

ODOT Permit Inventory Catalogue

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Permit for access approach to a state highway

The statutory authority, regulatory authority or other authority for issuing the permit:

ORS 374.310 provides the statutory authority for issuing permits to the state highway system. OAR 734-051-3010 through 3110 provides regulatory authority for the approach permitting process.

Is this permit a requirement of a federally delegated program? If yes, please provide the name of the federal program.

No

Provide a brief description and purpose for this permit:

Permit for access approach to a state highway. Approaches to a state highway include public city streets, county roads and federal roads as well as private roads and driveways.

What is the standard duration of this permit?

All permits, except for temporary permits, run with the land and have no end date. They remain valid until they are canceled. Permits can be cancelled for 3 reasons:

- Change of use is triggered and they have to apply for a new permit. When the new permit is issued the old one is cancelled because it was superseded by the new one.
- The approach is removed as part of a project.
- The applicant chooses to remove the approach as part of a redevelopment of the property. Once it has been removed and redeveloped, the permit is cancelled.

Temporary permits are valid for two years from issuance of the temporary permit to operate. They may be cancelled prior to expiration at the applicant's request. The applicant must remove the approach when the temporary permit to operate expires. Temporary permits are generally issued for logging access roads and construction projects.

What information is needed for the application to be considered complete and what is the source of the info?

A complete application for an approach permit requires more than just a completed application form. Some requirements of a complete application, such as a Traffic Impact Analysis (TIA), Land Use Compatibility Statement (LUCS) or a final decision for a land use

review may take weeks or months to receive. There are also some processes that ODOT must perform, such as site reviews, which requires travel to the property and measurements of sight and spacing distances that allows them to determine if the application is complete. Therefore, ODOT reviews and begins processing applications when they are received, whether they are complete or not.

Requirements to deem an application complete 734-051-3030

- Application form – if the property owner is not the applicant their signature is required as consent for the applicant (often referred to as designated agent).
- Site plan
- Land Use Compatibility Statement (LUCS) completed and signed by the local jurisdiction that certifies that all necessary local land use planning approvals have been obtained or are under review and demonstrates that the proposed use is consistent with the acknowledged comprehensive plan, and transportation system plan and local development code or a final land use decision, unless a conditional approval is agreed upon
- Right of access or an application for an indenture or grant of access has been submitted at the location of the approach.
- Information required by the department to evaluate sight distance concerns
- Information identified to demonstrate compliance with change of use (COU) and approach requirement standards and rules, as applicable
- Identification and request for approval of all deviations from spacing, channelization and sight distance standards, as applicable
- Traffic Impact Analysis (TIA), if ODOT determines one is required
- Neighbor notification certification for new approach applications (including when COU is met) (Neighbor Notification Program technical bulletin, created to meet the requirements of ORS 374.312(14))

ODOT must wait at least 14 days after certification date for comments from neighboring property owners before it can approve an approach.

If the neighbor notification certification was the final doc needed to deem the application complete, ODOT would have to wait 14 days to approve the application even if they were ready to approve it earlier.

The Division 51 timelines may be extended if ODOT and the applicant agree to it in writing 734-051-3040(7)(c). Some application requirements (LUCS and TIA) may take time to obtain. ODOT prefers to extend timelines and not expire the application as it is easier for the applicant and more efficient for ODOT.

- Access control research is required in the first 30 days to determine if there is a right of access at the proposed approach location.
- ODOT cannot deem an application complete where no right of access exists unless the applicant has also submitted an application for a grant of access or an indenture of access 734-051-2010(1).

Please describe the process for how your agency handles incomplete applications for this permit:

After a cursory review, ODOT will inform the applicant of any apparent defects in the application and obvious items required to complete the application. If there are none, ODOT considers the application received. After ODOT performs the site review and processes the collected data to determine if the application is complete, they will issue a Notice of Completeness, which will inform the applicant if the application is complete or if anything additional is required. OAR 734-051-3040(2)(d) allows ODOT to expire an application that is not made complete within sixty (60) days of the date of the notice, unless an extension is granted. Generally, ODOT prefers to work with applicants to complete applications and provide them plenty of extra time to do so as it is easier on the applicant and more efficient for ODOT.

ODOT does not track applications that were initially incomplete on the cursory examination but later deemed complete. It is likely that the majority of applications are incomplete when initially received. This is often because we receive the LUCS from the city/county separately within a few days or weeks of receiving the application.

ODOT can track applications that are never deemed complete. In 2025 through June of 2026 ODOT received 18 applications that were never deemed complete. Of those; 11 were expired due to the applicant withdrawing the application, often due to the cost of upgrading or building a new approach (see Access Permit Catalog, sheet Expired, Incomplete Application); 4 are due to the processing of an ongoing grant or indenture and will be completed when they have received a right of access (see Access Permit Catalog, sheet In Process, Grant & Indenture); and 3 have been granted extensions as ODOT continues to work with them to complete their application (see Access Permit Catalog, In Process, Incomplete).

If readily available, please provide the number of incomplete applications the agency receives annually:

In 2025 through June of 2026 ODOT received 18 applications that were never deemed complete.

Is there a statutory or regulatory requirement governing the time within which the agency must process applications for the permit? If yes, please describe the timeframe.

ORS 374.312 provides the statutory authority and timelines for the permitting process. OAR 734-051(Division 51) provides the regulatory authority and implementation of permit processing timelines for certain stages. These are mostly found in 734-051-3030 through 734-051-3040. When ODOT receives an application, they have 30 days to determine if the application is complete or to provide notice to the applicant of the documentation required to make the application complete 734-051-3040(2). If the applicant did not have a pre-application meeting and the application is substantially incomplete upon arrival, ODOT may request a pre-application meeting and not deem the application received until after the meeting.

The applicant has 60 days from the date of the notice to make the application complete or the application may be expired 734-051-3040(2)(d).

Once an application has been deemed complete, ODOT has 120 days to approve or deny an approach permit from that date, this includes the resolution of contested case hearings and internal appeals 734-051-3040(4).

What is the application fee for the permit?

There is no application fee for a permit.

Is there a statutory, regulatory or other authority for the permit application fee?

ORS 374.310(6) The department may not charge any fee for issuance of a permit under this section for construction of an approach road. This ORS originated in the 2005 ORS as 374.310(4).

When was the application fee last changed? Please provide the date of the last change and how much the application fee increased or decreased.

Prior to 2005 a permitting fee was charged based on the use and Average Daily Trips (ADT) for the property. The removal of permitting fees encouraged permitting.

Has your agency evaluated or identified opportunities to streamline the decision making process such as, eliminating unnecessary steps or barriers, reducing the number of incomplete applications, or eliminating any obsolete or unnecessary approval processes (without changing existing rules or statutes). If so, please summarize the opportunities identified and their implementation status.

After reviewing more than 200 recently processed or currently active applications, the access permitting process appears to be relatively quick and efficient. ODOT consistently completes permit reviews within statutory timelines and often in less time than required. However, measuring total start-to-finish time can be challenging because the process alternates between tasks performed by ODOT and tasks that require the applicant to submit documents or other information. At several points, ODOT cannot move forward until the applicant provides the requested materials.

Below is a summary of the core application stages and statutory timeframes, all of which can be extended at the request of either the applicant or ODOT (see the Access Permit Process document for more detail):

- Completeness review: ODOT has 30 days to determine whether an application is complete or notify the applicant of missing information.
- Make complete: The applicant has 60 days to provide the missing information once notified that the application is incomplete.
- Neighbor notification: ODOT must wait 14 days after notification certification before approving an approach.
- Approval of application: Up to 120 days total, including contested case hearings and internal appeals.
 - 30 days to approve, approve with mitigation, or deny if the application meets standards.
 - 60 days to approve, approve with mitigation, or deny if the application does not meet standards.
 - The remaining time is reserved for contested case hearings and internal appeals.

- Plan review: No statutory timeframe. Duration depends on the complexity of the development. Projects with minimal development are quickest; major developments or redevelopments take longer and often require more coordination with local governments. (See Access Permit Catalog, sheet All Permits Issued, column AK.)
- Preliminary specifications (prelim): Once design plans are approved, ODOT issues the prelim. The applicant must sign and return it and provide insurance and bond. There is no statutory deadline for returning the prelim. If the applicant does not return it, ODOT may expire the application after 60 days. This stage is entirely applicant-dependent.
- Construction: No statutory timeframe; entirely dependent on the applicant.
- Inspection and use: No statutory timeframe; inspections typically occur within one week of construction completion.

The shortest statutory timeline to approve a complete, uncontested application is 60 or 90 days, depending on whether safety standards are met. The longest statutory timeline—for an initially incomplete application, not meeting standards, and requiring a contested case hearing—is 224 days. These timelines cover only the approval stage; plan review extends beyond them. The analysis divided processing time into three measures:

- Total time from application received to permit issuance: Includes both ODOT and applicant responsibilities before a permit is issued.
- Total time from application received to prelim issuance: Represents the maximum time ODOT could be responsible for. After prelim issuance, ODOT can only wait for the applicant to return documents.
- Approximate ODOT-controlled time: The portion of the process ODOT reasonably manages. Time during which ODOT was waiting for applicant documents, plan review materials, or completion of a grant/indenture was subtracted. Time spent by Regional Technical Center reviewers was not subtracted because ODOT may be able to work ahead during this period. Each record was individually reviewed to estimate this value.
- The analysis did not include any time associated with construction because the construction phase is entirely controlled by the applicant.

Results:

- The average total time from application received (not necessarily complete) to permit issuance is 109 days. This average is not fully representative because it includes stages entirely controlled by the applicant.
- The average time from application received to prelim issuance is 69 days. Although this still includes some applicant wait time, it is closer to reflecting ODOT's actual processing time.
- The average approximate time ODOT actively controls is 44 days.
- These average total process times are shorter than the statutory timelines governing only the approval portion of the process, demonstrating that ODOT is processing access permits more efficiently than statutory requirements alone would suggest.

Streamlining Recommendations

The data analysis shows that ODOT is routinely processing permits up to issuing the prelim in less time than is prescribed by statutory timelines to approve an application. Many of the permits listed in the catalog were processed in under one month. The permits that took the longest amount of time were the most complex and often required agreements with local entities as well.

While ODOT is consistently meeting statutory timelines regarding access permitting, Access Management has identified a number of changes that may increase the efficiency of the permit approval process and reduce incomplete or expired applications.

1. Updating Access Management website and support documents

One of the most impactful ways to ensure an efficient application process is to have an applicant that is informed and well prepared. ODOT can better inform applicants by adding to and improving ODOT's Access Management website and the guides and brochures it contains. While the site contains a great deal of useful information, some brochures are too long, some process explanations are vague, and the importance of some processes aren't clearly emphasized or explained. We will also add a simple checklist for applicants so they can easily identify what items are always required and what additional items may be required depending on the development and location. This should increase the number of applications that are complete upon submission and reduce the number of requests ODOT must make to complete an application.

2. Requiring Pre – Application Meeting

A pre-application meeting is used to discuss the plans for the approach, site development and identify and address potential issues early to reduce the chance for delays, plan revisions and additional engineering costs during the application process. These are currently optional and ODOT encourages them. ODOT could make the pre-application meeting a requirement, meaning they wouldn't accept an application or consider it received until after the pre-application meeting.

While the complexity of the permit process corresponds to the complexity of the property development, it can be substantially improved by working with ODOT, cities and counties in pre-application meetings. A pre-application meeting can determine if a TIA or land use review will be required giving them extra time to obtain them. A meeting that addresses plan requirements early can significantly decrease the amount of time and cost needed for plan reviews and revisions later in the permitting process.

3. Modifying the Neighbor Notification Process

Another change that could speed up the permitting process would be to modify the neighbor notification program requirements. The neighbor notification program was created to satisfy ORS 374.312(14) which directs ODOT to implement a program that provides persons that may be affected by a new approach notification and opportunity to comment before ODOT

approves an approach. It defines persons affected as, “the city or county in which the road is located and any person that owns property adjacent to the proposed access.” The program that ODOT created allows the Regional Access Management Engineer (RAME) to include properties in addition to those adjacent, if affected. The applicant is responsible for notifying the adjacent properties and submits a certification advising when that notification was done. ODOT must wait 14 days from the date on the certification to approve the approach.

If an adjacent property owner does submit a comment to ODOT, it often has very little impact on the approval of an approach. There are many rules and standards that must be followed and if a permit meets the criteria, it will be allowed, even if there is an impact to adjacent property. In rural areas the adjacent property owner may also be thousands of feet away from the proposed approach, this could be farther than the spacing standards that dictates the realm of affect for the approach location. Since the approach is too far away to affect their property, they shouldn't have to be notified, even if they are adjacent.

Changing this definition would likely require a change in the statute, which may not be possible. It may be possible to accomplish this by redefining “property adjacent” in the Neighbor Notification Tech Bulletin, AM15-01(B), to include a distance limitation.

4. Fully Staffing

Being fully staffed would improve ODOT's ability to process permit applications in a timelier manner. Currently most districts are understaffed for permit specialists, some having only one person that is capable of access permitting. Having an additional staff member that could share some responsibilities of a permit specialist would improve timeframes.

The HQ Access Management team has had a critical position vacant for more than two years. Although regional staff have provided intermittent support, their ability to assist depends on their workload and primary responsibilities. The vacant role is responsible for researching and responding to access control review requests, a required step before an application can be deemed complete. When staffed, reviews were typically completed within 2–3 days; currently, response times average 1–2 weeks and have occasionally reached 30 days.

This position also processes indentures, a duty that has been distributed among other team members. As a result, indenture processing now takes approximately 2–5 months, compared to about one month when the position was filled. The role supports several other HQ permitting tasks as well, helping improve turnaround times and providing essential backup coverage. It also performs quality control on permitting records, an area where accuracy has noticeably declined over the past two years.

Filling this long-vacant position is a straightforward streamlining measure, and the agency is now taking steps to restore capacity, improve timeliness, and strengthen the quality of permitting records.

Potential Process Improvement

5. Farm Use Restriction process improvement (would require a rule change)

Although grants and indentures are not part of the access permitting process, an applicant must have a legal right of access at the specific location in order to obtain a permit. Securing that right pauses the statutory timelines for permit processing and also increases the total time it takes to obtain a permit.

An indenture is used to relocate an existing right of access or to modify that right by changing the maximum allowed width or adjusting certain use restrictions. There is a small processing fee that covers recording costs, but it does not cover most of the staff time required to complete the work. The indenture process is generally straightforward and currently takes about two to five months.

A grant of access creates a new right of access at a specific location or removes an agricultural use restriction. Grants are more expensive because the applicant must pay both for the value of the new access right and for the staff time needed to process it. The grant process is complex, may take up to one year, requires an appraisal, and includes reviews by the State Traffic Engineer and the Statewide Grant Review Committee (SGRC). Additionally, OAR 734-051-2020 includes rules that substantially limit the ability to obtain a grant.

One possible improvement to speed up access permitting would be to allow an indenture to remove all use restrictions on an existing right of access. OAR 734-051-1070(35) defines an indenture as a tool for changing the location, width, or use restrictions of a reservation of access, but also specifies that removal of a farm crossing or farm use restriction requires a grant. This distinction was likely created because agricultural properties typically have very low average daily trips (ADT), and the intent was to maintain low ADT at access points often located in higher-speed areas.

Use restrictions were commonly placed on access reservations for new highway alignments from the 1950s through the 1970s. These restrictions did not limit how the property itself could be used, only how the access to the highway could be used. ODOT stopped using these restrictions in the 1980s. In many cases, the use restriction originally matched the property's use at the time. As cities have expanded, some properties with agricultural access restrictions are now within urban growth boundaries or have been rezoned for non-agricultural uses. If the use restriction had been residential, it could be modified to commercial or unrestricted through an indenture. But if the restriction is agricultural, a grant is currently required. Changing this would require a modification to the OAR.

Allowing agricultural use restrictions to be removed through an indenture would reduce the time needed to obtain an unrestricted right of access and, in turn, significantly shorten permitting timelines. ODOT would lose revenue from access-grant purchases, but applicants would benefit from a faster process—potentially saving many months. Limitations could be added to maintain low ADT in high-speed areas, such as allowing this option only where speed limits fall below a defined threshold or within urban growth boundaries.

Does the agency have an application backlog for this permit?

No

Approximately how many applications for this permit are currently pending at the agency?

There are currently 33 applications proceeding through the permit process, not counting application received since June of 2026, which were not included in this review. These applications are still pending, as they have not yet received permits to construct. Of these; 12 are waiting for the applicant to return the prelim and/or provide insurance and bond/CIL, there is nothing ODOT can do until these are received; 11 are complete with most in the plan review process seeking approval and/or agreements from cities and counties as well as ODOT; 7 are in the process of obtaining a grant or indenture; and 3 are in the process of completing their application. Some of these will have already moved to construction by the time this information is reviewed.

Provide any other information you feel is relevant to understanding the permit requirement:

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