

761—112.12 (306A) Policy on location of predetermined access locations.

112.12(1) General. At the time access rights are acquired, existing entrances shall be removed or relocated to connect to predetermined access locations. These locations shall thereafter be defined as the adjacent properties' access locations.

a. The department is responsible for the construction of entrances at predetermined access locations, either as a part of the project or at a future date when requested by the property owners. Entrances not constructed as a part of the project will be designated on the construction plans as predetermined access locations that are reserved for the property.

b. Any alteration or relocation of an access location requires the written approval of the department, and the property owner is responsible for all costs incurred. See subrule 112.12(5), revision of access.

112.12(2) Establishing predetermined access locations. The department realizes that these rules cannot reasonably be expected to address every situation or issue that may arise when developing plans for a proposed highway improvement project. It is foreseeable that not all access locations will comply strictly with the required or recommended spacing standards set out in these rules; however, all reasonable efforts shall be made to establish predetermined access locations that meet these spacing standards.

a. The department shall establish predetermined access locations by considering the following:

(1) Zoning and intended land use, as reviewed with city and county officials.

(2) Potential adverse impacts on adjacent property if spacing standards are applied strictly, such as but not limited to an unreasonable restriction on the property due to a unique physical situation that cannot be remedied or an unreasonable damage to the property.

(3) Environmental, social, or economic constraints that prevent the application of spacing standards.

(4) Federal, state, or local standards that conflict with these rules and take precedence.

(5) Sound engineering judgment consistent with the goals of the department.

b. When establishing predetermined access locations, the department may conduct a field examination, giving consideration to information received from city and county officials, sight distance availability, natural barriers, property ownership, proposed roadway design, and development of future frontage roads.

c. A predetermined access location that does not meet required spacing standards is not a waiver or variance of these rules if justification for the access location is based on one or more of the considerations listed in paragraph "a" of this subrule. The final access review letter must include this justification.

112.12(3) Spacing. Spacing between predetermined access locations shall conform to the following requirements:

a. Priority I highway. Access is allowed only at interchange locations.

b. Priority II highway. One mile is desirable. One-half mile is the minimum.

c. Priority III highway. One-quarter mile is desirable. 1,000 feet is the minimum.

d. Priority IV highway.

(1) Priority IV(a). 600 feet is the minimum.

(2) Priority IV(b). 300 feet is the minimum.

112.12(4) Entrances constructed after project completion. After completion of a highway project, a property owner may request the department to construct an entrance at a predetermined access location. Unless otherwise specified in the right-of-way acquisition contract or in the condemnation documents:

a. The department is responsible for constructing, at the department's expense, a granular-surfaced entrance that does not exceed the maximum width for a Type "C" entrance.

b. The department may approve modifications, such as widening or paving the entrance. In this instance, the property owner is responsible for constructing the entrance. After the property owner has

constructed the entrance, the department will compensate the property owner for the cost of constructing a granular-surfaced Type “C” entrance. The property owner is responsible for the remainder of the costs.

112.12(5) *Revision of access.* After an entrance has been constructed at a predetermined access location, no change in entrance type or location may be made unless a revision of access has been approved by the department. The property owner is responsible for the cost of altering or relocating the entrance.

a. A request for revision of access shall be submitted by the property owner to the appropriate district representative upon the prescribed application form furnished by the department.

b. The application shall be approved or denied by the department’s access policy administrator.

c. If the access policy administrator denies the application, the applicant may appeal the decision by submitting to the appropriate district engineer the application along with background information and an explanation of the need for access.

d. If the district engineer denies the application, the applicant may appeal the decision by submitting to the director of transportation the application along with background information and an explanation of the need for access. The director’s decision is final agency action.