



LANE COUNTY PUBLIC WORKS LOCAL ACCESS ROADS (LARs) FREQUENTLY ASKED QUESTIONS

The most important thing to know about Local Access Roads (LARs) is that they are open to the public, but not maintained by the government. Property owners that receive access from an LAR are responsible to ensure the road is kept open and in good repair. These roads are not maintained by the County because they are “Public Roads” but not “Lane County Roads.”

The following information answers some common questions about LAR’s and how Lane County governs them.

What is a Local Access Road?

Local Access Roads are “Public Roads” that are not County, State or Federal Roads (Oregon Revised Statutes (ORS 368.001(3)). Public Roads are defined by the State as roads “over which the public has a right of use that is a matter of record” (ORS 368.001(5)). 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 Manual Chapter 15, section 15.015.110, as follows:

As defined in ORS 368.001, a road over which the public has a right of use that is a matter of record. For purposes of this chapter, a Public Road is a road that has been dedicated for use by the public for road and right-of-way 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. Once accepted and placed on record, Public Roads are held in trust for the public by the County. Public roads do not include private roads, private ways, private access easements or agreements, federal Forest Service or Bureau of Land Management roads, gateway roads or ways of necessity which have a nominally or judicially granted “public character” through prescriptive or adverse use. Some public roads are not maintained by the County, but the County can regulate their use. Common types of public roads are “County Roads” and “Local Access Roads. See ORS 368.001.

Local Access Road Regulation

The County regulates LARs in a limited way to ensure Emergency Responders can gain access to County residents. The key requirements for public LARs can be found at LC 15.045, LC 15.053, LC 15.215, and LC 15.706. These provisions are described below.

Prohibited Activities: These include any activity that has the potential of hindering the normal operation, maintenance, safety, or general use of a Public or County Road right-of-way. Such activities include the placement of walls, fences, gates, landscaping and also any occurrence on private property that can cause damage or create hazardous conditions in the roadway. More information on prohibited activities can be found in LC 15.215.

Maintenance Responsibilities & Requests: Counties are not responsible for maintenance of these roads. If you receive access from a Local Access Road, we recommend that you and your neighbors work together to provide funding and maintenance on a continual basis to ensure emergency service providers have sufficient access to your property.



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- ❖ Property Owners can submit a “Road Repair Request” form and depending on work load and many other variables, County Maintenance Staff can elect to give you an estimate to perform one-time routine maintenance. Typically, the scope of this work is limited to gravel road grading and blading. Private contractors are often less expensive and can schedule the work faster.

Facility Permits Are Not required: Lane County does not require facility permits to do work in the right of way of an LAR. However, any person performing work within the right of way of an LAR must ensure their work does not require any other type of permits or negatively impact neighboring properties. Even though permits are not currently required, all work performed on an LAR must meet generally accepted safety practices and construction standards as described in LC 15.045.

Performing road work within a LAR right-of-way requires private individuals to exercise a high level of courtesy, safety, and self-regulation. **Property owners are advised to follow these guidelines:**

- ☑ *Get a survey to ensure the work you are doing is in the LAR right-of-way or on your property.*
- ☑ *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 licensed contractor to do the work, and follow appropriate safety standards for public roads.*
- ☑ *Follow Lane Code Chapter 15.706 road standards.*

Constructing a new section of LAR: Construction standards are listed in the section of code referenced above. Prior to constructing a new section of LAR, Lane Code requires there be a perpetual maintenance agreement recorded for all properties receiving access from the new road, in accordance with LC 15.045(8).

Land Divisions: LARs that are part of, or serve, a new land division are subject to road standard requirements. In most cases very minimum standards must be met as per LC 15.706; however, the level of improvements required will depend on the size of the development and the amount of traffic anticipated to be generated by the development. Refer to LC 15.045(8) for new LAR’s and also LC 15.053 Recording Requirements for Properties Served by Local Access Roads.

Single Vacant Properties: LAR’s that only provide access to one property and are not part of a new land division, must still demonstrate that emergency vehicles can gain access to the property. Specific requirements can be found in LC 15.045(2).

Property Sales: Owners of property that receive access from LAR’s must inform buyers of the road maintenance responsibility that comes with an LAR. The seller must either record a document to inform buyers of the obligations for road maintenance, provide a recorded maintenance agreement or show that the property is within a local road district. Refer to LC 15.053 for specific information on recording requirements for properties served by LAR’s.

What if I have a complaint about activities on a LAR?

Contact Public Works about your concerns at 541-682-6900. Lane County does not patrol LARs and therefore has no knowledge of hazards unless they are reported.

- ❖ If a maintenance complaint, prohibited activity or inquiry relates to a situation which clearly does not hinder emergency access, the citizen is informed of the status of the road and that any maintenance is done by others. No further action is taken unless a “Road Repair Request” is submitted.

Exception 1 - The Weighmaster can remove abandoned vehicles.

Exception 2 - In some instances, Public Works Staff may write a letter informing residents of the status of the road.



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- ❖ If the citizen reports a condition that may threaten or hinder emergency access, County staff may perform an inspection to assess the situation.
 - Imminent threats can include someone intentionally blocking or gating access. If this action prevents emergency responders from accessing a home site, County Staff may attempt to intervene on behalf of the effected homeowner(s) pursuant to ORS 368.261 through 368.281 (Road Hazard Abatement) or by the Failure to Comply process as provided in LC 15.210(11), involving removal of the hazard by the “owner” upon notice, or removal by County Forces, with costs reimbursed by the owner.
 - If the condition, for example, is a large sinkhole, a landslide or washed out bridge, County staff can place barricades or signs to protect the public. Local property owners may then petition the Board for financial or other assistance for long-term or permanent solutions to abate the hazard (ORS 371.075 & LC15.620). **If corrective action is taken by County Road Maintenance to mitigate a hazard, either in advance of, or after Board of County Commissioners authorization, it is with the expectation reimbursement will be made by affected residents and property owners to offset the County’s expenditures.**

How was my road created as an LAR?

Each road has its own unique history on how it was created and why it is considered a public road. For information related to a specific road, you may contact the Surveyor’s Office at 541-682-4195.

Who Has Jurisdiction on an LAR?

LARs outside of city limits are under the jurisdiction of Lane County. Even though the County does not maintain or require facility permits on LARs, Lane County regulations may apply, such as Lane Code Chapter 15. When an existing LAR is annexed to a city, the road becomes a City Street, and the level of future maintenance is then at the discretion of the City.

What if I want my LAR to become a County Road?

Lane Manual Chapter 15, “Acceptance of Dedicated Public Roads as County Roads” details the process. This section outlines the procedures, policy, criteria and standards relating to the acceptance of public roads for maintenance and conversion to County road status. After reading this section, contact Lane County Transportation Planning if you desire to submit an application. The final decision for any LARs becoming a county road is determined by Lane County Public Works and the Board of County Commissioners.

Need additional information? You can find more detailed information about Local Access Roads by visiting the Lane County website and searching Lane Code or Lane Manual.

Lane Manual Chapter 15 can be viewed at:

https://lanecounty.org/government/county_departments/county_counsel/lane_manual

Lane Code Chapter 15 can be viewed at:

https://lanecounty.org/government/county_departments/county_counsel/lane_code