Access Management

Pre-Construction Conference

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Topics for Discussion

- Access Management versus Access Control
- Access Control by Purchase of Access Rights
- Access Control by Police Powers
- Approach Permitting on Non-Access Controlled Facilities
- Approach Permitting on Access Controlled Facilities
- Interstate Locked Gates
Access Management

- the process of managing the points of access to highway facilities through the use of a permitting system or access control.
Access Control

- Is “the condition in which the right of owners or occupants of abutting land or other persons to access, light, air, or view in connection with a highway is fully or partially controlled by public authority” [MCA 60-1-103 (6)]. Access control limits the conflicts with through traffic by eliminating or limiting the location and number of Private and Public approaches.
Definitions

- **Access Control Resolution** is a document approved by the Highway Commission designating a highway or portions of a highway where access control will be implemented and enforced.
- **Private Approach** is an entrance to and/or from privately owned property for residential, commercial or industrial purposes.
- **Public Approach** is an entrance to and/or from a public highway, street, road, alley, etc., or other dedicated public right-of-way.
- **Farm/Field Approach** is an approach to be used only for access to agricultural lands (farm fields) and no other purpose.
Definitions Continued

- **Right-of-Way Agreement** is the contract between MDT and the landowner setting forth the compensation to be paid the landowner and special conditions pertaining to the purchase by MDT of land for highway right-of-way and/or access rights.
- **MEPA** – Montana Environmental Policy Act
- **NEPA** - National Environmental Policy Act
- **FHWA** – Federal Highway Administration
Access Control by Purchase of Access Rights

- Transportation Commission executes an Access Control Resolution
- Access rights are appraised and purchased by deed through the right-of-way acquisition process
- Private approaches are called out on the deeds
Deed with Approach at Fixed Station
Station on the deed should correspond with station on the Right-of-Way Agreement. Approach can still be moved in some cases but it requires new deeds.
Deed with Movable Approach
Moving the approach in the future does not require new deeds.
Right-of-Way Agreement clarifies where the approach is to be constructed.
Deed with Joint-Use Approach for Two Parcels
Deed with No Approaches
This means we are either land-locking the parcel, which we hardly ever do, or the property has alternate access to a County Road or City Street.
Access Control by Police Powers

- The Transportation Commission executes an Access Control Resolution
- Access Control is negotiated during the right-of-way acquisition process
- Access Control language is included on deed but landowner reserves the right of reasonable access. Deed does not specify the approach locations.
Deed with
Reasonable Access Language
Bargain and Sale Deed

This Deed made the 15th day of January, 2002, in consideration of the sum of One Hundred and Fifty Dollars, to me paid, and value received, for valuable consideration not paid, the transfer by the Grantor, for the sum aforesaid, of the property described in the following:

COUNTY: Beulaville

The tract of land described as follows:

The North half of the South half of the SW 1/4, Sec. 36, T. 10N., R. 8E., Jackson County, IL, lying between the highway and the southerly boundary of the property.

And containing approximately 3.00 acres, more or less.

Also, the easements retained by the Monticello Department of Transportation as rights of way.

Comprising the right to reasonable access to and from the above-mentioned project and also for the use of the Illinois DOT.

The parcel is subject to the conditions and restrictions as set forth by the Monticello Department of Transportation under the Public Utility Act.

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Approach Permitting on Non-Access Control Facilities

➢ Pertinent Documents
  • Approach Manual for Landowners & Developers
  • Administrative Rules of Montana (18-5)

➢ Sections Involved with Decision Making
  • District Maintenance and/or Traffic Engineer
  • Systems Impacts Action Process, Planning Div
Approach Permitting on Access Controlled Facilities

- Pertinent Documents
  - Access Control Resolution
  - Project Specific Access Management Plan
  - Approach Manual for Landowners & Developers
  - Administrative Rules of Montana (18-5)
  - Montana Codes Annotated
Approach Permitting on Access Controlled Facilities (Cont’d)

- Sections Involved in Decision Making
  - District Maintenance and/or Traffic Engineer
  - Systems Impacts Action Process, Planning Div
  - Access Management, Right-of-Way Bureau
Approach Permitting on Access Controlled Facilities (Cont’d)

- Things to be addressed when access rights have been purchased
  - Safety, Safety, Safety
  - Transportation Commission may have to amend the resolution to allow the approach
  - MDT will have to create deeds for the landowner to deed the approach back.
  - Landowner may have to mitigate the impacts
  - FHWA approval may be required
  - MEPA / NEPA Environmental Checklist must be approved
Approach Permitting on Access Controlled Facilities

- Things to be addressed when police powers have been used
  - Safety, Safety, Safety
  - Systems Impact must be informed of request
  - Landowner may have to mitigate the impacts
  - Approach Manual for Landowners & Developers must be utilized
  - FHWA approval may be required
  - MEPA / NEPA Environmental Checklists must be approved
Access Control GIS

Locked Gates on the Interstate System

- Locked gates in the access control fence may provide the only feasible means of access for the maintenance of utilities, highway maintenance in the vicinity of the highway or other noncommercial purposes.
- May be approved only in instances where the need for access is infrequent and where other means of access cannot be reasonably provided or justified.
- Require permit (R/W Form 655)
- Require approval of an Environmental Checklist (R/W Form 656)
- Require approval from FHWA
- Locked Gate policy is found in Chapter 8-4 of the Right-of-Way Operations Manual