



Access Management

BULLETIN

SUBJECT Administrative Fee for Application for State Highway Approach – OAR 734-051	FINAL NUMBER AM05-02(B)	EFFECTIVE DATE 08/05/2005	VALIDATION DATE 08/01/2006	SUPERSEDES Formerly Numbered AM-05-02
	WEB LINK(S) <a href="http://www.oregon.gov/ODOT/HWY/TECHSERV/">http://www.oregon.gov/ODOT/HWY/TECHSERV/</a>			
TOPIC/PROGRAM Access Management Manual	APPROVAL SIGNATURE Original signed by Harold Lasley, P.E. Access Management Program Manager			

**PURPOSE**

The purpose of this Bulletin is to implement the decision of the 2005 legislature to rescind the administrative fees specified in OAR 734-051 for an Application for State Highway Approach.

**DEFINITIONS**

CHAMPS – Central Highway Approach/Maintenance Permit System

**BACKGROUND/REFERENCE**

The Oregon Transportation Commission adopted revisions to OAR 734-051 on March 1, 2004. These revisions increased administrative fees for approach road applications based on the projected vehicle trips per day associated with the application. These fees are specified in OAR 734-051-0070(4).

ORS 291.055(1)(e) stipulates that any new fees or fee increases “. . . adopted after July 1 of any odd-number year are rescinded on July 1 of the next following odd-numbered year, or on adjournment sine die of the regular session of the Legislative Assembly meeting in that year, whichever is later, unless otherwise authorized by enabling legislation setting forth approved fees.”

Since the Department adopted the fee increases after July 1, 2003, and the 2005 regular session of the Legislative Assembly adjourned sine die on August 5, 2005 without passing enabling legislation authorizing the fee increases, **the fees specified in OAR 734-051 are rescinded.**

The Legislative Assembly also passed Senate Bill SB 1101. Section 15 of SB 1101 amends ORS 374.310, one of the authorizing statutes for approach road permits. The amendment states: “(4) **The department may not charge any fee for issuance of a permit under this section for construction of an approach road.**” The Governor is expected to sign SB 1101 into law. **When signed into law, this amendment would prohibit ODOT from charging any permit fee for construction of an approach road.**

## ***GUIDANCE/EXPLANATION***

ODOT will not charge administrative fees for an Application for State Highway Approach as of the effective date of this Bulletin. This includes applications submitted prior to the effective date of this Bulletin for which fees have not yet been collected.

Staff processing permit applications in CHAMPS should select “fee waived” as the Fee Factor in the Miscellaneous pane on the Application tab.

The following guidance is provided in response to specific questions regarding the subject of this Bulletin:

**Q.** How will the elimination of access permit fees impact the fees associated with grants of access and indentures?

**A.** The elimination of administrative fees applies to applications for approach roads, not to grants of access and indentures. The fee structures for grants and indentures remain intact and are not affected by this legislative change.

**Q.** Are Division 55 fees still allowed where they are a condition of a permit granted under Division 51? As explanation, sometimes the development of an approach also requires changes that are permitted under Division 55, not Division 51. For example, the approach road might require changes involving the frontage or sidewalks. In situations such as this, can a miscellaneous permit be issued and a fee charged that is associated with Division 55?

**A.** Division 55 fees were not affected by the legislation; Division 55 fees are still allowed. Only Division 51 fees were eliminated. You should continue to charge fees under Division 55 even if they are associated with a Division 51 permit.

**Q.** What about the fees that we charge for review of signal plans? Were these fees affected by the legislative change?

**A.** Charges associated with review of signal plans are not “. . . a fee for issuance of a permit . . . for construction of an approach road.” According to the Department of Justice, they are not even really fees, but are charges for costs incurred by ODOT in performing this work for the developers. These charges were not affected by the legislation. ODOT may still charge these fees.

## ***ACTION REQUIRED***

Access Management Program Manager:

- Revise OAR 734-051 to rescind the administrative fees contained therein. This process will be initiated in the next 2-4 weeks.
- Revise CHAMPS letter templates to eliminate reference to administrative fees.
- Revise CHAMPS program to eliminate functions related to administrative fees.

District Managers and other ODOT staff responsible for processing an Application for State Highway Approach:

- Implement this Bulletin immediately.
- Notify Access Management Program Manager, Harold Lasley, of any problems or questions related to implementation of this Bulletin.

***CONTACT INFORMATION***

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