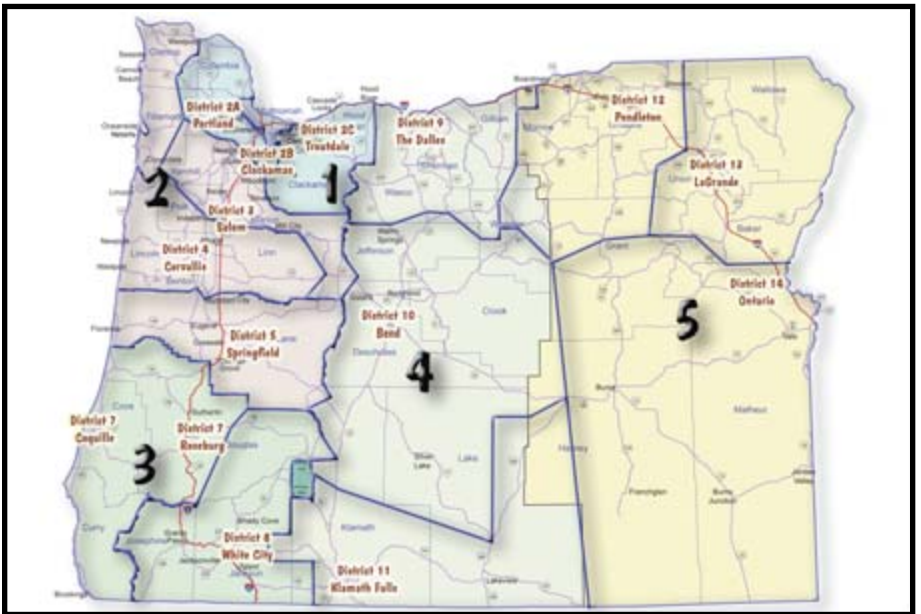


The Permit Process for an Application for State Highway Approach



This brochure provides a general description of ODOT’s procedures, requirements and timelines that apply to ODOT’s processing an *Application for State Highway Approach*. Chapter 734, Division 51 of the Oregon Administrative Rules (**OAR 734-051**) govern the approach permitting process. These rules are available at the Secretary of State website:

http://arcweb.sos.state.or.us/rules/OARS_700/OAR_734/734_051.html

When is an *Application for State Highway Approach* required?

An *Application for State Highway Approach* is required:

- For a new approach road.
- If the use of an existing approach road changes.
- To modify or relocate an existing approach road.
- To remove a restriction, such as farm use only, from an existing approach road.
- Construction of a temporary approach road for a limited time duration.

A list of required attachments is included on the *Application for Highway Approach* form. If any other items are required, ODOT will notify the applicant in writing.

The application can be found at:

http://www.oregon.gov/ODOT/HWY/ACCESSMGT/docs/AM_ODOT_Approach_0808_fillable.pdf

You may also contact the District Office where the property is located. D.O. maps are included in this brochure.

Pre-Application Meeting

You may be able to reduce the costs of site design and engineering by contacting ODOT to schedule a pre-application meeting. The meeting is an opportunity to anticipate and discuss any issues that may arise in the permitting process and, if necessary, adjust the design to meet safety and spacing standards.

Change of Use

A change of use of an approach may occur under one or more of the following conditions:

- Change in zoning or comprehensive plan designation of the property.
- Construction of new buildings of the property.
- Increase in floor space of existing buildings.
- Division or consolidation of property boundaries.
- Change in the character of the traffic using the approach.
- Change in internal or inter-parcel circulation design.
- Reestablishment of a property's use after a period of two or more years.

An *Application for State Highway Approach* must be submitted when an action or event qualifies as a change of use as specified in **OAR 734-051-0045**.

Application Review and Decision

ODOT'S decision to approve or deny an application is based on review of the factual conditions of the subject property and the **OAR 734-051** criteria. See **OAR 734-051-0080**.

When an application is approved, and the required construction plans, insurance and bond have been submitted, ODOT will issue a *Permit to Construct*.

After the applicant's construction is completed, ODOT will inspect the approach. If construction of the approach does not meet the conditions of the *Permit to Construct*, the applicant will be required to correct the deficiencies.

Once the construction is approved and all required information is received, ODOT will issue a final *Permit to Operate, Maintain and Use the Approach*.

If an application is denied, ODOT will notify the applicant of the reasons and the options available for Region Review or Administrative Appeal. See **OAR 734-051-0345** and **0355**.

Grants and Indentures of Access

ODOT will notify the applicant if there is a need to submit an application for a *Grant of Access* or an *Indenture of Access*. A *Grant of Access* application is needed when there is no right of access between the highway and the abutting property. A *Grant of Access* application is also required to remove a farm use restriction from an existing approach.

Whether ODOT approves a *Grant of Access* application depends on several criteria, including:

- Whether or not *access control* is still needed at the location.
- The effect of the proposed approach location on the safety and operation of the highway facility.
- Whether or not the proposed approach would be a benefit to the state highway system.

An *Indenture of Access* is a modification to the deed for a property with an existing *Reservation of Access*. An indenture may be needed to:

- Change the location or dimensions of an approach
- Remove a use restriction (other than farm use)

When required, an application for a grant or indenture of access must be submitted together with an *Application for State Highway Approach*. See **OAR 734-051-0295** through **0335** for more information.

Local Government Approval

ODOT may require the applicant to provide documentation of the local jurisdiction's land use approval before issuing a *Permit to Construct*. It is the property owner's responsibility to contact the local planning office and to apply for any required land use approvals.

Definitions

See **OAR 734-051-0040** for complete definitions of terms associated with the permit process.

Access means an approach road to enter or exit property abutting the highway.

Access Control means no right of access exists between a property abutting the highway and the highway. The right of access may have been acquired by ODOT or eliminated by law.

An **applicant** is a person, firm, or corporation, or other legal entity that applies for an approach including an owner or lessee, or an option holder of a property abutting the highway, or their designated agent.

An **approach road** is a physical improvement legally constructed that allows vehicles to enter and leave the state highway. An approach may be a private road or driveway or a public street.

Deemed complete means ODOT has determined that it has received information necessary to determine approval or denial of the *Application for State Highway Approach*.

An **easement** is typically a private agreement between property owners. It does not establish a right of access to the highway, but it may create an abutter's right to apply for an approach road. An

easement also does not guarantee the location where an approach road may be approved. If it is necessary to move an easement to get to a safe location for an approach road, moving the easement will be a civil matter between the easement holder and the underlying property owner.

A **grandfathered approach** is a legally constructed approach existing prior to 1949, or one that ODOT has approved in writing to remain open through actions set out in **OAR 734-051-0285(1)** and **(9)**.

An **owner** is a person, firm or corporation holding the title to real property.

Reservation of Access means a limitation of a common law right of access to a specific location where the Department has acquired access control subject to restrictions that are designated in a deed. A reservation of access may include a restriction limiting the right of access to a specified use or a restriction against a specified use. A reservation of access establishes the right to apply for an approach but does not guarantee approval of an *Application for State Highway Approach* or the location of an approach.

For answers to questions about the approach permitting process, contact a District Permit Specialist at your local ODOT District Office.

Timelines

Any of the timelines that follow may be extended if agreed upon in advance by ODOT and the applicant in writing.

Within 30 days of accepting an application, ODOT will notify the applicant whether the application is deemed complete or whether more information is needed.

If ODOT requests supplemental information, the applicant has up to 60 days from the date of the request to provide the supplemental information or the application is voided.

Once the application is deemed complete, ODOT has 60 days to review the application and to approve or deny it.

The following information outlines the basic steps that are generally involved in permitting a state highway approach:

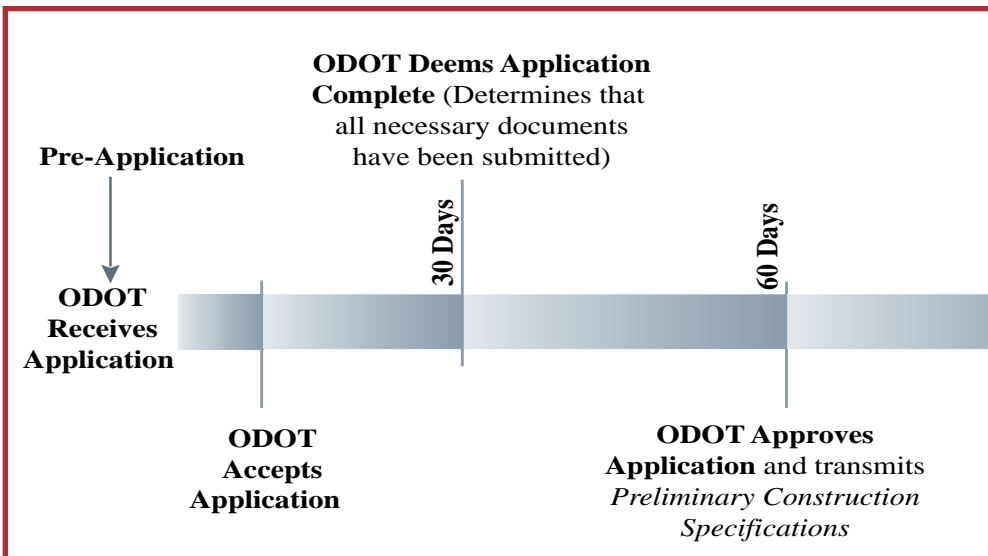
Pre-Application: Prior to filing an application, ODOT encourages applicants to ask questions of District office staff and become acquainted with the approach permitting process. District office information is included in this brochure.

Receive Application: ODOT’s administrative procedure for processing an *Application for a State Highway Approach* begins when ODOT receives a new application.

Accept Application: Once the application is received ODOT can generally let the applicant know whether the application can be accepted. Applications for approaches to controlled areas, such as freeways, cannot be accepted.

Deem Complete: After accepting the application, ODOT has 30 days to review the application and determine if the application can be deemed complete. If ODOT determines that supplemental documentation is needed, the applicant has up to 60 days to submit the additional information, or the application expires.

Approve Application: After the application is “Deemed Complete,” ODOT has 60 days to evaluate the application and either approve or deny. If approved, ODOT will work with the applicant to develop construction plans for the approach and will transmit the Preliminary Construction Specifications to the applicant.



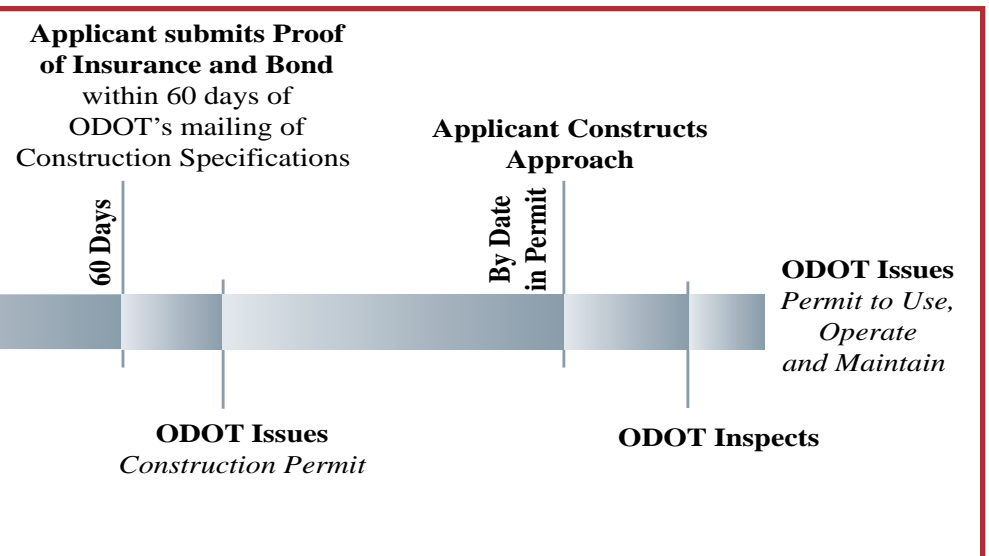
Applicant Submits Proof of Insurance and Bond: Within 60 days of notice of approval of the application, the applicant (or the applicant’s contractor) must submit to ODOT proof of construction liability insurance and bond or the approval is void.

Issue *Permit to Construct*: After receiving the applicant’s proof of insurance and bond, ODOT issues the final *Permit to Construct*, which entitles the applicant to begin construction of the approach road. The applicant must notify ODOT at least two working days in advance that construction will begin.

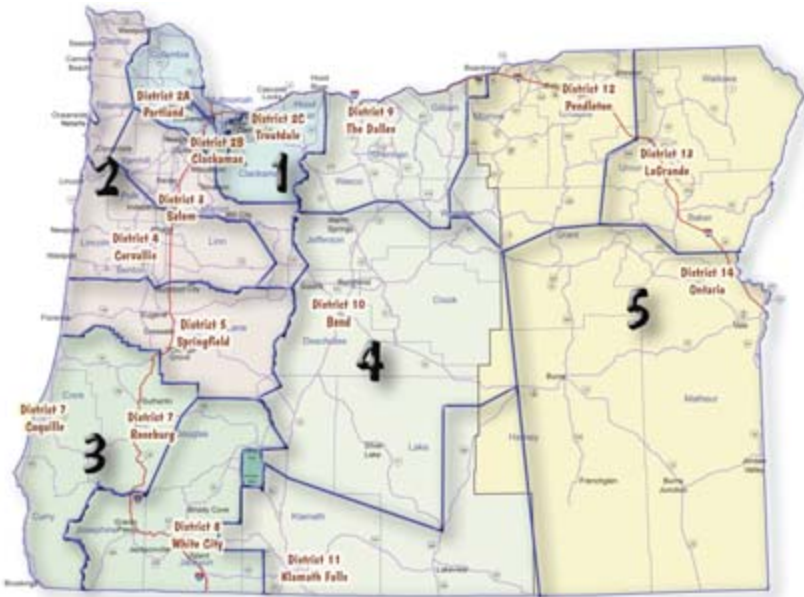
Applicant Constructs Approach Road: The applicant must build the approach road according to the terms of the *Permit to Construct* and must notify ODOT when construction is complete.

Inspect Completed Approach: During inspection, ODOT verifies that the approach road was constructed according to the terms of the *Permit to Construct*.

Issue *Permit to Use, Operate and Maintain*: If the approach passes inspection, ODOT will issue a *Permit to Use, Operate and Maintain a State Highway Approach*, giving the applicant legal use of the approach.



For information please contact
the local ODOT District Office in
your Region:





Region 1 _____

**123 Flanders Street
Portland, OR 97209
(503) 731-8200**

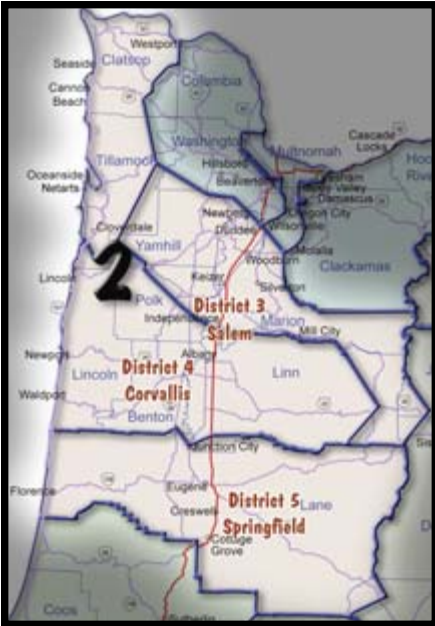
District 2A
6000 SW Raab Road.
Portland, OR 97221
(503) 229-5002



District 2B
9200 SE Lawnfield Road
Clackamas, OR 97015
(971) 673-6200



District 2C
999 NW Frontage Road
Suite 250
Troutdale, OR 97060
(503) 669-9314



Region 2 _____

455 Airport Road SE, R 128
 Salem, OR 97301
 (503) 986-2600

District 1
 350 W Marine Drive
 Astoria, OR 97103
 (503) 325-7222

District 3
 885 Airport Road SE
 Salem, OR 97301
 (503) 986-2639

District 4
 3700 SW Philomath Blvd.
 Corvallis, OR 97333
 (541) 757-4211

District 5
 644 A Street
 Springfield, OR 97477
 (541) 726-2552



Region 3 _____

3500 NW Stewart Parkway
 Roseburg, OR 97470
 (541) 957-3500

District 7 – Roseburg
 3500 Stewart Parkway
 Roseburg, OR 97470
 (541) 957-3588

District 7 – Coquille
 307 Highway 42E
 Coquille, OR 97423
 (541) 396-3707

District 8
 100 Antelope Road
 White City, OR 97503
 (541) 774-6299



Region 4 _____
63055 N Highway 97
Bend, OR 97701
(541) 388-6180

District 9
 3313 Bret Clodfelter Way
 The Dalles, OR 97058
 (541) 296-2215

District 10
 63055 Highway 97, Bldg. K
 Bend, OR 97708
 (541) 388-6192

District 11
 2557 Altamont Drive
 Klamath Falls, OR 97603
 (541) 883-5662



Region 5 _____
3012 Island Avenue
La Grande, OR 97850
(541) 963-3177

District 12
 1327 SE 3rd
 P.O. Box 459
 Pendleton, OR 97801
 (541) 276-1241

District 13
 3014 Island Avenue
 La Grande, OR 97850
 (541)963-8406

District 14
 1390 SE 1st Avenue
 Ontario, OR 97914
 (541) 889-9115

ODOT's Access Management Website:
<http://www.oregon.gov/ODOT/HWY/ACCESSMGT/>

Oregon Department of Transportation

November 2008

