

Change of Use

‘Change of Use’ refers to a substantial change in how an existing highway connections is used.

Points of Interest

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What is a Change of Use?

ODOT approves a private highway connection to serve an existing or proposed property use and the type and number of vehicles expected to use the connection. In general, a “Change of Use” occurs when the number of vehicles using the connection increases significantly or it no longer operates safely. Changing the use of a highway connection is regulated by state law. It is important to contact your ODOT District Office to discuss changes you plan to

Why Does Changing the Use of a Highway Connection Matter?

Changing the use of a property, such as expanding a business or converting a residential use to a commercial use, may attract more traffic and increase the number of vehicles using an existing connection. A significant increase in the number of vehicles, including large vehicles using a highway connection can disrupt and conflict with the flow of traffic on the highway, creating safety concerns.

How does ODOT Determine if a ‘Change of Use’ has Occurred?

1. ODOT compares traffic generated by a property when the driveway connection was first created or permitted to the traffic that will be generated after the use of the property changes. We also ensure the connection will continue to operate safely. State law establishes five criteria to determine “Change of Use”:
2. The number of peak hour trips increases by 50 or more **AND** it represents a 20% or more increase in trips; or
3. The number of average daily trips increases by 500 or more **AND** it represents an increase of 20% or more; or
4. Daily use of the connection by large vehicles with gross vehicle weight rating of 26,000 lbs or more increase by 10 or more vehicles; or
5. ODOT demonstrates there are safety or operation concerns related to a highway connection; or
6. Drivers on the highway and drivers exiting a driveway connection cannot see each other soon enough to stop in time to avoid a crash.

Note: A ‘trip’ is a one-way vehicle movement entering or exiting a property.

Change Over Time



Before



After

How does ODOT evaluate a 'Change of Use'? ODOT uses two processes to evaluate an application for 'Change of Use' of a highway connection.

First, we use a process called *Moving in the Direction of Conformity Collaborative Process* for permitted connections and for most unpermitted connections. Some exceptions apply. The notion of *Moving in the Direction of* recognizes it may not be possible to meet current standards if the original connection was constructed using the old standards. If a connection has operated safely for many years, then ODOT can work with applicants to identify incremental changes to the connection that we can all agree to.

Second, if ODOT and the applicant cannot reach agreement through the collaborative process, then ODOT will review the 'Change of Use' request using the approval criteria for a new approach.

ODOT rarely closes an existing highway connection when a change of use occurs.

We can usually find ways to improve existing connections through a collaborative process so the access can safely remain in use.

If ODOT decides to close your permitted or grand-fathered approach, you have a right to appeal the decision.

What Does 'Moving in the Direction of' Mean? State law identifies incremental changes considered to 'Move in the Direction of' conformity with current standards:

- ✓ Reduce the net number of highway connections;
- ✓ Improve the distance between highway connections;
- ✓ Improve sight distance on the highway or at the connection;
- ✓ Widen an existing connection for truck turning radius requirements;
- ✓ Widen an existing connection to add driveway exit lanes;
- ✓ Narrow an existing connection to provide the appropriate number of entry and exit lanes required for the property use; **OR**
- ✓ Design the driveway connection to move vehicles more efficiently to and from the adjacent highway.
- ✓ Other changes may also be considered.

How do I apply?

Contact your ODOT District office to schedule a meeting before you file an Application for State Highway Approach to change the use of a driveway connection.

Please note that you will need to file separate applications for each existing highway connection serving the subject property that is proposed to remain open.

Change Over Time



Before



After