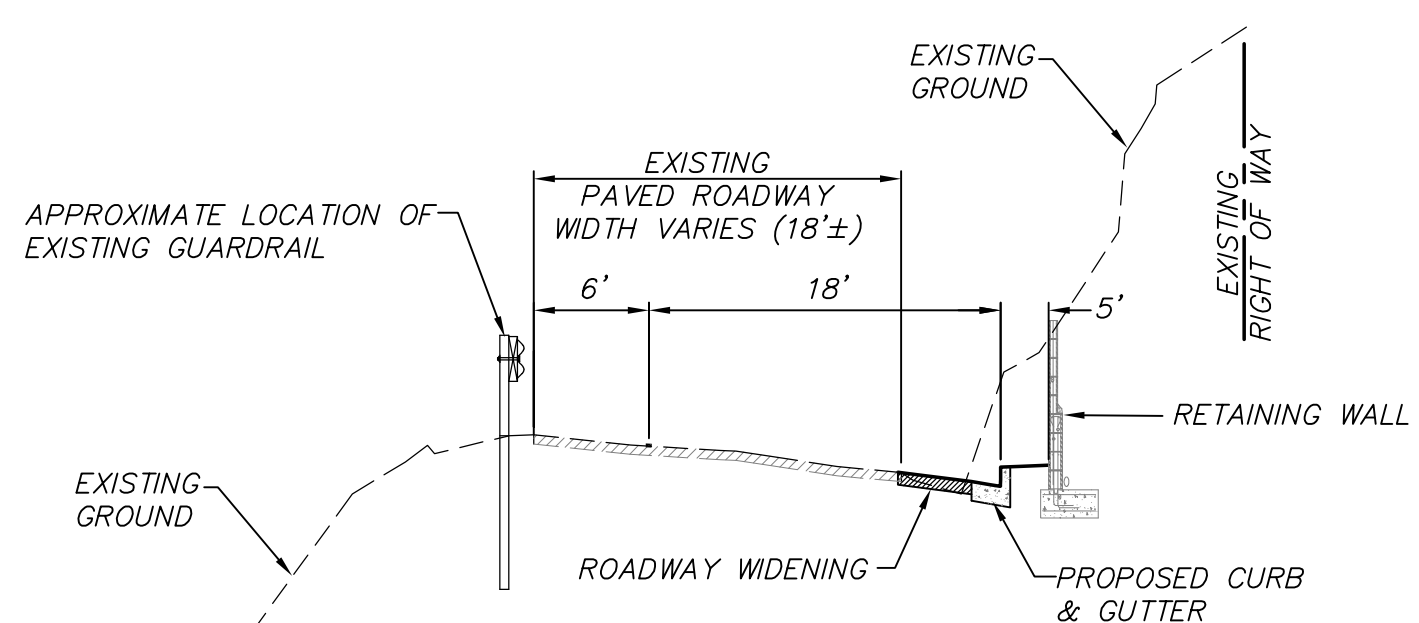
**CONSTRUCTION  
ENGINEERING  
CONSULTANTS  
INC.**

P.O. BOX 1724 • MEDFORD, OREGON 97501  
PH. (541) 779-5268 • FAX (541) 779-3139



**GRANDVIEW DRIVE  
CONCEPTUAL ROADWAY SECTION  
OPTION A**

NOTE: THE GRADING AND RETAINING WALL IMPACTS FOR OPTION A ARE SIMILAR TO THOSE FOR OPTION B. CROSS SECTIONS FOR OPTION A HAVE NOT BEEN GENERATED, SEE OPTION B SECTIONS.



**GRANDVIEW DRIVE  
CONCEPTUAL ROADWAY SECTION  
OPTION B**

### GENERAL NOTES

1. THESE PLANS ARE CONCEPTUAL AND ARE NOT INTENDED TO DEPICT ALL OF THE DETAILS OF THE WORK REQUIRED.
2. DAYLIGHT SLOPES SHOWN ARE BASED ON EXISTING SLOPES IN THE AREA AND PRELIMINARY INFORMATION PROVIDED BY THE PROJECT GEOTECHNICAL ENGINEER. A GEOTECHNICAL EVALUATION WILL NEED TO BE COMPLETED PRIOR TO FINAL DESIGN CONSTRUCTION DRAWING APPROVALS.
3. RETAINING WALLS OR SLOPE EASEMENTS MAY BE REQUIRED FOR ANY OF THE THREE WIDENING OPTIONS PROVIDED WITHIN THESE PLANS.
4. BENCHMARK: AS PROVIDED BY CITY ASHLAND TOPOGRAPHIC SURVEY

LINES		SYMBOLS	
	PROPOSED PVMNT		MANHOLE
	PROPOSED SIDEWALK		CLEAN-OUT
	PROPOSED STORM		SERVICE WYE
	PROPOSED SEWER		WATER SERVICE
	PROPOSED WATER R/W		FIRE HYDRANT
	PROPERTY LINE		WATER VALVE
	CENTER LINE		FITTING & T.B.
	PUE		CUT-IN SLEEVE
	PROPOSED C & G		AIR VALVE
	PROPOSED DITCH		CURB INLET
	EXISTING STORM		AREA DRAIN
	EXISTING SEWER		PIPE PLUG
	EXISTING WATER		CATCH/LYNCH BASIN
	EXISTING GAS		UTILITY POLE
	EXISTING POWER		STREET LIGHT
	EXISTING PHONE		TELEPHONE PEDESTAL
	EXISTING TV		POWER TRANSFORMER
	EXISTING PVMNT		POWER SWITCHGEAR
	EXISTING C & G		GAS VALVE
	EXISTING SIDEWALK		
	EXISTING DITCH		
	EXISTING FENCE		

### SHEET INDEX

TITLE	SHT #	DATE
COVER SHEET	1	
OPTION B-CONCEPTUAL ROAD IMPROVEMENT PLAN	2	
OPTION B-CONCEPTUAL ROAD IMPROVEMENT SECTIONS	3	

**CITY OF ASHLAND**

**GRANDVIEW DRIVE  
CONCEPTUAL ROAD IMPROVEMENT  
OPTIONS A & B**

**COVER SHEET**

PROJECT NO. \_\_\_\_\_  
DRAWING NO. \_\_\_\_\_  
**1 OF 7**

NOT FOR  
CONSTRUCTION

VERIFY SCALES!!!  
BAR IS ONE INCH ON ORIGINAL DWG.  
IF NOT ONE INCH ON THIS SHEET  
ADJUST SCALES ACCORDINGLY

DRAWN BY: MWK	DATE: 03/16
CHECKED BY: MWK, AMB	DATE: 03/16
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:
APPROVED:	DATE:

## Memorandum

To: Mike Faught, Ashland Public Works Director  
Date: 06/14/2016  
Subject: Grandview Drive Guardrail Review

### S.O. Transportation Engineering, LLC

112 Monterey Drive  
Medford, OR 97504  
Telephone 541.941.4148  
Fax 541.535.6873  
Kwkp1@Q.com

Southern Oregon Transportation Engineering, LLC evaluated a guardrail that was installed on Grandview Drive along the upper section of roadway north of its intersection with Skycrest Drive. The analysis was prepared to address citizen concerns and determine whether it would be safer to remove it or leave it.

### Background

Grandview Drive is a two-lane Neighborhood Collector under existing conditions, which means it distributes traffic from higher order streets such as Boulevards and Avenues to neighborhood streets. It has a posted speed of 25 miles per hour (mph) with a warning sign within the curves of 15 mph. The City's Transportation System Plan (TSP) recommends changing the functional classification of Grandview Drive to a Shared Street, which is a classification designated for streets with right-of-way constraints by topography. The constrained right-of-way prevents typical bicycle and pedestrian facilities such as sidewalks and bike lanes. The entire width of the street, therefore, is collectively shared by pedestrians, cyclists, and vehicles. The recommended speed of a Shared Street in the TSP is 15 mph.

### Field Data

Grandview Drive was measured in the field to be approximately 19 feet in paved width with sections through the curve as narrow as 17 feet. There is a consistent gravel shoulder of at least 2 feet the entire length of the guardrail, which widens out at the upper portion to over 4 feet. There's a steep drop off along the north side of Grandview Drive.





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Other field observations included low vehicular volumes and speeds. The pedestrian activity was also fairly low while out there with only one jogger observed in the hour. There were no cyclists observed. We were out taking field measurements in late September on a weekday between 1:00-2:15 pm. Grandview Drive may get more pedestrian and bicycle activity later in the day after work.

**Evaluation and Recommendations**

The goal of roadside safety devices is to protect motorists from potentially serious hazards located near the travel way. Severe embankments are a hazard that, if encountered, can be deadly, and this is one of the reasons that guardrails are used. In looking at the guardrail on Grandview Drive, it meets design requirements and was installed correctly. There is no official crash history to date, but City staff remember one vehicular crash in the area of the guardrail many years ago when a vehicle went over the edge. From our standpoint, many factors contribute to this not having a high crash occurrence, which include low traffic volumes, low traffic speeds through the curve, and limited sight distance which makes drivers and pedestrians more cautious when on Grandview Drive, but this doesn't mean that a crash won't ever occur. In the event of a crash, the guardrail reduces the severity. If a vehicle or pedestrian is forced over the edge then the result is severe. It is our opinion that Grandview Drive is safer with the guardrail than without it based on these reasons.

We hope this addresses citizen concerns and provides the background necessary for the City to move forward. Please feel free to contact us with any further questions or concerns.

Southern Oregon Transportation Engineering, LLC



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Kimberly Parducci, PE PTOE  
Firm Principal



## Shared Street

Provides access to residential uses in an area in which right-of-way is constrained by natural features, topography or historically significant structures. Shared Streets may additionally be used in circumstances where a slower speed street, collectively shared by pedestrians, bicycles, and autos, is a functional and preferred design alternative. The design of the street should emphasize a slower speed environment and provide clear physical and visual indications the space is shared across modes. See Figure 18.4.6.040.G.8.

Prototypical Section: Shared Street

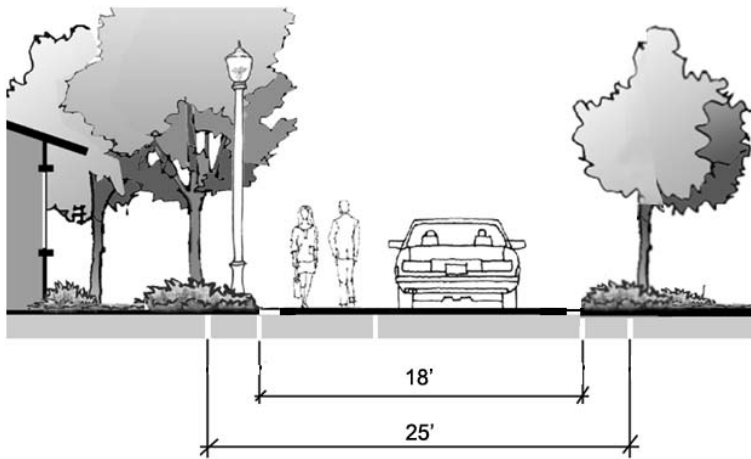


Figure 18.4.6.040.G.8  
Shared Street

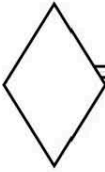
<i>Street Function:</i>	Provide vehicular, pedestrian, and bicycle neighborhood circulation and access to individual residential and commercial properties designed to encourage socializing with neighbors, outdoor play for children, and creating comfortable spaces for walking and biking.
<i>Connectivity:</i>	Connects to all types of streets.
<i>Average Daily Traffic:</i>	1,500 or less motor vehicle trips per day.
<i>Managed Speed:</i>	Motor vehicle travel speeds should be below 15 mph.
<i>Right-of-Way Width:</i>	25'
<i>Pavement width:</i>	18' minimum, maintaining full fire truck access and minimum turning paths at all changes in alignment and intersections.
<i>Motor Vehicle Travel Lanes:</i>	Minimum 12' clear width.
<i>Bike Lanes:</i>	Not applicable. Bicyclists can share the travel lane and easily negotiate these low use areas.



*Parking:* Parking and loading areas may be provided within the right of way with careful consideration to ensure parked vehicles do not obstruct pedestrian, bicycles, or emergency vehicle access.

*Parkrow:* Not applicable.

*Sidewalks:* Not applicable. Pedestrians can share the travel lane and easily negotiate these low use areas. Refuge areas are to be provided within the right of way to allow pedestrians to step out of the travel lane when necessary.



Allan Goffe, Professional Structural Engineer  
**ACE engineering LLC**

P. O. Box 231, Ashland, Oregon 97520  
Telephone (541) 552-1417  
ace-engineeringllc.com

## ENGINEER OBSERVATION REPORT

PROJECT: **Vehicular Shoulder Guardrail, Grandview Drive, Ashland, Oregon**

DATE: **07-07-2016**

DESCRIPTION OF THE SITE:

**On 06-20-2016 the existing vehicular shoulder guardrail installed on the north side of the roadway near the uphill portion of the street was observed. Measurements were taken of the existing post sizes, spacing, rail size and bolt size. The posts are embedded in soil so length was not able to be verified. No disruption to the site or structure was performed.**

ADDITIONAL INFORMATION:

**On 07-07-2016 information about the guardrail materials were received via email from Scott Fleury of the City of Ashland (COA). This information was forwarded from Brian Bowman of Gage It Construction the apparent installer of the existing guardrail.**

CONCLUSION:

**The size, spacing and gage of the guardrail materials measured at the site match the requirements of ODOT Standard Roadway Drawings series 400 and the information provided by the apparent installing contractor.  
The existing vehicular shoulder guardrail appears to comply with Oregon Department of Transportation (ODOT) standards.**

PERFORMED BY:

**Allan Goffe, P.E., S.E.**



EXPIRES 6/30/2017

DISTRIBUTION: (email) Mark Kamrath (CEC), Scott Fleury (COA), Mike Faight (COA), Karl Johnson (COA), Robin Warren (AGEGC)

# Council Communication

## June 21, 2016, Business Meeting

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### Grandview Drive Shared Road Project Proposal

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**FROM:**

Michael R. Faught, Public Works Director, [michael.faught@ashland.or.us](mailto:michael.faught@ashland.or.us)

**SUMMARY**

This item is an update to Council regarding the conversion of Grandview Dr. to a shared road and the installation of a non-permitted guardrail barrier. In addition, staff is asking for authorization to spend up to \$240,000 of street funds to convert Grandview Dr. into a shared roadway. If approved staff will finalize engineering plans, hold a second and final public meeting with residents and construct the project.

**BACKGROUND AND POLICY IMPLICATIONS:**

On March 18, 2010 the Transportation Commission heard testimony from Grandview residents who petitioned the City to install sidewalks. Because of the topography challenges on Grandview, staff estimated the cost of installing sidewalks at \$1.4 million. As a result, the Transportation Commission recommended designating Grandview as a Shared Road where all modes of transportation share the space.

Grandview Drive was designated as a shared road with the adoption of the 2012 Transportation System Plan (TSP). When the City's consultant traffic engineer determined a non-permitted guardrail installed on Grandview Drive represented a vehicular safety improvement, staff hired an engineering firm to develop a shared road solution that includes leaving the guardrail in place while maximizing pedestrian refuge in the adjacent area.

The new street classification was eventually incorporated into the 2012 TSP, where several roads with similar topographic challenges were designated as shared roads (see attached street classification). Following that, a standard shared road cross section was approved and codified during the Normal Neighborhood master planning process. The shared road cross section includes an 18-foot paved travel way that is shared by all modes of travel. The cross section also includes, at a minimum, 3' shoulders adjacent to the travel way as refuges for pedestrians. This refuge creates a safe spot for pedestrians while vehicles pass each other on the road. The most critical aspect of a shared road is a speed limit posting of 15 mph. The reduction in posted speed limit allows all users to safely use and occupy the shared way.

A contractor building a home on Grandview Drive installed a guardrail in the public right of way adjacent to the tax lot boundary in the spring of 2016. The contractor had requested information about the City's guardrail standards prior to the installation of the Guardrail; however no permit was ever submitted. The new house is located at the bottom of a steep drop-off and the contractor installed the



guardrail without a permit to protect the home in the event cars were to drive off the road at that location.

Current language in AMC 13.05.020 exempts guardrail installation to protect a driveway approach even when it extends into the right-of-way. When Public Works staff learned that the guardrail had been installed on the right-of-way without a permit they contacted both the City Attorney and a traffic engineer for guidance. Based on AMC 13.05.020, the City Attorney initially determined the guardrail installation was exempt and did not require a permit. However, after Legal learned the extent of the guardrail, they determined that a case could be made for a code violation. In addition, Kim Parducci, PE PTOE of Southern Oregon Transportation Engineering, determined the guardrail should stay as it would reduce the severity of a vehicular crash and that the road is safer with the guardrail (see attached report).

The installation of the guardrail created several complaints from residents in the Grandview Drive area. Given the findings of the traffic engineer, the Public Works staff hired Construction Engineering Consultants, Inc., to look at shared road engineering solutions. Initially, the engineering firm provided five alternatives, but staff narrowed it down to two options that were presented in a public meeting (see attached engineering drawings).

The primary option:

- uses existing right-of-way,
- provides an 18 foot travel lane as required in the recently adopted shared road cross section,
- provides a five-foot pedestrian refuge on the south side or inside the curve and a six foot refuge area on the north side or by the steep drop-off where the guardrail is,
- cuts into the existing bank,
- constructs a retaining wall and gutter to improve drainage,
- places two new chip seal coats on the 18 foot roadway,
- places gravel in the pedestrian refuge areas (see attached drawings),
- sets the speed at 15 miles per hour, and
- installs two automated speed display signs and two “Shared Road” signs.

The estimated cost for the proposed project is \$240,000 (this cost includes a 30% contingency and some of the work could be completed by staff).

On June 2, 2016, Public Works staff held a Grandview Drive neighborhood group meeting to discuss the proposed project and staff’s recommendation to leave the guardrail in place on Grandview. While not everyone supported the project, a majority of the residents in attendance indicated that they would support the project.

Given the amount of concern about the limited space for pedestrians with the guardrail in the street’s current configuration, staff recommends constructing the project this summer.

As to the guardrail, staff has informed both the property owner and the contractor we will likely require some modifications to the existing guardrail. The two options our engineering firm is evaluating require the installation of either a cable or wood guardrail (see photos). In addition, there are areas where staff will require the contractor (subject to geotechnical review) to relocate the



guardrail closer to the edge of the bank. The contractor has indicated a willingness to comply with the City's final guardrail placement requirement.

**COUNCIL GOALS SUPPORTED:**

N/A

**FISCAL IMPLICATIONS:**

The engineer's estimate, which includes a 30% contingency is \$240,000. This project could be funded this year as proposed in the Street fund budget by reducing planned slurry seals by \$160,000 and delaying the \$112,000 A Street sidewalk improvement project.

The Street Fund budget allocated \$400,000 for slurry seal in the 2016/17 biennium budget. The 2016 slurry seal project is only \$140,000 and the 2017 slurry seal project can be reduced to \$100,000. Final design of the A Street project needs to wait until the Downtown Parking and Multi-modal committee completes their work which will push this project out to the 2017/2018 biennium budget.

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Staff recommends the Council authorize staff to construct the shared road project once final engineering occurs and require the contractor who installed the non-permitted guardrail to either install a cable or wood guardrail as specified by the City's contract engineer.

**SUGGESTED MOTION:**

Move to approve the reallocation of funding for improving Grandview Dr. to the shared road standard with final approved engineering drawings.

**ATTACHMENTS:**

CEC Engineering Drawings  
Traffic Engineering Memo  
Street Classification-Shared Roadway  
Guardrail figures (Timber & Cable)



# Council Communication

## July 19, 2016, Business Meeting

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### Continuation of Grandview Drive Discussion

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**FROM:**

Michael R. Faught, Public Works Director, [michael.faught@ashland.or.us](mailto:michael.faught@ashland.or.us)

**SUMMARY**

Staff is asking for authorization to leave a non-permitted guardrail in place and spend up to \$240,000 of budgeted street funds in order to construct phase one of the proposed Grandview Drive shared road project. If approved, staff will hold a second public meeting with residents, finalize engineering plans and construct the project.

**BACKGROUND AND POLICY IMPLICATIONS:**

This item is a continuation of the discussion that began at the June 21, 2016 Council meeting (see attached June 21, 2016 Council Communication). The Council asked to conduct a site visit of Grandview Drive in order to see the guardrail and site constraints. The Council site visit, moderated by the City Attorney occurred on July 7, 2016.

The following is a brief history of the project:

- On March 18, 2010 Grandview residents petitioned the City to install sidewalks. Topography challenges on Grandview led the Transportation Commission to recommend designating Grandview as a shared road.
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Options:

1. The Council could decide to follow the engineer’s recommendation to leave the guardrail in place and take no further action. *Staff could support this option.*



2. The Council could decide to follow the engineer's recommendation to leave the guardrail in place and authorize staff to construct the shared road project this summer or fall. *This is the preferred option by the Public Works staff.*
3. The Council could direct staff to require the contractor to remove the guardrail. *This option is not recommended by Public Works staff or the contracted engineering firms.*

**COUNCIL GOALS SUPPORTED:**

N/A

**FISCAL IMPLICATIONS:**

The engineer's estimate, which includes a 30% contingency, is \$240,000. This first phase of the project could be funded this year as proposed in the Street Fund budget by reducing planned slurry seals by \$130,000 and delaying the \$112,000 A Street sidewalk improvement project.

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Final design of the A Street project needs to wait until the Downtown Parking and Multi-modal ad hoc committee completes their work which will push this project out to the 2017/2018 biennium budget. This is important as the improvement needs to match future urban design concepts.

**STAFF RECOMMENDATION AND REQUESTED ACTION:**

Staff recommends Council leave the existing non-permitted guardrail in place and authorize staff to construct the shared road project this summer or fall.

**SUGGESTED MOTION:**

- 1) Move to leave the non-permitted guard rail in place.
- 2) Move to approve the plan for improving Grandview Dr. to the shared road standard with final approved engineering drawings.

**ATTACHMENTS:**

CEC Engineering Drawings  
Traffic Engineering Memo  
Street Classification-Shared Roadway  
ACE engineering LLC – Guardrail Engineer Observation Report  
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Legal Department Code Deferral Explanation



# Grandview Shared Road Questions – Ashland City Council

On July 7, 2016 at 12:30 pm the Ashland City Council and the residences of Grandview Drive visited the location of the proposed shared road project for Grandview Drive. Mike Faught, Public Works Director, provided the following background information:

- 2010 Citizen request Sidewalk on Grandview
- TC recommends shared road
- 2012 TSP designates Grandview and many other roads as shared roads
- roads with physical and topography constraints (not sufficient room to construct a standard residential road)
- Spring 2015 Guard rail installed w/o permit
- Traffic Engineer said it should stay as she determined it would be safer with the guardrail considering all users.
- Staff hired Construction Engineering Consultants (CEC) to develop a shared road project solution.
- The proposed shared road provides safety for all modes, refuge areas for bike and ped, and 18 travel lane for cars and trucks, with a posted speed of 15mph.
- The recommended street improvements would be the same with or without the guardrail; however, the stamped engineer will require the guard rail with the improvement project. Staff has confirmed that the guard rail was constructed to ODOT or our standards. Upgraded with Corten Steel.
- Final recommended design has 5 foot refuge each side with an 18 travel lane (using chip seal) and a guard rail (guard required by the stamped engineer)
- It is important to note that road has been functioning as a shared road all along, the proposed project will make it safer for all modes, by adding guardrail, refuge area and slowing speed down.

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The following questions were asked pertaining to the shared road project and the unpermitted guardrail in the proposed area. Public discussion did not take place.

- Will only this section (where guardrail is) of Grandview be a shared road?
  - No the expectation is to convert the whole section of Grandview down to Scenic into a shared roadway. This will be phase one of the project.
- Has an engineer looked at adding a guardrail to extend further down the road?
  - Not yet, this will be evaluated with the engineering done as part of the next phase.

- Is the curve further down the road any safer than the one that has the guardrail?
  - This will be evaluated as part of the engineering work done with respect to the next phase.
- Designating this shared road is not necessarily in a hierarchy, is the traffic higher than a typical shared road?
  - The most recent average daily traffic for Grandview was 565 cars per day. A shared road per the standard allows up to 1500 cars per day.
- Is the guardrail built to standard?
  - Yes, the guardrail is built to ODOT standards as verified by an engineer.
- How deep are the pylons holding the guardrail?
  - Per the installer the posts are 6' and 8' deep, depending on their location in the embankment.
- Six of the support structures are timber, did the engineer take that into consideration?
  - The timber posts are part of the specifications and required as breakaway posts for when a vehicle strikes the end terminal.
- Is the only place that shared roads are authorized and conceptualized are the in the Normal Neighborhood plan that meet the criteria for a shared road?
  - No, there are numerous streets identified in the 2012 TSP that classified as shared roads.
- Are refuge areas required on both sides?
  - Yes
- Where does the 5 ft. of refuge start?
  - The 5' refuge starts at the beginning of the project at the start of the guardrail.
- Will there be a speed study done?
  - There have been numerous speed studies done. The most recent develop an 85% speed of 26.x mph near the guardrail.
- Will the company who installed the guardrail have to retroactively apply and pay for a permit?
  - This will be determined by the attorney.
- Has a geotechnical report been done and if not, when will it be done?
  - A geotechnical engineer is developing a final technical memo on the guardrail.
- What are the differences for a fill and a solid bank?
- How will the City address the other dangerous blind spots?
  - This will be evaluated as part of the engineering work done with respect to the next phase.
- Where the does project start and stop?
  - The current project starts at the beginning of the guardrail section and ends just west of Ditch Rd. Please refer to the drawings in the [Council Communication from June 21, 2016](#).
- Is this in the current CIP?
  - No. Staff had planned on moving forward with this project in the next budget cycle, but the installation of the guardrail has speed up the project. Staff believes this shared roadway project is important.
- Will there be parking along the proposed area?
  - No.

- Has the City looked at budgeting to find money to fix other parts of the road that need work? How do we know this is the worst part?
  - This is phase 1 of the project and the City is working on the engineering design of the rest of the project which will assist in the budget development.
- How was this chosen over other projects?
  - Staff had planned on moving forward with this project in the next budget cycle, but the installation of the guardrail has speed up the project. Staff believes this shared roadway project is important.
- Why not speed bumps?
  - Speed bumps have not been analyzed for the project.
- Has there been discussions for building a wall up where the guardrail is now?
  - Yes, but based on the geotechnical analysis a large portion of the roadway would need to be excavated and reconstructed to allow for shifting the guardrail. The general engineers consensus is the cost for this would be 3-4 times what is current proposed.
- Where would the legal guardrail be?
  - Per the engineers analysis the guardrail would be placed in the same position.
- Is it legal to have a guardrail this close to a driveway? Are there standards on how far away a guardrail needs to be from a driveway?
  - Per the engineers analysis the guardrail would be placed in the same position.
- What will the refuge area be?
  - The refuge area will be constructed with decomposed granite and will represent a visual difference between the chip seal.
- Why does the guardrail have double posts?
  - It has double posts as required by the construction standards.
- Since the guardrail was installed unpermitted, who is responsible for replacing if it is damaged?
  - Typically when something is damaged such as a guardrail, the owner's car insurance will cover the costs.
- Will the refuge area be marked?
  - The refuge area will be decomposed granite and the edge of the chip seal will be marked with a white "fog" stripe to delineate the two areas.
- What will happen to the bank?
  - The bank will be excavated to widen the roads cross section.
- Is the project in our right of way?
  - Yes.
- How tall will the retaining wall be?
  - The retaining wall will between 4 and 12 feet in height depending on the location along the embankment.
- Will the refuge areas be a specified length? What is the consistency of length for the refuge areas?
  - Please refer to the set of plans provided in the [Council Communications from June 21, 2016](#).
- How will the refuge areas transition into the existing road?
  - The refuge areas are meant to continue through the whole length of Grandview. The current phase of the project will terminate to the west of Ditch Rd.
- How far will the bank be cut into?

- The bank will be excavated according to the detached plans which specify the distance of the refuge areas.
- Why is the guardrail sharp to touch?
  - These are standard materials used in guardrail construction.
- What about speed bumps at the beginning of the road to slow down traffic approaching the area?
  - We have not evaluated speed bumps, but the traffic engineer is looking into the installation of a 4-way stop at the start of the project.
- What purpose do the 8" blocks along the guardrail serve?
  - The purpose of guardrail blockouts is to reduce the possibility of "wheel snag" on a guardrail post when a vehicle interacts with the guardrail. These are typically made of wood or recyclable plastic.



## Tami Campos

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**From:** Tami Campos  
**Sent:** Tuesday, July 12, 2016 2:58 PM  
**To:** Tami Campos  
**Subject:** FW: Guardrail on Grandview

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**From:** Mike Faught  
**Sent:** Tuesday, February 02, 2016 1:34 PM  
**To:** Rostykus Paul  
**Cc:** Scott Fleury; Kevin Flynn  
**Subject:** RE: Guardrail on Grandview

Hi Paul... Thanks for taking the time to follow up on your municipal code violation complaint regarding the guardrail on Grandview.

In general, city staff responds to code complaints are subject to overall priorities. As you know we have limited resources and must tackle what seems to be the most urgent problems first. We acknowledge that's not very satisfactory to a complainant, however there is no realistic alternative.

Having said that, I want you to know that your complaint has not been overlooked and as you know Public Works has been working on a resolution to the issue but has not yet reached a conclusion.

It is equally important to note that a Resolution of the Grandview Drive issues requires more than simple immediate steps. There are public costs or risks no matter what action is taken. Therefore, it's important for us to take the time necessary to develop the best possible long-term solution and avoid taking immediate steps that could make such a preferred outcome harder to effect.

Michael R. Faught  
Public Works Director  
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Ashland, OR 97520  
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This email is official business of the City of Ashland, and it is subject to Oregon public records law for disclosure and retention. If you have received this message in error, please let me know.

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**From:** Rostykus Paul [<mailto:prostykus@gmail.com>]  
**Sent:** Sunday, January 31, 2016 7:26 PM  
**To:** Mike Faught  
**Cc:** Scott Fleury; Kevin Flynn  
**Subject:** Re: Guardrail on Grandview

It has now been over 2 months since the city the received my municipal code violation complaint form regarding the guardrail on Grandview Drive.

As noted on the [city website](#):

“Due to the large volume of complaints processed, it is difficult to maintain up to date status reports to complainants. Please feel free to check in with the Compliance staff if you would like to find out the current status of a complaint”. I would like to hear an update on what is happening with this issue.

Thank you.

Paul Rostykus  
541-601-9709

On Nov 24, 2015, at 5:53 PM, Kevin Flynn <[kevin.flynn@ashland.or.us](mailto:kevin.flynn@ashland.or.us)> wrote:

Mike,

Please find attached the signed municipal code violation complaint form submitted today by Mr. Paul Rostykus regarding the guardrail on Grandview Drive.

As we spoke about, you directed that you would be the point of contact for the city regarding this matter.

Paul,

Mike Faught the City of Ashland Director of Public Works is reviewing this matter and will advise you as to how it is to be resolved. In speaking with Mr. Faught he related the Public Works Department is reviewing the matter and pursuing a resolution with all due diligence.

Kind regards,  
Kevin

Kevin Flynn, Code Compliance  
City of Ashland Community Development  
51 Winburn Way, Ashland OR 97520  
(541) 552-2424, TTY: 1-800-735-2900  
FAX: (541) 552-2050  
[kevin.flynn@ashland.or.us](mailto:kevin.flynn@ashland.or.us)

This email transmission is official business of the City of Ashland, and it is subject to Oregon Public Records law for disclosure and retention. If you have received this message in error, please contact me at (541)552-2076. Thank you.

<2015.11.24\_Grandview Drive\_340\_Guardrail installed without permit\_Complaint Form.pdf>

## REASONS FOR DEFERRING ENFORCEMENT OF ENCROACHMENT PERMIT REQUIREMENT ON GRANDVIEW

- As long as the City is taking reasonable steps towards enforcement of its ordinances and/or the City has a reasonable basis for refraining from immediate enforcement, the City is not required to undertake immediate enforcement in any particular situation.
  - First, city officials have discretion as to when and whether to undertake enforcement actions. Universal immediate enforcement of every ordinance requirement, even including permit requirements, is not feasible for any city from either workload or financial perspectives.
  - Second, in this particular case, the City has had good reasons for postponing enforcement:
    - Preliminary determination (now modified in response to those opposed to the guardrail) that the installed guardrail fully satisfied existing exemptions from encroachment permit requirements (AMC 13.02.050A.2 and 3).
    - Determination by traffic engineer that some type of guardrail is the safest outcome for both pedestrians, vehicles, and adjacent structures along at least portions of the street edge where the guardrail has been installed.
    - Newly created “Shared Road” designation expanded the options for improving safety along Grandview.
    - Requiring removal of the entire guardrail as penalty for failure to obtain a permit is premature until the best course of action can be decided upon: If the guardrail were to be entirely removed and best course of action turns out to be having a guardrail along a portion of the roadway, the City would needlessly have to bear the cost of installing new guardrail.
  
- If someone disagrees that the City’s lack of enforcement in this case has been reasonable, their appropriate course of action is to bring the matter to the attention of the Transportation Commission, the Public Works Department, the City Administrator, and the City Council. It appears that all of these steps have been and are being taken by those who argue for immediate enforcement.
  - If still not satisfied, complainants could file a mandamus action in Jackson County Circuit Court, claiming that the City’s lack of enforcement has been unreasonable.
    - Whether such a claim would be likely to succeed and whether the matter is likely to be resolved administratively before any court could require action, is for the complainants to consider.