



Access Management Committee Outline of Sub-Group # 1 Task Assignment

Sub-Group # 1 - Reasonable Access

Problem Statement: Oregon Administrative Rules (OAR) Division 51 currently limits abutting properties with access to secondary streets to having direct access to the state highway. The rule requires the land owner to prove that the secondary access is not reasonable before direct access to the highway can be considered. While it is most typical to apply operational analysis to determine if access is reasonable, other criteria should be considered such as economic concerns and business needs.

Additionally, one direct access to the highway may not be reasonable to serve the proposed use, and even in cases where a secondary access to the adjacent roadway system is permitted, additional direct access to the state highway may be requested to serve the proposed development.

Background: The definition of what constitutes reasonable access appears to differ between agency staff, legal precedent and the development community. A developer may request one or more accesses that they believe are appropriate to serve the property and intended use. This access is often requested to the state highway, with a second access request to the state highway or the adjacent city street/county road in the case of a property that abuts two major roadways. This may be met with resistance from ODOT, stating that if the developer indeed requires the amount of access requested, the proposed development may need to be scaled back in size. The assumption is that the infrastructure may not be sufficient to support the "highest and best use" of a property from an economic perspective, and counsel from the AG's office is that the state is not required to provide access to the highest and best use of the property. Therefore, ODOT is in a position to require the developer to consider strategies that include but are not limited to; reduction in the scale of development, reduction in traffic impacts, and the provision of additional mitigation measures.

The purpose of the sub-group is to examine what constitutes reasonable access, while mindful of engineering considerations, site circulation, on-site and roadway queuing, turn movements and economic needs.

OAR 734-051-0080 reference: Please refer to page 6 of the OAR for a definition of reasonable access and OAR 734-051-0080 (Pages 13-15) for the criteria for approving an application to the state highway. (This process requires an analysis to determine if a property has reasonable access). The OAR can be reviewed at the following link –

<http://www.huntingtontrafficsolutions.com/>

Proposed Change: