



APPLICATION FOR GRANT OF ACCESS

Please read the attached instruction sheet before completing this application.

Applicant information

NAME OF PROPERTY OWNER	NAME OF OWNER'S COMPANY
PROPERTY OWNER'S MAILING ADDRESS	CITY, STATE, ZIP

Property to be served by this access

STREET ADDRESS OR LOCATION		INTENDED LAND USE
CITY, STATE, ZIP	COUNTY	MAP AND TAX LOT NUMBERS
APPROXIMATE LOCATION OF REQUESTED ACCESS (DISTANCE FROM NEAREST INTERSECTION OR PROPERTY CORNER)		

Applicant certification

The applicant declares, certifies, and affirms under penalty of applicable state and federal laws that the information provided on this application and attachments is to the best of his or her knowledge true and complete. The applicant agrees to pay the fee described below, and understands that the Oregon Department of Transportation is under no obligation to relinquish access control. The applicant understands that if a Grant of Access is approved the purchase price will be based on an appraisal of the fair market value of the access right.

SIGNATURE OF PROPERTY OWNER X	DATE
SIGNATURE OF AGENT FOR PROPERTY OWNER (IF APPLICABLE) X	DATE

Required attachments

- Copy of completed Application for State Highway Approach (ODOT form 734-2680) with tax lot map from the relevant county assessor's office and any other required attachments
- Current preliminary title report
- Deposit (see "Processing fee")
- Current Vesting Deed

Processing fee

Cost incurred by the Department will be documented and charged to the applicant. Processing costs include the fair market appraisal, staff review of the application, and a 10 percent charge for general administration. An initial deposit applied toward the processing costs must accompany this application. The required *deposit* is:

- \$2,000 Single residential, non-commercial or public approach
- \$3,000 Simple commercial, less than 100 trips in peak traffic hour
- \$5,000 Approach with more than 100 trips in peak traffic hour.

Total processing costs may exceed the above deposit amounts. The applicant will be billed for all processing costs over and above the initial deposit. The Department reserves the right to request an additional deposit, if needed, to cover costs. Any excess deposit will be returned. (OAR 734-051-2020(8))

Purchase price of a Grant of Access

If a Grant of Access is approved, the purchase price shall be an amount equal to the fair market value of the Grant of Access as determined by a property appraisal. (OAR 734-051-2020(12)) The appraisal will examine the value of the parcel with and without the grant of access. See the attached instruction sheet for further explanation.

District office use only

DATE RECEIVED	CHAMPS APPLICATION NO.	HIGHWAY NAME
R/W MAP	R/W FILE NO.	MILE POINT
SIDE OF HIGHWAY	WIDTH	APPROACH REQUESTED AT ENGINEER'S STATION
		Is approach constructed? <input type="checkbox"/> Yes <input type="checkbox"/> No

The receiving Permit Specialist should determine the completeness of this application. Once deemed complete, the Region Manager shall review the application and determine if it meets the minimum requirements of the rules governing a grant of access. The Region Manager will either forward the application to the State Traffic Engineer for further consideration or deny the request.

Approval

REGION MANAGER PRINT NAME	REGION MANAGER SIGNATURE X	Approved <input type="checkbox"/>	DATE
STATE TRAFFIC ENGINEER PRINT NAME	STATE TRAFFIC ENGINEER SIGNATURE X	Approved <input type="checkbox"/>	DATE
TECHNICAL SERVICES MANAGER PRINT NAME	TECHNICAL SERVICES MANAGER SIGNATURE X	Approved <input type="checkbox"/>	DATE
		Denied <input type="checkbox"/>	



APPLICATION FOR GRANT OF ACCESS

Instructions

Please read these instructions before completing the attached application.

Applicants are advised to meet with Oregon Department of Transportation (ODOT) staff when pursuing a Grant of Access. We welcome the opportunity to answer your questions about the process and the associated fees.

Please read the following explanation of ODOT's Grant of Access process before submitting the application. Before we can process your request, we must have your completed application form along with the required attachments. Please submit these items to an ODOT District Office.

A Grant of Access allows access to a highway where the abutting property currently does not have the right of access. A grant of access is required to remove access restrictions such as farm crossing and farm access restrictions on existing reservations of access. A grant of access is also required to change a use restriction on existing reservations if such change would result in an expansion of the use by adding more trips or different types of traffic to the highway. Further explanations may be found in Oregon Administrative Rules (OAR) Chapter 734 Division 51. (<http://arcweb.sos.state.or.us>)

Before a **Permit to Construct** and a **Permit to Operate, Maintain and Use a State Highway Approach** can be issued, the landowner must hold the right to access the state highway. ODOT's authority to control access is established in Oregon Revised Statute (ORS) Chapter 374.

Circumstances under which a Grant of Access may be allowed

ODOT may sell back the right of access when it is no longer needed or where an approach would prove to be a benefit to the state highway. In most cases, ODOT acquired the right of access to protect the highway from the impacts of vehicles entering and exiting the roadway. If this still applies to the area of the highway in question, then the applicant must demonstrate that the approach will be of benefit to the highway.

The department has identified some situations where a new approach could potentially benefit the highway, such as:

- Where existing rights of access can be relocated, controlled, and/or combined; or
- Where operations could be improved through off-system connectivity, traffic diversions, or other traffic engineering techniques.

If the grant of access is approved, the applicant must purchase the access right at fair market values. The purchase price is determined by the difference in the fair market value of the property before and after the access right is granted.

Grant of Access process timeline

Depending on the complexity of the application, the entire grant of access process can take six to 12 months. The grant of access process proceeds in the following manner:

1. The applicant receives a letter from ODOT notifying them that the Application for State Highway Approach has been rejected because no access rights to the abutting property exist at the location where the approach was requested. The letter asks the applicant to contact the District Office should they choose to pursue the possibility of acquiring the access rights through a Grant of Access. The District Office will explain the process and supply this application form.

If the applicant is already aware of the need to acquire access rights, the applicant must provide both an Application for State Highway Approach and the Application for a Grant of Access simultaneously to the District Office.

2. Both the completed Application for a Grant of Access and the originally completed Application for State Highway Approach should be returned to the District Office, which reviews and evaluates the request and makes a recommendation to the Region Manager with respect to approval. The requested approach must be at a location that meets the requirement for issuance of a construction permit.

3. If approval is recommended, the District Office forwards both the completed Application for a Grant of Access and the Application for State Highway Approach to the Region Manager, who will review and evaluate and make a recommendation to the State Traffic Engineer with respect to approval. The State Traffic Engineer and the Statewide Grant Review Committee (SGRC) determine the extent of supplemental documentation

needed. The additional information may include a transportation impact study, as set forth in OAR 734-051-3030. The applicant may request to meet with a representative from the SGRC to discuss the additional documentation required. (Applicants should not conduct the transportation impact study until after they have received notice of the needed supplemental documentation.)

4. The State Traffic Engineer, in consultation with the SGRC, makes a recommendation of approval or denial to ODOT's Technical Services Manager, who will make the final decision on the grant application and notify the applicant. The entire process up to this point is generally completed within three months, not including the applicant's time to gather additional requested documentation such as a Transportation Impact Study.

5. If the grant of access is approved, the property owner will be asked if he or she agrees to any terms and conditions of the approval and whether he or she wishes to proceed with the grant of access process. If so, an appraisal of the abutting property will be done to determine the fair market value. Typically, the appraisal is a three- to four-month process. The applicant may proceed with preparation of the construction plans as required for issuance of the construction permit during the appraisal process.

6. Once payment for the access right has been received, the grant of access will be executed and recorded. The District Office will then issue the construction permit.

The above processing steps and timelines are only estimates of the progression of the approval process. Other steps or additional time may be required to resolve complex issues associated with some requests for a grant of access.

Legislative background of access control

In 1949, legislation was passed to enable ODOT to modify rights of access. Oregon Revised Statutes specify among other property rights, the right of access can be purchased or condemned as deemed necessary for the safety of the traveling public. Since the passage of this legislation, access rights have been commonly purchased from abutting properties when acquiring right of way for road improvement projects. This acquisition of access rights can usually be found in the property's chain of title.

Historically, owners of property abutting public roadways have enjoyed a common law abutter's right of access to the roadway.

Legislation passed in 1951 restricts the common law abutter's right of access by providing that no rights of access accrue to real property abutting completely new highway alignments constructed since May, 1951 (ORS 374.405).

The benefit of controlling access

ODOT has acquired the right of access to maintain or improve the safety and operation of state highways. The Oregon Highway Plan (OHP) states that the implementation of access management strategies, which may include access control along some highways, is essential to protect the safety, efficiency, and investment of the existing and planned state highways. The plan recognizes that access management can bring about "a more steady traffic flow, which helps to reduce congestion, fuel consumption, and air pollution". The OHP and OAR Chapter 734 Division 51 indicate where access control may be an appropriate strategy to maintain the function of the highway.