

761—112.3(306A) General provisions. The following provisions govern access encroachments onto a primary highway:

112.3(1) Access connection construction activity on a highway shall not begin until an access permit has been issued by the department.

112.3(2) A new access permit is required when there will be a change in use of the access connection. A change in access use includes but is not limited to:

- a. A change in the predominant vehicle types using the access.
- b. An increase in traffic volumes using the access.
- c. The original design and engineering limitations have been exceeded by the current use.
- d. The current use has not been authorized by the terms and conditions of the existing access permit.

112.3(3) A person shall not drive a motor vehicle to or from a highway at a location that is not an authorized access connection.

112.3(4) Access rights shall not accrue from, nor will additional access be provided upon, the splitting or dividing of existing parcels of land or contiguous parcels under the same ownership or controlling interest unless the proposed access complies with access category and design requirements and is permitted. Adjacent properties under common ownership or control, consolidated for development, or part of a phased development plan are considered one unit, and a unified access and circulation plan must be established for the site.

112.3(5) No rights of access are conveyed when the department provides a new access connection or modifies an existing access connection.

112.3(6) The terms and conditions of any permit are binding upon the applicant, the property owner and all assigns, successors-in-interest, heirs and occupants. If an assign, successor-in-interest, heir or occupant does not accept the terms and conditions of an existing permit, the assign, successor-in-interest, heir or occupant shall apply for a new access permit or a permit to close the access.

112.3(7) A property owner not wanting to assume responsibility for an access or the access's requirements may apply for access removal at the property owner's expense. An exception may be made for removals during highway projects.

112.3(8) A permit grants no property rights or interests in state right-of-way.

112.3(9) Where there are multiple accesses to the same parcel, the department may consolidate existing access connections during a highway project.

112.3(10) The department has the authority regarding operational modifications to the highway and all access connections.

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