



Oregon

Tina Kotek, Governor

Department of Transportation

District 14

1390 SE First Avenue

Ontario OR, 97914

Phone: (541) 889-9115

Email: John.W.EDEN@odot.oregon.gov

File Code: PMT 5-79

Wednesday, June 12, 2024

Pat Laubacher
5370 Hwy 201
Ontario, OR, 97914

Subject: **Presumption of Written Permission for State Highway Approach**
Highway Number- 455-Olds Ferry-Ontario at Mile Point 12.158, left side
Application Number: 62096

Dear Mr. Laubacher:

Connections (driveways) that provide access to Oregon highways must be operated with written permission from the Oregon Department of Transportation (ODOT) as set forth in Oregon Revised Statute (ORS) 374.305:

A person may not place, build, or construct on the right of way of any state highway . . . any approach road . . . without first obtaining written permission from the Department of Transportation . . .

The department provides written permission for a highway approach in one of four (4) different ways:

1. A *Permit to Use and Operate a State Highway Approach* issued pursuant to the application or project processes as set forth in Oregon Administrative Rule (OAR) 734-051.
2. A *Permit to Use and Operate a State Highway Approach* issued for an approach developed or redeveloped by ODOT during a highway project as set forth in OAR 734-051-5120.
3. A *Grandfathered Recognition Letter*, issued prior to January 1, 2014.
4. A *Presumption of Written Permission for an Existing Private Approach* as set forth in OAR 734-051-3015(2)(a) & (b).

ODOT does not have any records indicating we ever issued a written Permit to Use in response to an application or a highway construction project for the approach cited in the subject lines above. Similarly, we have no record of having issued a Grandfathered Recognition Letter for the approach.

