



# ACCESS MODIFICATION ON LIMITED ACCESS HIGHWAYS (LA BREAK) FAQ

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## What is LA?

LA means limited access. ODOT acquires limited access rights on land when it needs to limit the places that can access the road. ODOT can acquire these rights by easement or in fee.

## Does ODOT have land that is not LA?

Yes. ODOT also has land that is “non-LA”. On this land ODOT has not acquired the access rights so owners may access the road from this land upon obtaining a (free) permit from ODOT.

<https://transportation.ohio.gov/permits>

## Why does ODOT need LA?

LA improves traffic and safety on our roads by planning out the places that the roads can be accessed.

## Where is LA located?

Interstate highways and other roads that look like interstates are almost always LA. However, there are many other roads that might also have LA right of way based on safety conditions, traffic volumes or intended use of the highway.

## How can I tell if my property has LA right of way along the highway?

You may be able to confirm the status by looking at the deed of the property where the highway is located or review easements that may be on your property, However, your local ODOT District Real Estate Office can assist you with this question.

## What if I want a new driveway in LA?

You can request an LA break via the e-permits online system. You will need to provide plans and other documents to accompany your request. Your local ODOT District office will contact you if they have questions or need additional information.

## Is there a cost for an LA Break?

Yes. Because ODOT bought the access rights across the property, restoring the access rights requires the rights to be repurchased. This would also apply to modifying an existing LA Break. The cost is determined by an enhancement appraisal and the fee for the appraisal will also be billed to the person or company requesting the LA break.

An enhancement appraisal is an appraisal to compare the value of the subject property with its current access (likely no access) vs. the value of the subject property with the proposed access modification.

## Does ODOT have to grant an LA Break?

No. ODOT does not typically grant LA Breaks. Since ODOT purchased the access rights from the owner in order to protect the safety of the road, ODOT is not obligated to sell back those rights.

**How long does it take to get an LA Break approved?**

ODOT will need to review the request and determine if the request can be accommodated, additionally the appraisal will take time to be completed. But generally, you should plan for at least 3 months for such a request to be reviewed and appraised.

**What if ODOT does not approve my LA Break request?**

There is an appeal process that is outlined in the State Highway Access Management Manual. ODOT District staff will provide guidance on the appeal process.

**What if I have an existing residential driveway in an area that is LA? Can I use this drive for a commercial business?**

Probably not. Driveway permits and LA breaks are granted based on the planned usage of the driveway. If there is a change in the use of the driveway (for example, residential to commercial) then that change will need to be reviewed by ODOT and will potentially need to go through the LA Break process.

**What if the access I have to my property limits what I can use my property for and having access through LA would make my property more valuable and more marketable?**

You will need to go through the LA Break process to modify the size or type (use, commercial, industrial, etc.) of your existing drive.

**After going through the LA Break process, will I have legal ownership of the land?**

You will have the legal right to construct, maintain, and use the LA Break area. The exact nature of the property right interest will vary based on several factors specific to each request. The District representative will be able to help you understand your exact situation.

**ODOT did not acquire the LA from me, why do I have to pay it back?**

The LA property rights were acquired from the property owner at the time of the acquisition. The property you purchased was subject to the LA restrictions. If you are seeking to regain those access rights, the law requires that ODOT recover the fair market value for those rights as determined in the enhancement appraisal described above.