

Commission Minutes
September 13, 2022



IOWA TRANSPORTATION COMMISSION
Meeting Agenda / Commission Orders

September 13, 2022
Materials Conference Room
Ames DOT Complex

| ITEM NUMBER | TITLE | SUBMITTED BY | PAGE |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------|
| D-2023-19 1:00 p.m. | * Approve Minutes of the August 9, 2022 Commission Meeting Commission Comments DOT Comments -Presentation of 2021 Perpetual Pavement Award: By Design from the Asphalt Paving Alliance to Iowa Department of Transportation for Iowa 100 from Covington Road to just east of Edgewood Road in Linn County (presented by Scott Dockstader, Executive Vice President, Asphalt Paving Association of Iowa) | Danielle Madden | 3 |
| SO-2023-20 1:05 p.m. | * Administrative Rules – 761 IAC 112, Primary Road Access Control Adjourn | Dave Lorenzen | 5 |
| *Action Item | | | |

On Tuesday, September 13, the Commission and staff will meet informally at 9:30 a.m. in the Materials Conference Room at the DOT complex in Ames. Transportation-related matters will be discussed but no action will be taken.

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Director's Office Order No. D-2023-19
Submitted by Danielle Madden Phone No. 515-239-1919 Meeting Date September 13, 2022
Title Approve Minutes of the August 9, 2022 Commission Meeting

DISCUSSION/BACKGROUND:

PROPOSAL/ACTION RECOMMENDATION:

It is recommended the Commission approve the minutes of the August 9, 2022 Commission meeting.

COMMISSION ACTION:

Moved by Tom Rielly Seconded by Sally Stutsman

| | Aye | Vote Nay | Pass |
|----------|---------------|-------------|-------|
| Arnold | <u>x</u> | _____ | _____ |
| Fehrman | <u>x</u> | _____ | _____ |
| Gaessner | <u>x</u> | _____ | _____ |
| Juckette | <u>absent</u> | _____ | _____ |
| Rielly | <u>x</u> | _____ | _____ |
| Stutsman | <u>x</u> | _____ | _____ |
| Yanney | <u>x</u> | _____ | _____ |

Division Director Legal State Director

D-2023-19

Commissioner Rielly made a motion to approve the minutes as written. Commissioner Stutsman seconded the motion. Motion passed unanimously.

Commission Comments

DOT Comments

-Presentation of 2021 Perpetual Pavement Award: By Design from the Asphalt Paving Alliance to Iowa Department of Transportation for Iowa 100 from Covington Road to just east of Edgewood Road in Linn County (presented by Scott Dockstader, Executive Vice President, Asphalt Paving Association of Iowa)

DEPARTMENT OF TRANSPORTATION
COMMISSION ORDER

Division/Bureau/Office Systems Operations Division Order No. SO-2023-20
Submitted by Dave Lorenzen Phone No. 515-239-1205 Meeting Date September 13, 2022
Title Administrative Rules – 761 IAC Chapter 112, Primary Road Access Control, and 761 IAC 150, Improvements and Maintenance on Primary Road Extensions

DISCUSSION/BACKGROUND:

This proposed rule making rescinds and replaces Chapter 112 and makes a coordinating amendment within Chapter 150. This action is needed because the current Chapter 112 is outdated with many of its key components, such as the priority system, entrance types and design criteria, being essentially unchanged since Iowa started building the interstate system. The department’s process to design and operate Iowa’s highways has changed over the years to reflect better integration with communities, economic development, budgets and safety. The proposed rules better define the department’s efforts to provide a first-class transportation system that maximizes safe and efficient travel while ensuring landowners and businesses the ability to access and utilize the transportation system.

A complete summary explaining the proposed amendments is included in the attached Notice of Intended Action.

The public comment period ended on August 16, 2022. The department did not receive any public comments or requests for oral presentations.

PROPOSAL/ACTION RECOMMENDATION:

It is recommended that the Commission approve the rule amendments included in the attached Notice of Intended Action.

COMMISSION ACTION:

Moved by Sally Stutsman Seconded by Tom Rielly

| | Aye | Vote Nay | Pass |
|----------|---------------|-------------|-------|
| Arnold | <u>x</u> | _____ | _____ |
| Fehrman | <u>x</u> | _____ | _____ |
| Gaesser | <u>x</u> | _____ | _____ |
| Juckette | <u>absent</u> | _____ | _____ |
| Rielly | <u>x</u> | _____ | _____ |
| Stutsman | <u>x</u> | _____ | _____ |
| Yanney | <u>x</u> | _____ | _____ |

Division Director Legal State Director

SO-2023-20

Stuart Anderson for Dave Lorenzen, Systems Operations Division Director; The proposed rule changes that primarily impact Chapter 112, which is primary road access control. This chapter had several sections that were outdated. So this review involved a really comprehensive review of the entire chapter. When that was completed, it resulted in our recommendation to you today, which is to rescind the chapter and replace it with a rewritten Chapter 112. This proposed rule or the proposed rules in this new rewritten chapter better to define the Department's efforts to provide a first class transportation system that maximizes safe and efficient travel while ensuring landowners and businesses have the ability to access and utilize the transportation system.

The proposed rule amendments also include a coordinating amendment change to Chapter 150, which is improvements and maintenance on primary road extensions. The public comment period for these rule changes ended on August 16th. We did not receive any public comments or requests for oral presentations.

Therefore we are here today recommending that the Commission approve the rule amendments included in the notice of intended action attached to the commission order.

Commissioner Stutsman made a motion to approve the amendments to Chapter 112 and Chapter 150. Commissioner Rielly seconded the motion. Motion passes unanimously.

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to primary highway access control
and providing an opportunity for public comment**

The Transportation Department hereby proposes to rescind Chapter 112, “Primary Road Access Control,” to adopt new Chapter 112, “Primary Highway Access Control,” and to amend Chapter 150, “Improvements and Maintenance on Primary Road Extensions,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 306.19, 306A.1 to 306A.8, 307.12, 318.3, 318.5 and 318.8.

Purpose and Summary

This proposed rule making rescinds and replaces Chapter 112 and makes a coordinating amendment within Chapter 150. This action is needed because the current Chapter 112 is outdated with many of its key components, such as the priority system, entrance types and design criteria, being essentially unchanged since Iowa started building the interstate system. The Department’s process to design and operate Iowa’s highways has changed over the years to reflect better integration with communities, economic development, budgets and safety. The proposed rules better define the Department’s efforts to provide a first-class transportation system that maximizes safe and efficient travel while ensuring landowners and businesses the ability to access and utilize the transportation system.

Safety has played a major role in the creation of this proposed updated chapter. Each new proposed access point (driveway) onto the primary highway system will be reviewed relative to its impact on the safety and operations of the highway. A research project was conducted by Iowa State University to document how Iowa crash rates vary relative to multiple access types under a variety of roadway conditions. The findings of this study were used to develop new processes that will allow the Department to quickly and easily approve new accesses on roadways where there are fewer safety concerns and to ensure safety and operations are maintained on roadways where conditions are at more critical levels.

Chapter 112 is rewritten using best practices from other states and engineering principles that factor in roadway geometrics and traffic volumes to “right size” the proposed new access. When the proposed access will add a small number of new trips to and from a location, such as a local residence or farm fields, the Department will be able to allow more options and fewer restrictions to the landowner. When the proposed access will add a high number of new trips to and from the location and will be located in an area where roadway conditions are near critical, then the Department may require additional safety features such as an added turn lane to ensure the roadway remains safe and efficient. The proposed updated chapter benefits the traveling public and the landowner wanting a new access by allowing the Department to use real-world roadway conditions rather than blanket spacing or other requirements that provided little flexibility in the past.

Educational statements and descriptions or definitions that are unique to the current Chapter 112 are proposed to be removed, and the proposed new rules refer to Department standards. This has been done in part to ensure that a new access is built using the same requirements regardless of who builds the new access. These changes help in condensing Chapter 112 from approximately 26 pages down to 9. This simplification of rules also makes for an easier and clearer set of requirements.

The following explanation summarizes the proposed major changes within Chapter 112:

Remove definitions. The following terms are proposed to be removed because they are no longer needed or do not require being defined in order to understand the rules: “acquisition,” “bridge,” “built-up area,” “clear zone,” “concrete box culvert,” “controlled access highway,” “district representative,” “entrance,” “entrance type,” “entrance width,” “fringe area,” “frontage,” “frontage road,” “fully controlled access highway,” “interchange,” “median,” “normal peak hour traffic,” “pavement,” “predetermined access location,” “ramp bifurcation,” “recreational trail,” “right-of-way line,” “rural area,” “rural-designed area,” “shoulder,” “sight distance,” “special access connection,” “turning lane,” and “urban-designed area.”

The following definitions are proposed to be removed because the priority system is being amended to a category system that will better balance access control with the needs of the property: “Priority I highway,” “Priority II highway,” “Priority III highway,” “Priority IV highway,” “Priority V highway,” and “Priority VI highway.”

Add new definitions. The term “access connection” is proposed to be added because a term is needed for the physical portion of the entrance to have a clear understanding of Chapter 112 and is not otherwise defined.

The terms “average annual daily traffic,” “intersection,” “ramp,” and “trip” are proposed to be added because the definitions are needed for a clear understanding of Chapter 112.

The term “functional area” is proposed to be added because it provides a consistent calculation method for determining the first access point from newly constructed intersections, interchanges and free-flowing movements. The intent of adding the term “functional area” is to improve safety and operations.

The term “necessity” is proposed to be added because it helps with clarifying the access decision process and further defines what the applicant is required to provide. The intent is to better balance traffic operations, safety and the needs of the public.

Amend current definitions. The term “access” is proposed to be amended to reflect that Chapter 112 applies only to highways.

The term “highway” is proposed to be amended because this definition needs to be consistent with Iowa Code section 321.1(78), which provides a clearer understanding of how “highway” is used in the revised Chapter 112.

The term “primary highway” is proposed to be amended because Chapter 112 needs a definition for highways under the Department’s jurisdiction.

The term “roadway” is proposed to be amended because it needs to be consistent with Iowa Code section 321.1(65), which provides a clearer understanding of how “roadway” is used in the revised Chapter 112.

The term “traveled way” is proposed to be amended by adding the word “gutter” to better define “traveled way.”

Subrule 112.3(2). This subrule proposes to require the applicant to apply for a new permit when there is a change in use of the access. This subrule is added to ensure that access usage and design align. The intent is to increase safety in conjunction with access.

Subrule 112.3(6). This subrule explains that no rights of access are conveyed. The Department issues permits for new access connections and modifications to an existing access connection. This subrule proposes to clarify that permits do not convey ownership and are considered licenses. The intent is to encourage better communication with property owners regarding their rights.

Rule 761—112.4(17A,306A,318). This rule is proposed to be updated because of a new web-based permitting system the Department implemented.

Paragraph 112.4(1)“g.” This paragraph proposes to add a traffic impact analysis for type A and type B access applications, which allows for a long-range review of high-volume accesses. The intent is to improve safety and operations of the highway.

Subrule 112.4(5). The current chapter includes a simplistic appeals process that would only work for the denial of a permit and has no established timelines. Chapter 112 needs to provide applicants an opportunity to contest any type of Department decision related to access, not just the denial of a permit, so the appeals process is proposed to be amended.

Subrule 112.5(2). The proposed changes determine the access type by using traffic volumes in the design year. A type D access, which is a low-volume access, is being introduced. The intent is to be more lenient on spacing requirements to allow more low-volume accesses per parcel.

Subrule 112.5(3). The proposed changes replace a priority classification with a category classification. There are nine categories identified by function, design, volume, etc. The new categories will better balance access control with the needs of the property.

Paragraph 112.5(4)“a.” This paragraph introduces a report for category revisions and is proposed to formalize a process for making these revisions. The intent is to encourage more documentation of access decisions and procedures.

Subrule 112.5(6). The proposed addition of access management plans and agreements acknowledges the need to handle access jointly with local agencies, allows for flexibility on highway segments that do not fit any categories, and addresses more complex and existing conditions in urban areas and growing areas.

Subrule 112.6(12). This subrule states that an access shall be designed to prevent queuing of vehicles on the roadway. This proposed change will help improve the safety of roadways and minimize congestion.

Removal of current rule 761—112.14(306A). This rule is not proposed to be included within new Chapter 112 because recreational trail connections to the highway are different than vehicular connections and the proposed new Chapter 112 addresses vehicular connections.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 16, 2022. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on August 18, 2022, via conference call at 10 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 16, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind 761—Chapter 112 and adopt the following **new** chapter in lieu thereof:

CHAPTER 112
PRIMARY HIGHWAY ACCESS CONTROL

761—112.1(306A,318) Scope and contact information.

112.1(1) *Statement of policy.* All primary highways are controlled access facilities. 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 movement to and from public roadways, businesses, residences, and other developments along the highway. 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. Each highway access connection should be located and designed to achieve the least adverse impact to traffic operations and public safety. Accordingly, the department hereby establishes rules for control of access for all primary highways.

112.1(2) *Contact information.* Information regarding this chapter may be obtained from the department's website at: www.iowadot.gov; any of the department's six district offices; or the Traffic and Safety Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010.

761—112.2(306A,321) Definitions. The following terms, when used in this chapter, shall have the following meanings unless the context otherwise requires:

“Access” means a way or means of egress or ingress to a highway.

“Access connection” means any point of motor vehicle ingress or egress from or to a highway. It is the physical connection between the edge of the traveled way and the abutting property and is exclusive of the roadway and median.

“Average annual daily traffic” or *“AADT”* means the total volume of traffic passing a point or segment of a highway facility in both directions for one year divided by the number of days in the year.

“Functional area” includes any area upstream or downstream of an intersection where intersection operation and conflicts significantly influence driver behavior and vehicle operations. The functional area of an intersection is a calculated value based on the intersection's geometrics, posted speed limit, traffic volume, type of traffic control used and perception-reaction-time values determined by the American Association of State Highway and Transportation Officials.

“Highway” means the same as “street” or “highway” as defined in Iowa Code section 321.1(78).

“Intersection” means the same as defined in Iowa Code section 321.1(33).

“Necessity” means the access is required or indispensable to the property because of circumstances that cannot be sufficiently mitigated by other means. Proof of necessity refers to documents, data, maps and other information submitted to illustrate and verify the claim of necessity.

“Primary highway” means a highway that is under department jurisdiction.

“*Ramp*” means a special lane, usually a short section of one-way roadway, which provides an access connection between two roads to enter or exit a major highway. The term “ramp” includes but is not limited to entrance ramps, roadway ramps, loop roads and collector-distributor roads.

“*Roadway*” means the same as defined in Iowa Code section 321.1(65). A divided highway has two or more roadways.

“*Traveled way*” means the portion of a roadway used for the through movement of vehicles, excluding shoulders, gutters and auxiliary turn lanes.

“*Trip*” means a single or one-directional vehicle movement. A vehicle leaving the highway and entering a property is one trip, and the vehicle leaving the property and entering the highway is a second trip.

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

112.3(1) No access connection construction activity on a highway shall begin until an access permit has been issued by the department.

112.3(2) A new access permit is required when there is a change in use of the access connection. A change in access use includes a change in predominant vehicle types or an increase in traffic volumes or a situation when the use exceeds the design and engineering limitations of the existing access design. If the property owner desires to change from the historical access use or to a use not authorized by the terms and conditions of the existing access permit, a new permit is required.

112.3(3) No person shall excavate, fill or make any physical change to any part of the right-of-way without a permit issued by the department.

112.3(4) No person shall drive a motor vehicle to or from a highway at a location that is not an authorized access connection.

112.3(5) No new access rights shall accrue from, and no additional access shall 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 shall be considered one unit, and a unified access and circulation plan shall be established for the site.

112.3(6) No rights of access are conveyed when the department provides a new access connection or modifies an existing access connection.

112.3(7) The terms and conditions of any permit are binding upon the applicant, the property owner and all assigns, successors-in-interest, heirs and occupants. Should an assign, successor-in-interest, heir or occupant 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(8) A property owner not wanting to assume responsibility for an access or its requirements may apply for access removal. Such removal shall be at the property owner’s expense unless agreement is made for removal during a highway project.

112.3(9) A permit grants no property rights or interests in state right-of-way.

112.3(10) Where there are multiple accesses to the same parcel, the department may consolidate existing access connections during a highway project.

112.3(11) The department has the authority regarding operational modifications to the highway and all access connections.

761—112.4(17A,306A,318) Permitting process. An access permit is required for an encroachment onto public right-of-way for the construction, reconstruction or modification of an access connection or any of its related appurtenances.

112.4(1) Application for an access permit.

a. To obtain an access permit, applicants will use the web-based system found at www.iowadot.gov. If the applicant cannot use or connect to this electronic system, the applicant may

contact the appropriate district office that is responsible for the area in which the proposed access is located. An applicant may be the property owner or the owner's authorized agent.

b. A separate access application and permit is required for each access connection.

c. The department will not act on an application it deems incomplete and shall notify the applicant if additional information is required.

d. Intentional misrepresentation of existing or future conditions or providing false information shall be considered sufficient grounds for denial or revocation of a permit.

e. The applicant is responsible for any location and design plans required to describe the access.

f. The applicant is responsible for providing an estimate of the traffic volume of the access and the property as a whole. The estimate will include the anticipated average daily or hourly use and the anticipated access use upon the full development of the property.

g. For access types A and B as defined in subrule 112.5(2) and public intersections, the department should require a traffic impact analysis from the applicant during the processing of a permit request. Such traffic impact analysis shall be prepared by a professional engineer licensed in Iowa at the cost of the applicant. The analysis will address a current and 20-year projection of traffic activity and impacts at and near the proposed access connection, including the full-development traffic volumes of the access connection.

h. It is the responsibility of the applicant to comply with local ordinances and obtain any other local permits, utility permits or agency approvals that may be required.

112.4(2) Processing an access application.

a. Upon receipt of an application, the department will begin processing the application using the electronic permitting system. The department will apply the criteria as required by this chapter, including access type, access category, location, design, public safety and traffic operations.

b. The department may issue an access permit with terms and conditions or deny the application if it fails to meet this chapter's requirements. The department representative shall notify the applicant of the determination.

c. The department will not act on an application it deems incomplete and shall notify the applicant if additional information is required.

d. Upon mutual agreement by the department and applicant, the department may suspend or extend the process period.

e. The applicant may withdraw the application.

112.4(3) Permit terms and conditions.

a. An access permit shall include terms and conditions necessary to meet the requirements of this chapter and include consideration of the following:

- (1) Safety of the traveling public.
- (2) The access category pursuant to rule 761—112.5(306A).
- (3) The access location and design pursuant to rule 761—112.6(306A).
- (4) The traffic-carrying capacity of the highway.
- (5) Protection of the public investment in the highway.
- (6) Topography and geometric limitations and constraints.

b. The department may restrict turning movements as necessary to reduce adverse impacts. The department will consider the 20-year projection of traffic volumes on the roadway and the full-development traffic volumes of the access connection.

c. Upon issuance of an access permit, the permittee shall initiate construction within one year. An extension may be requested. If the permittee is unable to initiate construction within one year after the permit issue date and no extension is granted, the permit is deemed expired and no longer valid.

d. The property owner and the owner's authorized agent agree by accepting the permit to indemnify, defend and hold harmless the state of Iowa and its employees from all claims arising out of construction or use of the access.

e. The property owner and applicant assume liability for the construction and ongoing use of the access.

f. The permittee shall maintain the access in good repair at all times.

g. If the department has not received the signed copy of the permit within 60 days of the date of transmittal to the applicant, the permit shall be deemed withdrawn.

112.4(4) Permits where department owns access rights.

a. This subrule applies only where the department has determined there is no longer the necessity for the controlled access line at the proposed location. The department may issue an access permit if all design and location criteria are met.

b. If it becomes necessary to close the access, the property owner will be notified in advance and any permit will be revoked. The access application and permitting process do not include any rights of appeal where the department is the owner of the access rights.

112.4(5) Appeals.

a. An applicant or permittee who objects to any terms or conditions placed on an access permit, the denial of a permit, or the closure or revocation of an access may appeal the department's decision. If the department owns the access rights, this subrule does not apply.

(1) The appeal shall be submitted to the appropriate district engineer at the department.

(2) An appeal concerning the closure or revocation of an access or the denial of a permit must be submitted within 60 days of receipt of the department's notification.

(3) An appeal concerning the terms or conditions placed on an access permit must be submitted within 60 days of when the department sends the applicant the signed copy of the permit with terms or conditions for signature.

(4) The appeal shall include reasons for the request and may include changes, revisions or conditions that would be acceptable to the applicant or permittee.

b. The district engineer shall issue a written decision to the applicant or permittee within 60 days of receipt of the appeal or 60 days after receipt of requested additional information.

c. Upon receipt of the written decision, the applicant or permittee may appeal the district engineer's decision by submitting the appeal along with background information to the director of transportation. The director shall issue a written decision within 60 days of receipt of the appeal. The director's decision shall be the final agency action.

112.4(6) 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 rules administrator, either by mail to Rules Administrator, Government and Community Relations, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

112.4(7) 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.

761—112.5(306A) Access types and the primary highway category system. This rule manages access connections according to highway function, design, traffic volumes, speed and roadside conditions.

112.5(1) General.

a. The department will assign access categories to all highways according to the descriptions in subrule 112.5(3).

b. There are no minimum or maximum distance criteria for the length of a category assignment.

c. The department may assign a specific category to a segment of highway based on operational needs and to maintain consistency along a specific route.

d. The department will maintain an access category assignment schedule for the highway system.

e. Municipal access categories are for primary highway extensions within municipalities where concurrent jurisdiction applies pursuant to Iowa Code section 306.4(4).

f. For all access categories, access connections should be kept to the minimum necessary to provide reasonable access. A second access to a parcel may be provided only if it meets spacing criteria, internal circulation is not feasible, and there is a necessity for the access.

g. If the category allows type D access, an additional type D access may be granted to a parcel if the necessity due to topography problems or ongoing agricultural activities is demonstrated. A change in use of the parcel of land serviced by the type D access requires a new permit and may require the access be closed if the location will not meet access category requirements for another type.

h. A secondary access for emergency fire services when required by local fire safety regulations may be permitted on all categories except for the categories interstate and freeway (I/F), expressway (E), and municipal expressway (ME) and across controlled access lines. Such emergency access may be permitted only if it is not feasible to provide the emergency access to a secondary roadway. A written explanation with references to local standards from an appropriate government safety official shall be included with the application. The access shall not be open for nonemergency uses and shall be maintained by the permittee as a closed access except during emergencies. Hidden pavement structures are acceptable

i. Access connections to government parcels will be treated the same as private access types based on volume with the exception of egress access connections used specifically for emergency response services such as fire stations.

112.5(2) Access types. Access connections are distinguished by the following four types of private access based on access connection traffic volume:

a. Type A is a private access connection with traffic volumes equal to or greater than 100 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

b. Type B is a private access connection with traffic volumes between 11 and 99 trips in a peak hour. Traffic volume estimates are to be based on a 20-year projection or the build-out of the development, whichever is greater.

c. Type C is a private access connection with traffic volumes between 1 and 10 trips in a peak hour.

d. Type D is a private access connection with an AADT of less than one per day.

112.5(3) Access categories for highways. Access categories are distinguished as follows:

a. The interstate and freeway (I/F) category applies to highways with full access control. Access to the roadway, when allowed, shall be provided by ramps. Direct access to the main roadway and all ramps is prohibited without exception.

b. The expressway (E) category applies to nonfreeway multilane highways outside municipal boundaries where the department has acquired the associated access rights. No access that has not already been authorized shall be permitted across existing access control lines. An access management plan is required to authorize a new public intersection. No new direct access connections will be permitted for utilities that have not been previously authorized.

c. The rural-600 (R-600) category applies to two-lane and multilane highways outside municipal boundaries that are on the Iowa commercial industrial network as most recently approved by the commission, or are where roadway traffic volume will be equal or greater than 3,000 AADT within 20 years. Access types A, B and C may be permitted where the applicant can prove necessity and the access has a minimum spacing distance of 600 feet from other connections. Access type D must meet sight distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at survey section lines when feasible. Each full-movement access connection should serve as many properties and interests as possible to reduce the need for additional direct access to the highway. Preference shall be given to public intersections.

d. The rural safety and need (R-S/N) category applies to two-lane highways outside municipal boundaries that will not exceed 3,000 AADT within 20 years. This category includes frontage roads, service roads and access ways. All private access types may be permitted where the applicant can prove necessity and meet sight and spacing distance requirements. Private access connections should not be permitted within the functional area of any public intersection. Public intersections should be located at land survey section lines when feasible.

e. The municipal expressway (ME) category applies to nonfreeway multilane highways inside municipal boundaries where arterial performance is necessary to provide high mobility and through traffic capacity. In the absence of an access management plan, no private access shall be permitted that has not already been authorized. An access management plan is required to authorize a new public intersection and may only be allowed if the public roadway is adopted by the city. No access shall be permitted across a controlled access line.

f. The municipal-1000 (M-1000) category applies to important regional and intracity highways that are within a municipality. Designation of M-1000 shall include consideration of system continuity and preservation of a high level of mobility and through traffic capacity. The department recommends the installation of restrictive medians between full-movement intersections. Access to an M-1000 may be granted under the following conditions:

(1) All access types are eligible for a full-movement access connection at 1,320 feet (one-quarter mile) locations based on section lines where feasible, and these access connections may be restricted to right-in and right-out turns or directional left-in-only as access volumes increase. A minimum access spacing interval of 1,000 feet should only be permitted if there is a documented necessity. No access connection should be allowed within the functional area of a public intersection.

(2) Each full-movement location should serve as many properties and interests as possible to reduce the need for additional direct access to the highway. Preference shall be given to public intersections.

(3) All access types are eligible for limited movement connections at minimum spacing intervals of 600 feet if a restrictive median is present.

g. The municipal-600 (M-600) category applies to highways within municipalities that have been determined to have a need to maintain a moderate level of mobility and through traffic capacity. Minimum spacing for all access types is 600 feet.

h. The municipal-300 (M-300) category applies to highways within municipalities where a low level of mobility and through traffic capacity is acceptable. Minimum spacing for all access types is 300 feet.

i. The municipal safety and need (M-S/N) category applies to highways within municipalities where motor vehicle mobility and through traffic capacity are low priorities. The granting of access and the determination of access connection locations shall be based only on safety and need.

112.5(4) Category revisions.

a. From time to time it may be necessary for the department to change an assigned access category because of changes in roadway conditions, traffic growth or highway reconstruction. Reassignment shall be consistent with subrule 112.5(3). A report shall be prepared presenting why the current category should not be used and the reasons for and benefits of making the category revision.

b. If the highway is identified as a future freeway or expressway, the department may suspend the issuance of new access permits.

c. If a highway utilizing at-grade intersections is intended to be improved to accommodate traffic growth or safety considerations, the access category of the future improvement shall be applied.

112.5(5) Interchange and intersection access control.

a. When it is necessary for an at-grade access connection to be near an interchange on an access category E or ME, the first access connection location will be determined by calculating the functional areas of the expressway ramp and the first at-grade access connection. The two functional areas shall not overlap. The functional area of the ramp shall be considered no less than 1,500 feet from the end of the taper. The first access should be a public intersection. Access turning movements may be restricted for operational reasons.

b. Access is prohibited without exception to all elevated structures and ramps on or connected to any highway.

c. When the interchange crossroad AADT will exceed 10,000 in the year, the first full-movement access connection should be at least 1,320 feet as measured from the ramp bifurcation point. A minimum of 1,000 feet may be allowed for a full-movement intersection if there is a proven necessity and no reasonable alternative. A restrictive median may be required between the ramps and the full-movement intersection. If the first full-movement intersection is at least 1,200 feet from the ramp bifurcation and a

restrictive median is present, a right-in and right-out access may be permitted at a minimum of 600 feet from the ramp bifurcation. The ramp functional area should not overlap with the functional area of any access connection.

d. When the interchange crossroad AADT will be between 3,000 and 10,000 within 20 years, the first full movement should be at least 1,000 feet away from the ramp. All access types may have a restricted right-in and right-out access at a minimum of 600 feet from the ramp bifurcation point.

e. When the interchange crossroad AADT will not exceed 3,000 within 20 years, access public intersections and private access types A and B should be at least 600 feet away from the ramp bifurcation point. Types C and D should be at least 300 feet from the bifurcation point and may be subject to operational restrictions.

f. For any new interchange or interchange reconstruction, access rights should be acquired and extend a minimum of 600 feet away from the ramp bifurcation point. If the AADT will exceed 10,000 within 20 years, a minimum of 1,000 feet of access rights should be acquired.

g. Where a free-flow turning movement from a roadway or ramp merges onto another roadway, an analysis shall be completed to determine the functional area and the preferred placement of the first access connection. The functional area of the merge lane of the roadway and the functional area of the first access connection shall not overlap. Access rights shall be acquired along the identified functional area length.

h. An at-grade intersection shall be defined by the determination of its functional area. Access should not be allowed within this functional area. Access beyond the functional area remains subject to the requirements of the access category location standards.

i. When acquiring access rights as part of a highway project, the department may acquire access rights along intersecting public roadways to protect the operation of the intersection at the highway. Acquisition of access rights should extend a distance of 150 feet from the near edge of the highway traveled way. If the intersecting public roadway AADT is predicted to exceed 3,000 within 20 years, the department should acquire access rights for a distance of 300 feet from the near edge of the highway traveled way. The department may lengthen or shorten the distance of access rights required after considering the intersection functional area, traffic volumes, traffic operations, acquisition costs and other factors.

112.5(6) Access management plans and agreements.

a. Access management plans may be developed to determine how access will be managed on select sections of high-priority corridors, around freeway interchanges, and within municipalities and high-growth corridors. Each plan will apply access management techniques, identify acceptable traffic control features, and establish the necessary operational restrictions to ensure the long-term functional performance and safety of the highway. The scope of each access plan may vary depending on what is determined necessary by the parties of the agreement to manage current and predicted future highway conditions and local land use.

b. To apply an access management plan within a municipality, it must be adopted by joint agreement in accordance with Iowa Code sections 306.4(4) and 306A.7.

c. Highway projects and corridor plans may include access management techniques and improvements to bring a section of highway into conformance with its current access category without adopting an access management plan and agreement.

761—112.6(306A) Location and design. This rule sets criteria for the location and design of access connections to primary highways.

112.6(1) Each access connection authorized must be located and designed in accordance with this rule. Terms and conditions for location, design, construction and use of the access connection shall be established by permit.

112.6(2) The priority of the primary highway system is to provide highway corridors with the goal of maintaining traffic capacity by limiting disruptions to through traffic. Direct access from abutting land is therefore subordinate. Where an adjacent lower traffic volume road is available, the access should connect to that roadway.

112.6(3) Private access connections may only be considered when there is a reasonable necessity for the access and should be separated from other private access connections at a minimum distance equal to the sight distance at the posted speed. The burden of proving necessity is on the applicant.

112.6(4) An access connection must be consistent with the requirements of the assigned access category.

112.6(5) Access location considerations shall include traffic operations, public safety, sight distance, distance to other access locations, traffic speed and volumes, the design vehicle for the access and the allowable turning movements.

112.6(6) Restrictive medians may be installed and access connection turning movements may be restricted to right turns or directional left turns for operational reasons when determined necessary and at the sole discretion of the department.

112.6(7) Minimum design criteria may be used only when there is a proven and documented necessity that higher standards are not feasible at the specific site.

112.6(8) When there are access connections on opposite sides of the highway and left turns are allowed from both directions, the access connections should be opposite each other or have sufficient offset distance so as to prevent overlapping left turn maneuvers.

112.6(9) If the access connection requires a turn lane, the access connection should be located so the turn lane can be installed and no other access connections occur along the turn lane. An access should not be installed along a turn lane or taper.

112.6(10) Private access connections should not be located within the functional area of a public intersection.

112.6(11) All access connections must meet sight distance.

112.6(12) The access shall be designed to facilitate the movement of vehicles from the highway to prevent the queuing of vehicles on the roadway.

112.6(13) If a proposed access location does not comply with this chapter, the access permit shall be denied.

112.6(14) 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 location and design for the specific situation. The department shall include justification for the design in the permit or the highway project file, as applicable.

761—112.7(306A) Access construction. This rule sets criteria for the construction of access connections.

112.7(1) Overall stipulations.

a. Unless part of a public construction project, the construction of the access and its appurtenances as stated in the terms and conditions of the permit shall be completed at the expense of the permittee.

b. The access connection shall be constructed according to the department's standards and specifications. The applicant will be provided with the necessary standards and specifications with the issued permit.

c. The access shall be completed in an expeditious and safe manner and shall be finished within 30 days from initiation of construction within the highway right-of-way unless otherwise stated on the access permit.

d. The department may restrict work within the highway right-of-way, restrict lane closure periods and require preapproval of all aspects of construction phasing and traffic control. The permittee shall provide work zone traffic control at all times during access construction. Work in the highway right-of-way is not allowed on legal holidays, at night, during peak traffic hours or during adverse weather conditions without specific department permission.

e. Any damage to the primary highway, appurtenances or any utility or any permitted private encroachment shall be repaired immediately at the direction of the affected owner. All costs associated with repair or relocation will be borne by the permittee. If a survey monument is modified or damaged, repair and replacement shall be done at the direction of the owner of the monument.

f. The relocation, removal or modification of any traffic control device or public or private utilities shall be accomplished by the permittee without cost to the department or utility and at the direction of the department or utility owner. A department utility permit shall be obtained for utility work within highway right-of-way.

g. An access permit may require installation of traffic control features or devices, but such requirements do not create any type of private interest in such features. Traffic control features and devices in the right-of-way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes are operational and safety characteristics of the highway and are not means of private access. The department may install, remove or modify any traffic control feature or device in the right-of-way to promote traffic safety or efficient traffic operations.

h. The department is not obligated to permit or approve any connection, traffic control feature or device or any other site-related improvement that has been specified in a development approval process separate from the permitting criteria and approval process described in this chapter.

i. If any construction element of the permitted access fails within three years following construction, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

j. The property owner or occupants are responsible for maintaining the access. Where the access connection has a paved surface, the property owner or occupants are responsible for maintaining the access connection from the paved edge of the roadway to the right-of-way line. Where the access connection does not have a paved surface, the property owner or occupants are responsible for maintaining the access from the outer shoulder line of the roadway to the right-of-way line. The department is not responsible for the removal of debris, snow or ice on the access, including debris deposited by the department during maintenance operations.

k. Drainage structures located along the highway are maintained by the department except for concrete box culverts and bridges constructed by the property owner for access to the property, which shall be maintained by the property owner or occupants.

112.7(2) Temporary access.

a. When an access is needed in temporary situations for a limited period of time, a temporary access connection may be allowed, but it is subject to special stipulations as determined by the department.

b. The location of the temporary access shall comply with all safety and sight distance requirements.

c. Temporary access shall be authorized only for a specified period of time. In no event shall the period of the permit extend beyond 24 consecutive months.

d. The permittee is responsible for all costs incurred, including removal of the access and restoration of the right-of-way at the end of the permit period.

e. An application for temporary access is not needed if the temporary access is for department purposes and has been approved in department internal documents and, when required, by the Federal Highway Administration.

761—112.8(306A) Drainage requirements for access connection approvals.

112.8(1) The permittee shall provide, at the permittee's expense, drainage structures for access connections that will become an integral part of the existing drainage system.

112.8(2) The type, size and condition of the drainage structures provided by the permittee shall meet the requirements of the department in unincorporated areas and the requirements of both the department and the municipality in incorporated areas. The design and construction of drainage structures for access shall not adversely impact the highway right-of-way, a storm sewer system or a drainage-way.

112.8(3) The construction of an access shall not impair the drainage or stability of the highway subgrade, nor shall it cause water to flow across the roadway pavement or pond on the shoulders or in the ditch or result in erosion within the highway right-of-way.

112.8(4) Drainage systems designed and constructed by the department within the highway right-of-way are designed to serve the drainage needs of the highway and adjoining properties based on the basin conditions at the time of the design of the highway.

761—112.9(306A,318) Violations at access connections.

112.9(1) It is the responsibility of the property owner and permittee to ensure that the access is not in violation of this chapter or the terms and conditions of the permit.

112.9(2) When an authorized access is constructed or used in violation of this chapter or the terms and conditions of the permit, the department may suspend the access permit and may order the immediate closure of the access. Notwithstanding the preceding sentence or any other provision of this chapter, the department may proceed as authorized under Iowa Code chapter 318 at any time.

These rules are intended to implement Iowa Code chapter 17A and sections 306.19, 306A.1 to 306A.8, 307.12, 318.3, 318.5 and 318.8.

ITEM 2. Amend rule **761—150.1(306)**, definition of “Freeway,” as follows:

“Freeway” means a ~~primary highway constructed with Priority I fully controlled access control~~ primary highway. The rights of ingress and egress from abutting properties have been legally eliminated by the department. Permanent access to the freeway is allowed only at interchange locations. For the purpose of highway lighting, *“freeway”* means a ~~primary highway constructed with Priority I access control for a length of a freeway is generally five miles or greater~~ more miles in length.