



Lane County

Public Works Department / Transportation Planning Division
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LOCAL ACCESS ROADS (LARs)

Common Questions

Many public roads in Lane County are not maintained by the government. These are generally “local access roads” that were built many years ago, usually privately, in order to gain access to one or more properties. Over time these roads became public “as a matter of record”. There are a few hundred miles of known LARs in Lane County. The information below answers some common questions about how these roads are regulated and what is permitted by law within LAR rights-of-way. This information applies to LARs that are outside city limits, inside Lane County. LARs inside city limits are regulated by cities.

Public Road/LAR Regulation

The County regulates LAR public roads in a limited way in order to provide basic safety to Lane County citizens. Key requirements for public LARs can be found in LC 15.045, LC 15.205(2), and LC 15.706. These provisions are described below.

Prohibited Activities. The following are **prohibited** activities within any Public Road (or County Road) right-of-way (including travel surface, shoulders, ditches, and side slopes, as applicable): landscaping and trees, landscape timbers, rocks, irrigation facilities, walls, gates, fencing, non-standard mailbox supports, stairways, and any other fixed object or barriers that has the potential of hindering the normal operation, maintenance, or use of a Public Road (or County Road) (LC 15.205(2)).

Facility Permits Not Required. Since Lane County does not maintain LARs, in 2004 the Board ceased requiring facility permits for work within them, such as construction of a driveway approach apron.

Land Divisions. Public LARs that are part of or serve a new land division are subject to road standards. In most cases very minimum standards must be met, found in LC 15.706. If new development involves 10 or more lots or parcels, additional improvements may be required.

Single Vacant Parcel Access. Public Roads/LARs that are used to provide access to a single parcel of vacant land (that is not part of a new land division) must demonstrate that emergency vehicles can gain access to the property before a building permit will be issued. Specific requirements are in LC 15.045(2).

For additional information, Lane Code Chapter 15 can be viewed at:

http://www.lanecounty.org/LaneCode/documents/CodeChapter15_Jan12_05_rev.pdf

Construction within a public LAR

What if I want to construct a driveway apron in an LAR? What if I own property that takes access from an unconstructed LAR?

Since Lane County does not issue permits for work within an LAR, doing road work within an LAR right-of-way requires private individuals to exercise a high level of courtesy, safety, and self regulation when doing work in an LAR.

You are advised to follow these guidelines when doing work in an LAR:

- Be sure the work you are doing is in the LAR right-of-way or on your own property. Get a survey.*
- Inform any neighbors ahead of time if you will be doing work that may affect their ability to use the right-of-way, cause noise or dust, or otherwise have an impact.*
- Use a professional to do the work.*
- Use Lane Code Chapter 15.706 road standards.*

Oregon Revised Statutes (ORS)

State law defines a public road as a road "over which the public has a right of use that is a matter of record" (ORS 368.001(5)). A Local Access Road is a Public Road that is not a County road, state highway, or federal road (ORS 368.001(3)). Oregon Revised Statutes (ORS) 368.031 states:

- (1) A county and its officers, employees or agents are not liable for failure to improve the local access road or keep it in repair.*
- (2) A county governing body shall spend county moneys on the local access road only if it determines that the work is an emergency or if:
 - (a) The county road official recommends the expenditure;*
 - (b) The public use of the road justifies the expenditure proposed; and*
 - (c) The county governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program.**

How Lane County defines Public Roads and LARs

In addition to the ORS definition, "Public Road" is further defined in Lane Code (LC) Chapter 15.010(35)(e)(vii) as a road that has been dedicated for use by the public for road purposes either by "good and sufficient deed presented to and accepted by the Board, or by a partition map and plat or a subdivision plat presented to and accepted by the Board". Lane County's definition specifically excludes private roads, private ways, private access easements or agreements, Forest Service Roads, Bureau of Land Management Roads, any gateway or way of necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character".

In other words, Lane County's regulations seek to distinguish between roads that function as private roads, and roads that are public, by requiring formal "acceptance" by the County Board or through a land division plat, before the road will be considered "public".

Public Roads and County Roads

A Public Road is not a County Road unless the County Board of Commissioners has officially accepted the road into the County Road system. Only County Roads are maintained by Lane County. Other public roads are treated as LARs.

Who Has Jurisdiction?

LARs outside of city limits are in Lane County's jurisdiction. LARs inside cities are regulated by cities. Contact the appropriate city with questions.

For more information, call 541-682-6976.