

1. Report No. FHWA/TX-01/1847-P1		2. Government Accession No.		3. Recipient's Catalog No.	
4. Title and Subtitle ASSESSMENT OF CURRENT ACCESS MANAGEMENT PROGRAMS IN OTHER STATES AND RECOMMENDATIONS FOR DEVELOPING A COMPREHENSIVE ACCESS MANAGEMENT PROGRAM IN TEXAS				5. Report Date January 2001	
				6. Performing Organization Code	
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9. Performing Organization Name and Address Texas Transportation Institute The Texas A&M University System College Station, Texas 77843-3135				10. Work Unit No. (TRAIS)	
				11. Contract or Grant No. Project No. 0-1847	
12. Sponsoring Agency Name and Address Texas Department of Transportation Research and Technology Implementation Office P. O. Box 5080 Austin Texas 78763-5080				13. Type of Report and Period Covered Research: September 1999-August 2000	
				14. Sponsoring Agency Code	
15. Supplementary Notes Research performed in cooperation with the Texas Department of Transportation and the U.S. Department of Transportation, Federal Highway Administration Research Project Title: Identify the Legal Issues and Regulatory Requirements Needed to Establish an Access Management Plan for Texas					
16. Abstract The primary objectives of this research were to investigate access management programs, plans and related activities in various states in order to learn lessons from their experiences, and to determine what Texas needs to do regarding legislation to develop and implement an access management program. This report summarizes the findings of case studies performed on selected states' access management activities, including New Jersey, Colorado, Oregon, Montana, Michigan, Wisconsin and Hawaii. The research team interviewed department of transportation (DOT) representatives from each state either in person or over the telephone to find out details about the activities and to develop recommendations. This report contains summaries of the state SOT responses and comments, as well as recommendations for the Texas Department of Transportation (TxDOT). The findings and recommendations included in this report will aid TxDOT in the development of an access management program. Detailed information related to legal and legislative issues are included in a white paper, titled "Access Management Strategy in Texas: Legal and Policy Considerations," also published as a part of this project.					
17. Key Words Access Management Program, Oregon, Colorado, New Jersey, Montana, Michigan Wisconsin, Hawaii			18. Distribution Statement No Restrictions. This document is available to the public through NTIS: National Technical Information Service 5285 Port Royal Road Springfield, Virginia 22161		
19. Security Classif.(of this report) Unclassified		20. Security Classif.(of this page) Unclassified		21. No. of Pages 16	22. Price

**ASSESSMENT OF CURRENT ACCESS MANAGEMENT PROGRAMS
IN OTHER STATES AND
RECOMMENDATIONS FOR DEVELOPING
A COMPREHENSIVE ACCESS MANAGEMENT PROGRAM
IN TEXAS**

by

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This product is based on a two-year research project that investigated access management programs in selected states. The results of this effort yielded recommendations for how the Texas Department of Transportation (TxDOT) may proceed to develop an access management program. This document contains summaries of programs and practices implemented in other states and provides a list of recommendations that should be useful to TxDOT in the creation of an access management program.

Product 1847-P1

Project Number 0-1847

**Research Project Title: Identify the Legal Issues and Regulatory Requirements Needed to
Establish an Access Management Plan in Texas**

**Sponsored by the
Texas Department of Transportation
In Cooperation with the U.S. Department of Transportation,
Federal Highway Administration**

January 2001

**TEXAS TRANSPORTATION INSTITUTE
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DISCLAIMER

The contents of this report reflect the views of the authors, who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official view or policies of the Texas Department of Transportation (TxDOT) or the Federal Highway Administration (FHWA). This report does not constitute a standard, specification, or regulation.

ACKNOWLEDGMENTS

The authors would like to acknowledge the project director, Patricia Jackson, of TxDOT's Design Division and research program coordinator, Mary Owen, district engineer of TxDOT's Tyler District.

The authors would also like to thank the various state department of transportation (DOT) staff members who participated in the survey/interviews and provided valuable information and insight regarding their states' access management programs and activities:

Colorado DOT - Philip Demosthenes

Hawaii DOT - Michael Amuro

Michigan DOT - David Geiger

Montana DOT - Dick Turner, Ivan Ulberg, and Dan Martin

New Jersey DOT - Arthur Eisdorfer

New Jersey Attorney General's Office - Lorinda Lasus

Oregon DOT - Del Huntington and Linda Apple

Wisconsin DOT - Bonnie Tripoli, Bob Bovy, Bob Fasick, Michael Rewey, Norman DeVries, Ernie Peterson, Ron Polacek, and Joanne Lazarz

In addition, the authors would like to express appreciation to Wyndylyn von Zharen of Texas A&M University - Galveston for her work on legal and legislative issues. Claire Roth, research associate with the Texas Transportation Institute, also contributed extensive work by summarizing survey data that led to recommendations.

The authors also appreciate the cooperation and input from the Federal Highway Administration.

SUMMARY OF SELECTED STATE DOT ACCESS MANAGEMENT PROGRAMS

This research project created case studies of access management programs and activities in seven states. Researchers conducted in-depth interviews with representatives of five of the state DOTs and less formal interviews with two others. Highlights of the interview findings, especially those that are somewhat unique or stand out as particularly applicable to Texas, are presented here by the state from which they came.

COLORADO:

- Considered by the State to be the proper exercise of police powers
- Constantly under review and changes are made often
- Access management program was conceptualized; legislation was adopted; the program was created with extremely powerful administrative support
- Continues to be controlled by legislation and regulation (code)
- Annual cost is approximately \$450,000
- Staffed by approximately 15 people statewide
- Highway access classification system

NEW JERSEY:

- Excellent working relationship between DOT and Attorney General's Office
- Comprehensive program with legislative mandate
- Retrofit only in cases of road improvement projects
- Original support came from legislators and administrators who saw needs in their routine driving routes
- Start-up costs of revised program regulations (1992) were approximately \$900,000 (consultants and staff time)
- Conducted more public hearings than required by law
- Involved many stakeholders — recommend as many as possible as early as possible

- Permit process based on threshold of 500 trips per day
- 35 full-time equivalents (FTEs) (21 in central office, others in districts)

OREGON:

- Background research and statistics considered crucial in obtaining administrative support
- Developed in phases over several years
- Annual cost is approximately \$900,000
- Recent significant revisions to program
- Approximately 30-35 staff members throughout the state

WISCONSIN:

- No formal program, but does have and use an access management plan
- Plan covers a threshold of statewide mileage (5320)
- Legislative support is provided through various statutes
- Local jurisdictions participate on corridors through intergovernmental coordination

MONTANA:

- No formal program, but revising processes and working toward developing a program
- Applications on rural highways
- Corridor plans are created through Transportation Commission resolutions
- Good, informal agreements to work with local entities
- 1 FTE in central office, approximately 25 others assisting; 12 assisting in districts

MICHIGAN:

- No program yet; has begun work (for 18 months) toward developing one
- Obstacles include priorities of other issues, staff turnover, concerns of needing legislation
- Related issues staffed by approximately 35 FTEs statewide, plus assistance from 30-40 others
- Annual cost is approximately \$50,000 for education/training

HAWAII:

- No formal program
- Two classifications of roads — “Older Roads” and “Restricted Access Highways”
- “Grant of Access Document” permitting process

LEGISLATIVE ISSUES

Researchers studied the current legislative environment in Texas to determine if existing legislation allows TxDOT to implement access management techniques. This section of the product presents summaries of these efforts.

Texas Legislative Environment (results found in white paper, titled “Access Management Strategy in Texas: Legal and Policy Considerations,” by Wyndilyn von Zharen (1)):

- The Texas Transportation Commission and its predecessor have been given broad powers to adopt rules for governing the day-to-day operation of the state highway system and all portions thereof.
- A 1986 Texas Supreme Court ruling (Opinion No. JM-507) stated that “[t]he State has created a Highway Commission, and has placed under its direct and exclusive control the management of its highway system.” Additional empowerment includes, among others:
 - ◆ to designate any existing or proposed state highway, of the designated state highway system, or any part thereof, as a controlled access highway;
 - ◆ to deny access to or from any state highway, presently or hereafter designated as such . . . which may be hereafter duly designated as a controlled access highway, from or to any lands, public or private, adjacent thereto, and from or to any streets, roads, alleys, highways or any other public or private ways intersecting any such controlled access highway, except at specific points designated by the State Highway Commission; and to close any such public or private way at or near its point of intersection with any such controlled access highway;
 - ◆ to designate points upon any designated controlled access highway, or any part of such highway, at which access to or from such controlled access highway shall be permitted, whether such controlled access highway includes any existing state highway or one hereafter constructed and so designated; and

- ◆ to control, restrict, and determine the types and extent of access to be permitted at any such designated point of access....

- A more recent attorney general opinion held that TxDOT is authorized to establish advisory committees; for example, the Statewide Transportation Policy Committee and the Bicycle Advisory Committee.

- The majority of key people in various areas of Texas transportation— inside and outside of governmental bodies— who were interviewed indicated a similar view. There is a strong feeling that, even though TxDOT probably has the authority to initiate an access management program, TxDOT would benefit from clear, legislative direction.

RECOMMENDATIONS FOR TxDOT

The state DOT and TxDOT district surveys were comprised of open-ended questions designed to encourage discussion and explanation. Each staff member interviewed at each state DOT provided a wide variety of responses and recommendations regarding the development and implementation of an access management program. The TxDOT district staffs gave answers that provide a great amount of insight to the issues they currently face and others that interest them. Actual responses have been presented in the research report, *Summary of Access Management Programs and Practices in the United States (2)*. The following are recommendations the research team developed as a result of the survey responses:

- Identify internal and external stakeholders that will be involved.
- Involve all stakeholders from the earliest points in the process as possible.
- Form committees of TxDOT staff members to participate in program development.
- Gather statistical and other supporting information (e.g. crash records and related financial benefits, costs of building alternate facilities instead of implementing access management techniques).
- Develop a consistent theme throughout the program that includes issues such as safety, mobility, design and right-of-way.
- Obtain as much administrative support for the program as possible.
- Inform/educate stakeholders about access management issues.
- Develop specific supporting legislation at some point in the process.
- Develop enforceable regulations.
- Enforce regulations consistently throughout the state, with minimal necessary flexibility.

REFERENCE

1. von Zharen, Wyndylyn. "Access Management Strategy in Texas: Legal and Policy Considerations." Report 1847-2, Texas Transportation Institute, College Station, Texas. January 2001.
2. Frawley, William E. and William L. Eisele. *Summary of Access Management Programs and Practices in the United States*. Research Report 1847-1, Texas Transportation Institute, College Station, Texas. January 2001.

