

## 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:

- 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.

## **Presumption of Written Permission for State Highway Approach**

Highway Number/Highway Name (455-Olds Ferry-Ontario), at Mile Point
Application Number 62096
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However, it is apparent that the agency either built or rebuilt the approach as part of an ODOT project, or that a property owner developed the approach with permission from ODOT. For these reasons, ODOT recognizes the existence of A Presumption of Written Permission for an Existing Private Approach as set forth in OAR 734-051-3015(2)(a) & (b).

## **Characteristics of the Approach**

Your Highway Approach is being recognized as having the following characteristics:

The approach is located at Highway Number-Name 455-Olds Ferry-Ontario, at Milepoint 12.158; The approach has a width of 16 ft.

The surface type is Gravel.

The designated use of the approach is for a Residence.

If you wish to change any of these characteristics, you must file an application for an approach upgrade with the ODOT District 14 Office.

If you have questions or wish to speak to an ODOT representative, feel free to contact John Eden at (541) 216-1246 or john.w.eden@odot.oregon.gov

Sincerely,

Paul WOODWORTH (Jun 13, 2074 03:14 1401)

Paul Woodworth
ODOT District 14 Manager

CC:

John Eden, District 14 Permit Specialist