

761—112.1 (306A) General information.

112.1(1) *Statement of policy.* The efficiency and safety of a highway depend to a large extent upon the amount and character of interruptions to the movement of traffic. The primary cause of these interruptions is vehicular movements to and from businesses, residences, and other developments along the highway. All primary highways are controlled access facilities. Regulation and overall control of highway access are necessary to provide efficient and safe highway operation and to utilize the full potential of the highway investment. Accordingly, the department hereby establishes rules for control of access to primary highways.

112.1(2) *Information and forms.* Information and forms regarding this chapter may be obtained from any of the department's six district offices; the Office of Traffic and Safety, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or the Internet Web site: <http://www.iowadot.gov/traffic/index.htm>.

112.1(3) *Considerations.* If the department determines that the literal application of these rules to a specific situation will create or result in an unsafe situation or an unreasonable design, the department shall use sound engineering practices to determine the appropriate design for the specific situation. The appropriate district office shall include justification for the design in the permit or the highway project file, as applicable. The appropriate design shall address:

- a. Safety to the traveling public.
- b. Perpetuation of the traffic-carrying capacity of the highway.
- c. Protection of the rights of the traveling public and of property owners, including the rights of abutting property owners.
- d. Topography and geometric limitations and constraints affecting typical engineering standards.

112.1(4) *Permit approval process.*

a. A district representative may, in response to an application for an access connection to the primary highway system, grant approval for an access permit. The process for inquiring about and applying for an access connection to the primary highway system is through one of the department's six district offices. All applications for access permits must be applied for in the particular district where the entrance is proposed. A district representative will do one of the following: approve the application for an access permit, approve the application for an access permit with conditions, or deny the application for an access permit. The district representative may use the considerations set forth in subrule 112.1(3) in making the decision. The district representative shall notify the applicant of the determination in writing.

b. Upon receipt of a denial letter or if the permit was approved with conditions, the applicant may choose to pursue a waiver from the director of transportation, pursuant to subrule 112.1(5).

112.1(5) *Waivers.* The director of transportation may, in response to a written petition, waive provisions of this chapter in accordance with 761—Chapter 11. The written petition must contain the information as required in 761—subrule 11.5(2) and shall be submitted to the Office of Policy and Legislative Services, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

112.1(6) *Waivers involving interstate highways.* The director of transportation shall not waive these rules in access situations involving the interstate highway system, including its ramps, without the approval of the Federal Highway Administration.