



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

District 13

3014 Island Avenue

La Grande, OR 97850

(541) 963-8406

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darla.s.stoneman@odot.state.or.us

date

File Code: PMT 4-27

VIA CERTIFIED MAIL

<Applicant Name>

Company Name

<Applicant Address>

<City, <State> <Zip>

Subject: Notice of Removal of Permitted Approach and Appeal Options

<Highway Name>, <Hwy. No> at <Milepoint>

<Application Number XXX>

It has come to the attention of Oregon Department of Transportation (ODOT) that you currently have an approach located on providing access to your property. Our records indicate that you have a valid approach permit, however present conditions show that this approach does not meet the criteria of ORS 374¹ due to:

Because the approach located on does not meet the criteria, it will be closed on

The Oregon Department of Transportation (ODOT) has the responsibility of providing the traveling public a safe and efficient transportation facility, free from hazards and impediments. ORS 374.310(2) charges the state to manage its highways "in the best interest of the public for the protection of the highway or road and the travelling public." ORS 374.05 states that certain actions may be taken, including removal, alteration, or change of an approach road when "the public safety, public convenience and general welfare" require such action.



Appeal Options

Should you wish to appeal this decision, **you may request either a Region Review** (see Section 1) **or a Contested Case Hearing** (see Section 2) of this decision.

Section 1: Region Review

You may request a **Region Review** of this decision as set forth in OAR 734-051-0345 **within 21 calendar days of the date of this notice**. The request for Region Review must be filed in writing and include documentation that will be relied upon during the Region

¹ If you would like a complete copy of the Oregon Revised Statutes, Chapter 374, you may obtain them by either visiting the website at: http://www.odot.state.or.us/tdb/planning/access_mgt.

Review. If a request for Region Review is not received within this 21 calendar-day period, your right to a Region Review shall be waived. Submit your request and documentation to:

ODOT Manager

PLEASE NOTE: If you participate in a Region Review and the result is not favorable, you may still request a Contested Case Hearing.

ODOT will provide written notification to you, within 21 calendar days of the conclusion of the Region Review, including information on your rights to request a hearing.

Section 2: Contested Case Hearing

If you choose not to request a Region Review, you are still entitled to a hearing as provided by the Administrative Procedure Act (Chapter 183, Oregon Revised Statutes). If you want a hearing, you must file a written request for hearing with the Office of Administrative Hearings, Transportation Section, within 21 calendar days of the date of this notice. If a request for hearing is not received within this 21 calendar-day period, your right to a hearing shall be considered waived.

If you request a hearing within 21 calendar days of the date of this notice, the Office of Administrative Hearings, Transportation Section, will notify you of the time and place of the hearing. Before commencement of the hearing, they also will provide you with information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing.

Please forward your request for a hearing to:

Office of Administrative Hearings
Transportation Section
1905 Lana Avenue
Salem, OR 97314

If you do not request a hearing within 21 calendar days, if you withdraw a request for a hearing, if you notify the Office of Administrative Hearings that you will not appear, or if you fail to appear at a scheduled hearing, the Executive Deputy Director may issue a final order by default. In that case, ODOT designates its files on this matter as the record.

If you would like to discuss the removal of the approach further without requesting a hearing, or even after requesting a hearing, please feel free to contact me directly at . Thank you for your prompt attention to this matter.

Sincerely,

<District Manager>
ODOT District

cc: <RAME>
<Permit Specialist>
AMPM
Region Right of Way Supervisor
Office of Administrative Hearings, Transportation Section

Attachments

- Copy of Approach Permit, listing terms and conditions
- Traffic Analysis determining criteria