



# Oregon

Tina Kotek, Governor

Department of Transportation

District 14

1390 SE 1st. Avenue

Ontario, OR 97914

(541) 889-9115

Fax: (541) 889-6600

John.W.EDEN@odot.state.or.us

August 09, 2023

File Code: PMT4-50

Lucas & Hillary Morales  
1979 GRAHAM BLVD Hwy 451  
Vale, OR 97918

**Subject: Notice of Permission for Existing Private Connection Where ODOT Did Not Issue a Permit or Grandfathered Recognition Letter**

Application Number 60809

**Location:** Highway Number 451, (Vale-West),  
At Mile Point 7.927, Highway Side: R  
Engineering Station: 463+80, Map No.: 6B-18-19

Dear Lucas & Hillary Morales:

Connections (driveways) that provide access to Oregon highways cannot be operated without first obtaining written permission from the Oregon Department of Transportation (the department or ODOT) as set forth in 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 several types of written permission:

- A *Permit to Operate* issued pursuant to the application or project processes as set forth in OAR 734-051.
- A *Grandfathered Recognition Letter*, issued prior to January 1, 2014; and
- Presumption of Written Permission for an Existing Private Approach as set forth in OAR 734-051-3015.

We have no record of having issued a *Permit to Operate* or a *Grandfathered Recognition Letter* for the connection to the highway at the location you requested. For this reason, the Department evaluated the connection to determine whether it meets the requirements of OAR 734-051-3015 (Presumption of Written Permission for an Existing Private Connection.) This section of the rules describes the circumstances under which the department may presume it provided written permission for the approach.

EXHIBIT #

3

### Factors Considered

We were able to determine the following facts about the highway connection that serves your property:

- It has a right of access.
- It was in existence prior to the following date: January 1, 2014.

For these reasons we are able to determine that you have permission to operate the approach at this location pursuant to:

- OAR 734-051-3015(2)(a):
  - The connection existed on January 1, 2014 and it was built or rebuilt as part of a highway construction project; or
  - The connection existed on January 1, 2014 and the department intended to issue a permit for the connection.

### Description of the Approach

The department's Permission for Existing Private Connection is subject to the following limitations:

- The approved width of the approach is 16 feet.
- The approach will serve tax lots 18S 44E Section 26 TL 700.
- The approved use of the approach is Farm and Residence.
- The estimated Average Daily Traffic for the approach is 10 Trips per day.

Should a change in use occur, you are required to submit an *Application for State Highway Approach* pursuant to OAR 734-051-3020. A change of use occurs with any one of the following conditions:

- The number of peak hour trips increases by fifty (50) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the number of peak hour trips from that of the property's prior use; or
- The average daily trips increases by five hundred (500) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the average daily trips from that of the property's prior use; or
- The daily use of a connection increases by ten (10) or more vehicles with a gross vehicle weight rating of twenty-six thousand (26,000) pounds or greater; or
- ODOT demonstrates that safety or operational concerns related to the connection are occurring as identified in OAR 734-051-4020(3)

Notice of Permission for Existing Private Connection Where ODOT Did Not Issue a Permit or Grandfathered Recognition Letter

Highway Number 451, (Vale-West), at Mile Point 7.927

Application Number 60809.

Wednesday, August 09, 2023

Page 3

This decision is based upon authority granted in ORS 374.310(2)<sup>2</sup>, which requires the Department to manage its highways "in the best interest of the public for the protection of the highway and the traveling public," and in a manner which provides a safe and efficient transportation system.

If you would like additional information or if you have further questions, feel free to contact John Eden at (541) 216-1246.

Sincerely,

Paul WOODWORTH

Paul WOODWORTH (Aug 10, 2023 14:12 MDT)

Paul Woodworth, District Manager  
District 14

cc: John Eden, Permit Specialist  
David Boyd, Regional Access Management Engineer  
Timothy Rynerson, Region Right-of-Way Manager  
Jerry Garcia, Access Management Appeals Coordinator

---

<sup>2</sup> ORS 374.305. A copy of the Oregon Revised Statutes, Chapter 374 may be obtained at:  
<http://www.leg.state.or.us/ors/374.html>.