

Local Access Roads

Not all public roads are maintained by the county

Introduction

A local access road (LAR) is any public road that is not maintained by the county or any other government entity. Under Oregon Revised Statute (ORS) 368.031, counties have authority over LARs but do not assume maintenance responsibility for them. LARs are often unpaved and need repair because they precede land-use regulations and road design standards. Since using the State Highway Fund (SHF) on LARs is statutorily limited, maintenance becomes the responsibility of the adjacent landowners.

ORS 368.031 - County Jurisdiction over LARs

ORS 368.031 specifies that the county is not liable for “failure to improve the local access road or keep it in repair.” A county may use State Highway Fund to improve a local access road if there is an emergency, or if,

- The county road official recommends the expenditure,
- The public use of the road justifies the expenditure, and
- The county governing body passes a resolution authorizing the work.

What Are Counties Doing?

Counties maintain the largest share of Oregon’s statewide road system (39 percent) with very tight budgets and restrictions for using the State Highway Fund. Without additional funding sources, counties cannot afford to bring every local road into compliance with current road standards. However, many LARs are in disrepair and could result in restricted access for residents and emergency services. Some counties are making policy decisions to mitigate the potential effects LARs may have on the county road system.

Marion County placed a moratorium on new LARs, which more counties are considering, but this does not resolve disputes over already existing roads. Deschutes County requires maintenance agreements signed by the homeowners when a subdivision is built to set the requirements for future roadwork.

Alternative Funding Mechanisms

Many counties will accept a LAR into the county road system if it meets adopted road standards, but the homeowner is responsible for bringing it into compliance. The following are mechanisms available to county officials and landowners to help manage local access roads.

General County Road Districts

A General Road District under ORS 371.055 - 371.110 allows the governing body of a county to split the road network into contiguous sections and levy a tax to pay for road improvements. The improvements are chosen based on petitions from the public. Clatsop County is currently the only county with a general road district that covers the entire county.

Special Road Districts

Under ORS 371.305 - 371.385, property owners on contiguous county roads may petition to form a Special Road District where property taxes are collected to pay for road repair. Unlike a General Road District, a Special Road District has a three-member board appointed by the Board of County Commissioners or elected by the district to manage and approve road projects.

Road Assessment District

Unlike a General or Special Road District which covers any contiguous public road network, a Road Assessment District (ORS 371.405 - 371.535) must cover an area of more than 20,000 acres or over \$1 million in taxable property. An elected three-member board governs the district and has authority over all public roads within the district boundary except primary and secondary highways. Malheur County is currently the only county that uses this system.

Local Improvement Districts

Under ORS 371.605 - 371.660, landowners can petition the county to create a Local Improvement District and agree to pay the cost of the road improvement in a lump sum or over time. The petition needs signatures from 60 percent of landowners representing at least 60 percent of the total land area abutting the road.