

Senate Bill 408 changes Oregon law concerning management of access (private driveways) onto state highways. Its provisions streamline the management of access onto state highways for a large number of private driveways. The bill also provides local government, property owners and other stakeholders a place at the table during planning, development and design process for highway projects. The bill deals with the access management process in three priority areas.

1. Private driveways that do not have a permit issued by ODOT

SB 408 clarifies how to manage the large number of existing private driveways to state highways that exist today, but do not have a written permit issued by ODOT. The bill changes statute to create the presumption that these driveways have written permission from the department as required by ORS 374. The bill places the burden on the department to show where available documentation does not support this presumption. This enables the department, and the adjacent property owners, to treat existing driveways that do not have a written permit as if they are permitted.

- Examples of private driveways covered by SB 408 include driveways onto a state highway that:
- Existed prior to 1949 when the statute managing access onto state highways and county roads became law
- Were built before April 1, 2000 when the department established statewide standards for issuing permits for driveways onto state highways
- Were built by the department as part of highway improvement projects and the department failed to issue a permit

2. Access management decisions made as part of highway planning projects.

SB 408 clarifies the process by which ODOT will engage local governments and abutting property owners to address how decisions affecting access to state highways would occur as part of facility plans (interchange area management plans, corridor plans, transportation refinement plans and access management plans). Facility plans document the agreement between ODOT and local government concerning the location of county roads and city streets that connect to the state highway for which the plan is prepared.

The department must develop key principles to evaluate how properties abutting the state highway will retain or obtain access to the highway. The key principles must balance the state's investment in the highway facility with local government plans, approved land uses, and the economic development objectives of the affected property owners.

When a facility plan identifies the need to modify, relocate or close an existing private driveway, the key principles must have sufficient detail so that affected property owners are informed of the changes.

3. Access management decisions made as part of highway construction projects.

SB 408 clarifies the process by which ODOT will engage local governments and abutting property owners. The bill requires ODOT to develop an access management strategy for a highway improvement and highway modernization project. In developing an access management strategy, the department must engage affected property owners when accesses are proposed for modification, relocation, or closure, or when the department proposes to purchase all rights of access to a segment of state highway.

In addition, SB 408 includes provisions to address opportunities for the applicant to resolve disputes as part of planning or construction projects that identify the need to modify, relocate, or close existing private driveways on a state highway. SB 408 is the third of a series of bills beginning with the 2010 session that address management of access onto state highways. The bill was developed by the Access Management Oversight Task Force