

## ***Overview of the Application Process for a Private Approach to a State Highway***

*This brochure outlines the steps for obtaining a permit for a private approach to a state highway. Before completing the Application for State Highway Approach, please read the overview of the in this brochure to become familiar with the process and timelines.*

### **What is an ‘approach’?**

An ‘approach’ is a legally constructed private driveway connection to the highway. A private approach must be recognized by ODOT as grandfathered or have a valid *Permit to Operate, Maintain and Use* the approach.



### **What is a ‘connection’?**

A ‘connection’ is any existing permitted, grandfathered or unpermitted driveway that provides access to the highway from property abutting the highway.

### **Why does ODOT require a permit for vehicle access to a state highway?**

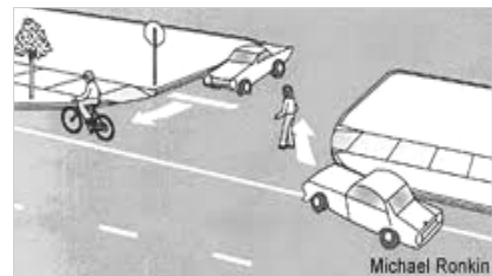
ODOT requires a highway approach permit because state law, ORS 374.305(1), requires anyone wanting to construct a new approach or change the use of an existing connection to first obtain written permission from ODOT.

State law authorizes ODOT to regulate access to state highways to manage and minimize potential conflicts and crashes between traffic on the highway and vehicles turning to enter and exit an abutting property to ensure a degree of public safety. The approach permitting process is one way ODOT manages and regulates highway access.

### **When do you need to apply for an approach permit?**

You need to apply for an approach permit to:

- Construct a new private highway approach.
- Change the use of an existing approach or connection.
- Construct a temporary approach.
- Construct a special use approach.
- Permit an existing ‘grandfathered’ connection.
- Improve an existing approach or connection.
- Permit an existing unpermitted connection.



### **Restricted areas.**

There are some areas where ODOT is not authorized to issue an approach permit. In particular, ODOT cannot issue an approach permit to a freeway or to a freeway ramp or an expressway ramp. ODOT cannot issue an approach permit where the approach would be aligned opposite a freeway or expressway ramp terminal. In addition, ODOT cannot issue an approach permit to a property where there is no access right to the highway.

## What does it cost to obtain a highway approach permit?

ODOT does not charge a fee to submit an *Application for State Highway Approach*. However, there may be other associated costs, such as:

- Local government fees to complete a Land Use Compatibility Statement (LUCS).
- A traffic impact analysis (TIA).
- Construction insurance and bond requirements.
- Design and construction of the approach, including any mitigation, if required.
- Maintenance of the approach.



### There are 4 steps in the highway approach permit process.

The four steps in the highway approach permit application process are: **1)** pre-application; **2)** processing the application and issuing a final decision to approve or deny it, including a decision resulting from an appeal; **3)** approving the approach design and issuing a *Permit to Construct* the approach; and **4)** inspecting the construction and issuing the *Permit to Operate, Maintain and Use* the approach.

### Step I: Pre-Application

A pre-application meeting is an opportunity for an applicant and ODOT to discuss the permit application process, required information and approval criteria; and to discuss the proposed development and highway approach. Pre-application is a good time to identify issues and if necessary adjust the site design or location of the approach to address the approval criteria before submitting an application. Identifying and addressing issues early in the process will reduce the chance for surprises, delays and unexpected site design and engineering costs later in the application process.

#### a. Applicant may request a pre-application meeting.

An applicant may request a pre-application meeting for any approach permit application. ODOT processes approach permit applications in the ODOT District where the subject property is located. To determine in which District office to file the application, please consult the District maps and contacts on the Contact Us page. An applicant may request a pre-application meeting by completing a *Pre-Application Request* form and contacting the appropriate ODOT District office.



#### b. Complete as much of the application form as possible before the meeting.

It is best if the applicant fills out the *Application for State Highway Approach* as much as possible before coming to a pre-application meeting. This helps us identify additional information needed to complete the application. It is the applicant's responsibility to provide the information requested on the application form. Assembling all the necessary information before submitting the application expedites the application review process. The *Application for State Highway Approach* is available on line. The instructions for completing the application are attached to the application form.

## Step 2. Processing an approach permit application and making a decision.

Step 2 follows a process and timelines prescribed in state law. Please refer to the Approach Permit Application Timeline brochure for more information. Any timelines can be extended when the applicant and ODOT agree in writing to extend the time.

### a. Assembling all the information needed to process the application.



#### 1) An applicant submits a complete Application for State Highway Approach form and the required attachments to ODOT.

The completed *Application for State Highway Approach* must be signed by the property owner or a designated agent and hand delivered or mailed to the appropriate ODOT District office. ODOT will date and stamp 'received' the original signed application form. The approach permit review process and timelines start the day the application is stamped 'received'. Applications sent by email don't include an original signature and will not be stamped 'received'.

#### 2) ODOT receives and reviews the application materials for completeness.

ODOT will notify the applicant in writing within 30 days of receiving an application if additional information is needed to process the application. If ODOT requests additional information, the applicant has up to 60 days to provide it. The applicant is responsible for providing the information needed to process the application. If the application is not complete when it is submitted, it can take time after the application is submitted for the applicant to provide the requested information. To reduce the chance for delays, It is best to complete the application as much as possible before submitting it.



ODOT also collects information for each approach permit application, such as, information: 1) on the abutting highway, such as, traffic volume, posted speed, number of lanes, crash data, etc; 2) about access rights to the property; and 3) from field observations and measurements at the subject property.

#### 3) ODOT deems an application complete.

ODOT will deem an application to be complete when we have received all of the requested information needed to evaluate the application and make a decision. ODOT will notify the applicant in writing when the application has been deemed completed. The 20-day statutory timeline starts on the day ODOT deems an application complete.

### b. ODOT reviews a complete application and makes a final decision.

#### 1) ODOT reviews the complete application.

ODOT reviews complete applications for compliance with three basic standards for: 1) access spacing, 2) channelization and 3) sight distance. For applications that meet the basic standards ODOT may take up to 30 days to issue a decision. For applications that do not meet the basic standards ODOT may take up to 60 days to review the application and issue a decision.

**2) ODOT and applicant participate in a pre-decision collaborative discussion, as needed.**

Before ODOT issues a final decision, the permit process provides an opportunity for ODOT and the applicant to discuss issues and work collaboratively to address them.

**3) ODOT makes a final decision to approve or deny an application.**

ODOT can usually find ways to approve a proposed approach by working collaboratively with an applicant. Sometimes it may be necessary to require an applicant to provide improvements to mitigate traffic impacts associated with the approach so it will operate safely.

**c. Appealing a decision.**

If ODOT decides it is necessary to require mitigation or to deny an approach permit application, the applicant has a right to appeal the decision. Oregon Administrative Rules 734-051 provide a three step 'post-decision' review or appeals process: **1)** post-decision collaborative discussion; **2)** review by a Dispute Review Board; and **3)** a contested case hearing at the Office of Administrative Hearings. An applicant may choose to proceed through all three steps; and may choose to start the process at any step. However, the steps must occur in sequence. For example, if an applicant decides to start at step 2, and is not satisfied, the process moves to step 3. The timelines vary for each step. However, state law requires ODOT to complete any appeal to the Office of Administrative Hearings within the 120 day statutory timeline.

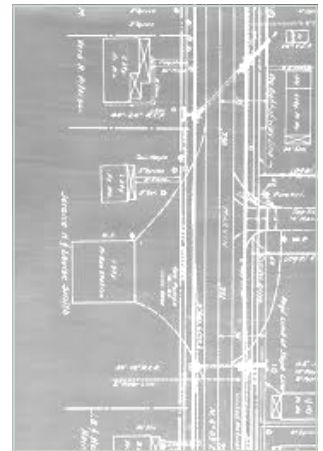
**Step 3: Approving the approach design and Issuing a Permit to Construct.**

If ODOT approves an approach permit and the applicant accepts the final decision, including a decision resulting from an appeal, then the application proceeds to step 3, design approval and construction of the approach.

**a. ODOT must approve the approach design and construction plans.**

Before starting construction ODOT must approve the approach design and construction plans and issue a *Permit to Construct* the approach. Approach construction plans must conform to standards in the Oregon Highway Design Manual. All construction plans must be stamped by an engineer licensed by the State of Oregon and approved by an ODOT engineer.

- ODOT provides standard driveway construction plans at no cost for typical approach applications.
- When ODOT determines standard construction plans are not appropriate, then the applicant will need to hire a licensed engineer to prepare custom construction plans at the applicant's expense. ODOT reviews the custom plans and works with the applicant to make any changes needed for ODOT to approve the plans.



**b. ODOT sends construction specifications and maintenance requirements to applicant.**

ODOT will send the approved construction plan specifications and maintenance requirements to the applicant for review and approval. This package includes special provisions, mitigation measures, conditions of approval and agreements required for a specific approach permit approval.

**c. Applicant provides proof of construction liability insurance and bond to ODOT.**

State law requires the applicant to file proof of construction liability insurance and bond with ODOT before ODOT issues a *Permit to Construct* an approach in the highway right of way. Construction liability insurance and bond is necessary because the applicant is responsible for the costs associated with constructing the approach, mitigation measures and other requirements.



An applicant has 60 days after receiving the approved construction plans to agree to the terms and provide proof of construction insurance and bond. If the applicant does not respond in a timely manner, then ODOT is authorized to cancel the approach permit approval. The time can be extended if the applicant and ODOT agree in writing to extend the time.

A written cooperative improvement agreement (CIA) between the applicant and ODOT may be required before ODOT issues a *Permit to Construct* for a variety of reasons, such as: **1)** for construction costing more than \$100,000; **2)** when ownership of improvements will be transferred to ODOT; **3)** when specific work standards must be followed; or **4)** when other responsibilities require it. ODOT will identify the need for a CIA early in the process and work with the applicant to develop the agreement.

**d. ODOT issues the *Permit to Construct* to applicant.**

Before ODOT issues a *Permit to Construct* the approach the applicant must: **1)** agree to the approved construction specifications and maintenance requirements; and **2)** provide proof of construction liability insurance and bond. The *Permit to Construct* entitles the applicant to construct the approach according to the approved construction specifications, special provisions, mitigation measures, conditions and agreements.



**e. Applicant constructs the approved approach.**

The applicant must notify the appropriate ODOT district office at least two working days before starting construction. The applicant must also notify the ODOT district office when the construction is complete.

**f. ODOT inspects completed construction.**

When the construction is complete ODOT will schedule an inspection. During the inspection ODOT verifies the construction conforms to the terms of the *Permit to Construct*.

**Step 4: ODOT issues the *Permit to Operate, Maintain and Use* the approach.**

In step 4, if the approach construction passes inspection, then ODOT will issue a *Permit to Operate, Maintain and Use* the approach. This permit entitles the applicant to legal use of the approach and requires the applicant to maintain and operate the approach according to the provisions of the permit.

ODOT is an equal opportunity, affirmative action employer committed to a diverse workforce. We will provide accommodations for persons with disabilities. We will provide alternative formats upon request.