

Access Rights

Synthesis 351

7th Conference on Access Management

August 13th - 16th, 2006



KITTELSON & ASSOCIATES, INC.
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

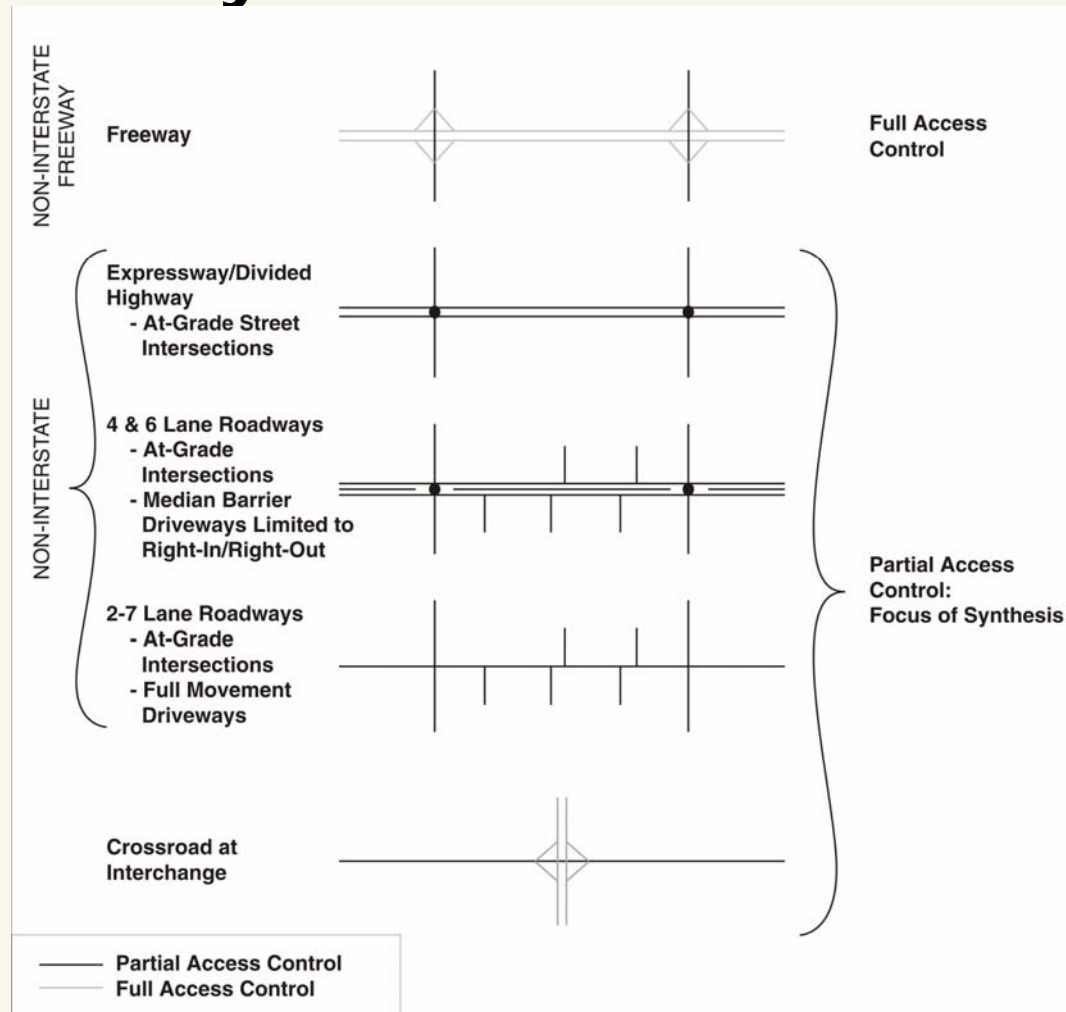
Purpose of Synthesis

- **Acquisition of Access (e.g., interchange areas, development rights, corridors).**
- **Relationship between exercise of police power and acquisition of property rights.**
- **Administration of access rights (e.g., managing records, enforcement).**
- **Disposal or relinquishment.**
- **Modification to existing access rights (e.g., widening, relocation, licensing).**

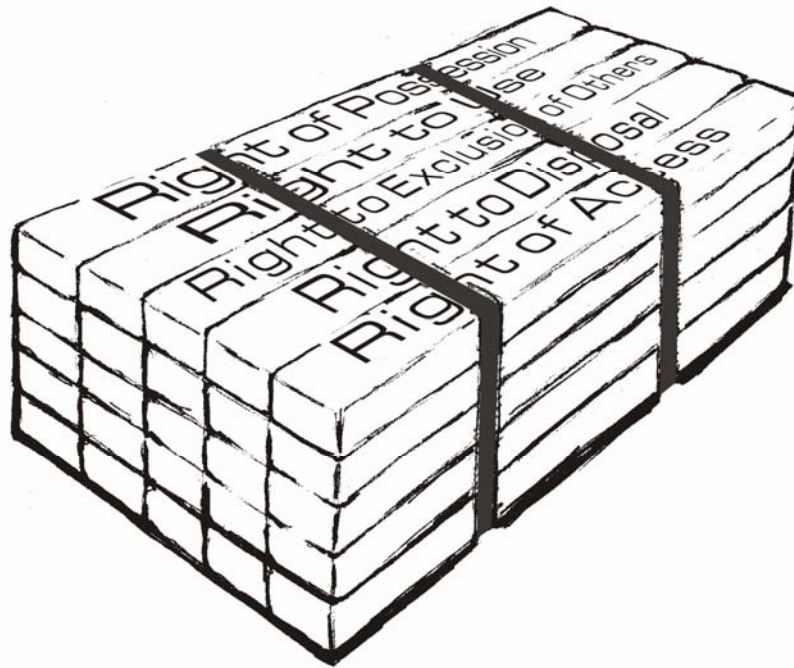
Purpose of Synthesis

- **Differences in practice due to differences in underlying state law.**
- **Factors in valuation and negotiation.**
- **Organizational characteristics (e.g., staff structure, resources, communication).**
- **Criteria for acquiring access rights (e.g., when-were-what).**

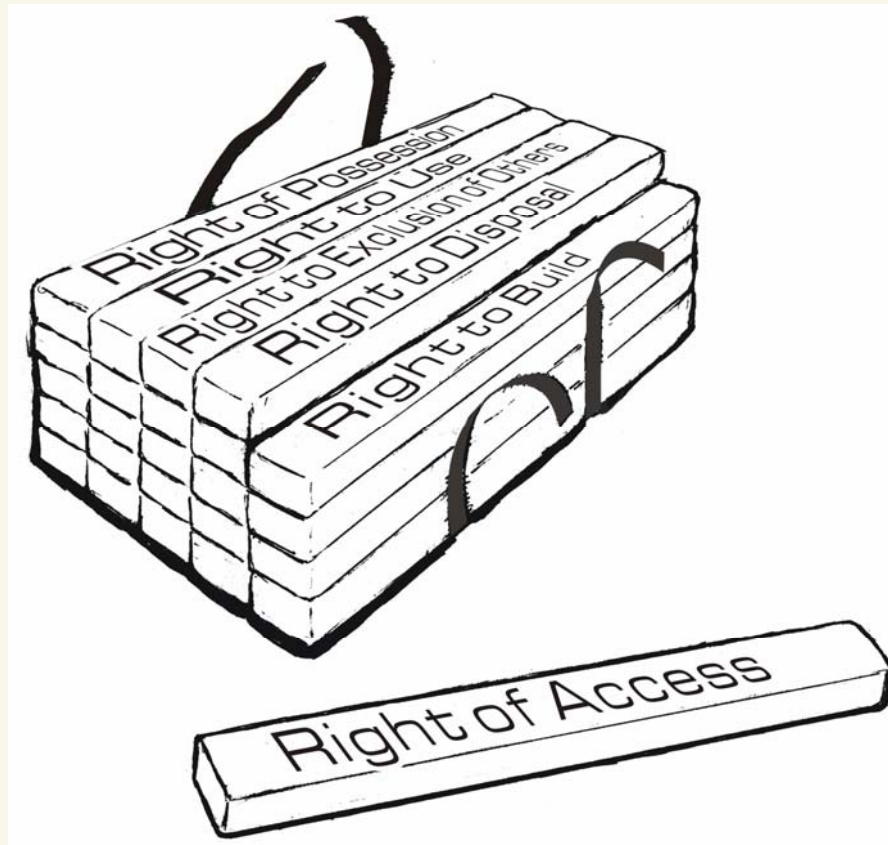
Focus of the Synthesis



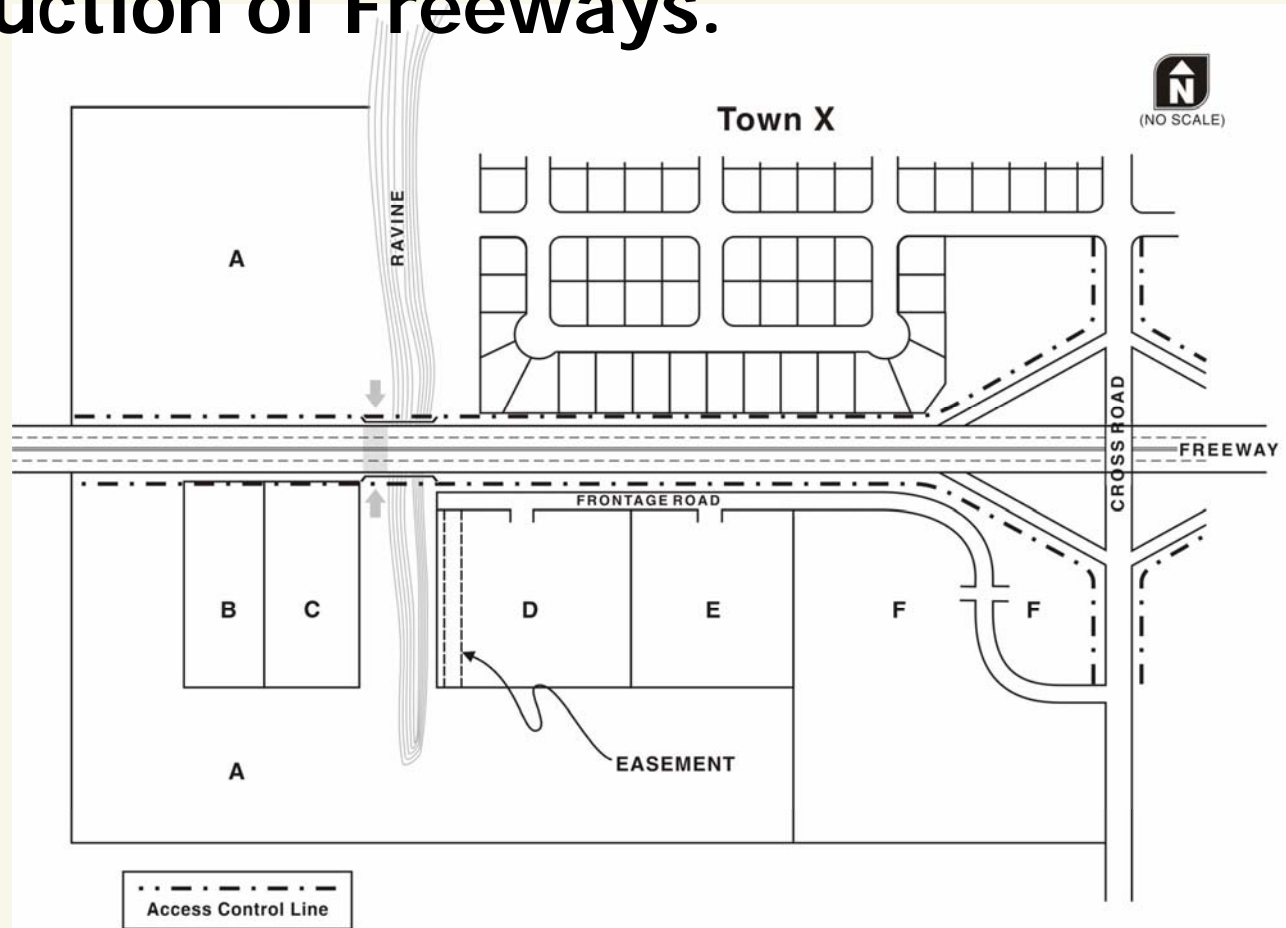
Eminent Domain and the Bundle of Rights



Eminent Domain



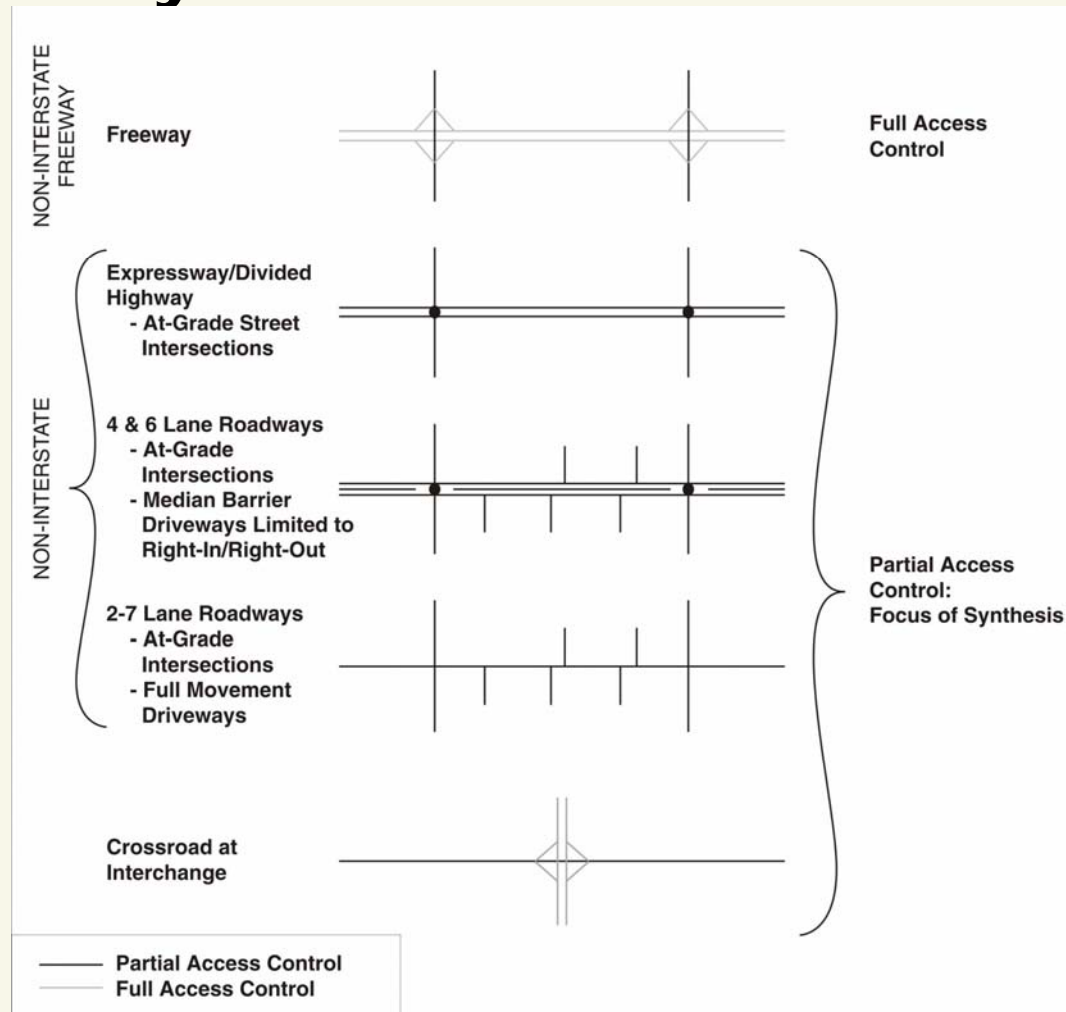
The use of Eminent Domain in the construction of Freeways.



Acquisition of Entire Right of Access

- **The process has worked very successfully on the Interstate Highway system.**
- **Establishes a clear threshold that driveways are not allowed.**
- **There can be pressure to allow new interchanges from cities along the Interstate or to facilitate large scale development.**
- **Prohibits all form of travel from crossing the access control line.**

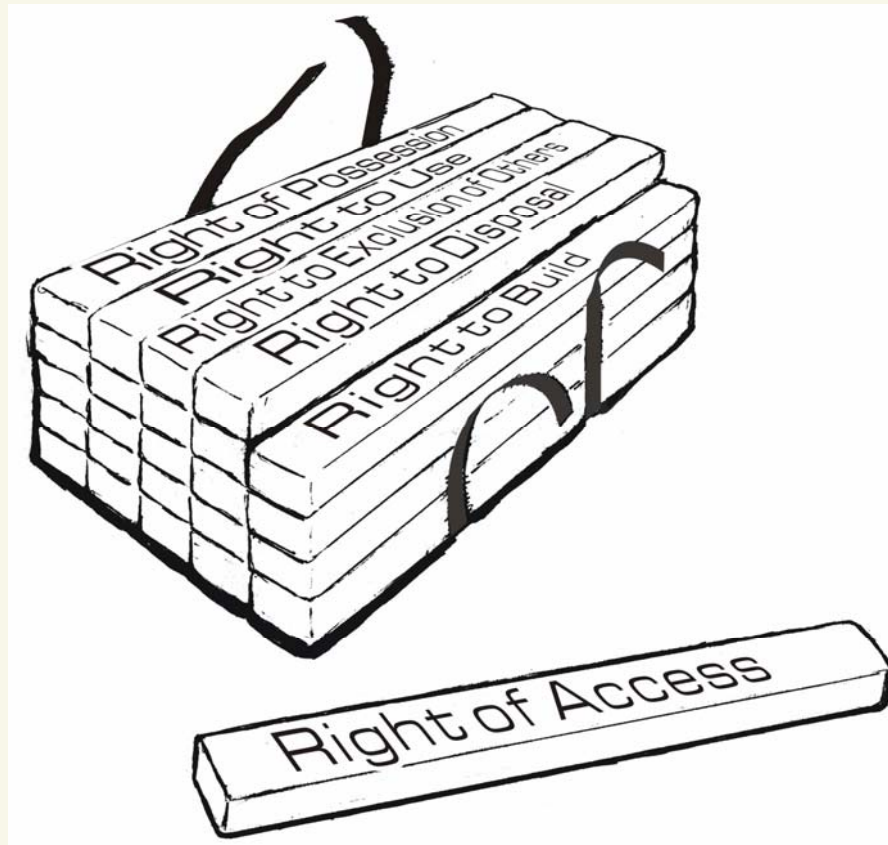
Non-Freeways



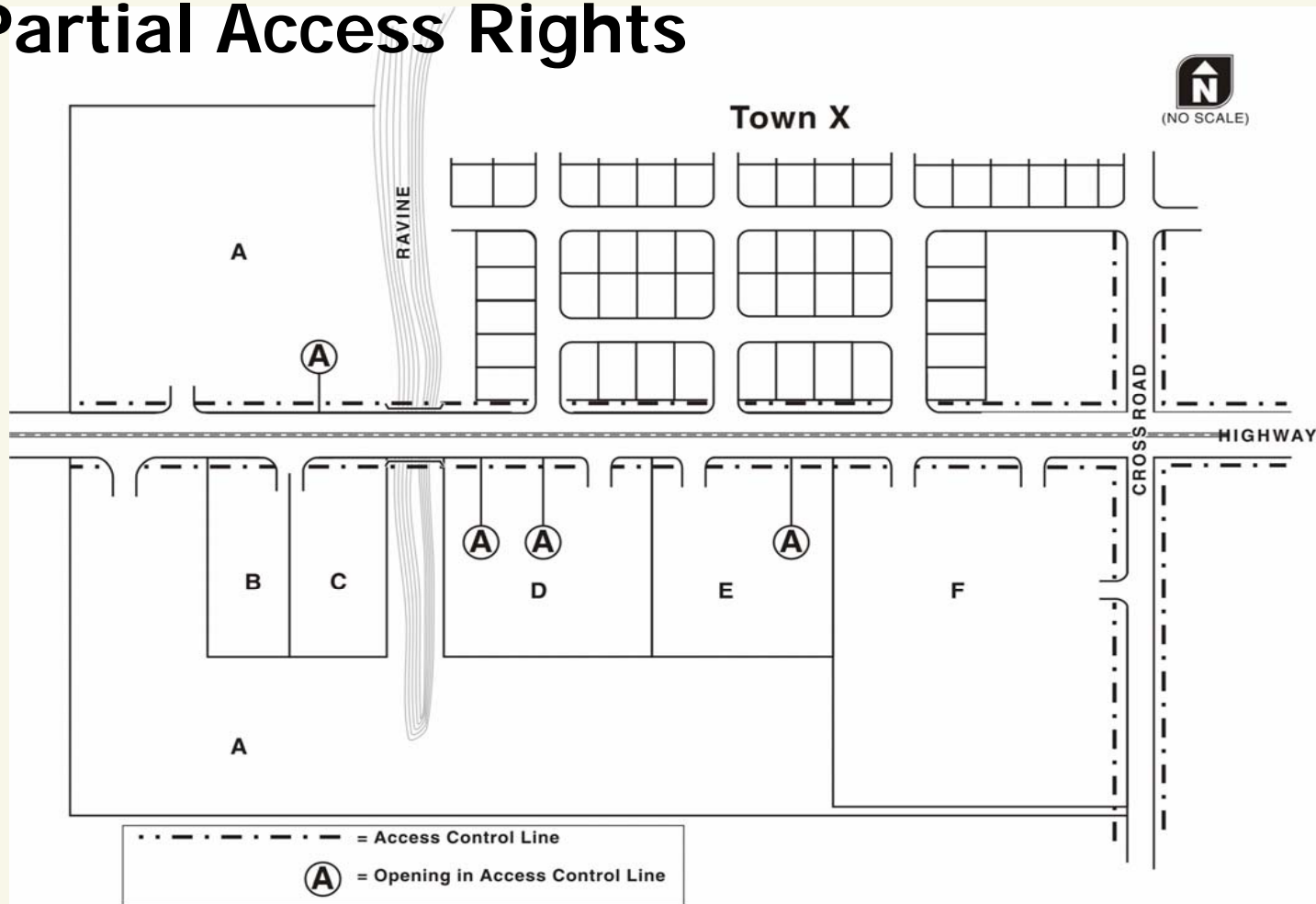
Partial Access Control

- **Generally applied in two different ways;**
 1. By formal designation only. No access rights are purchased from property owners that abut the roadway, or
 2. By purchase of a portion of the access rights from property owners that abut the roadway. It may also include a formal designation.

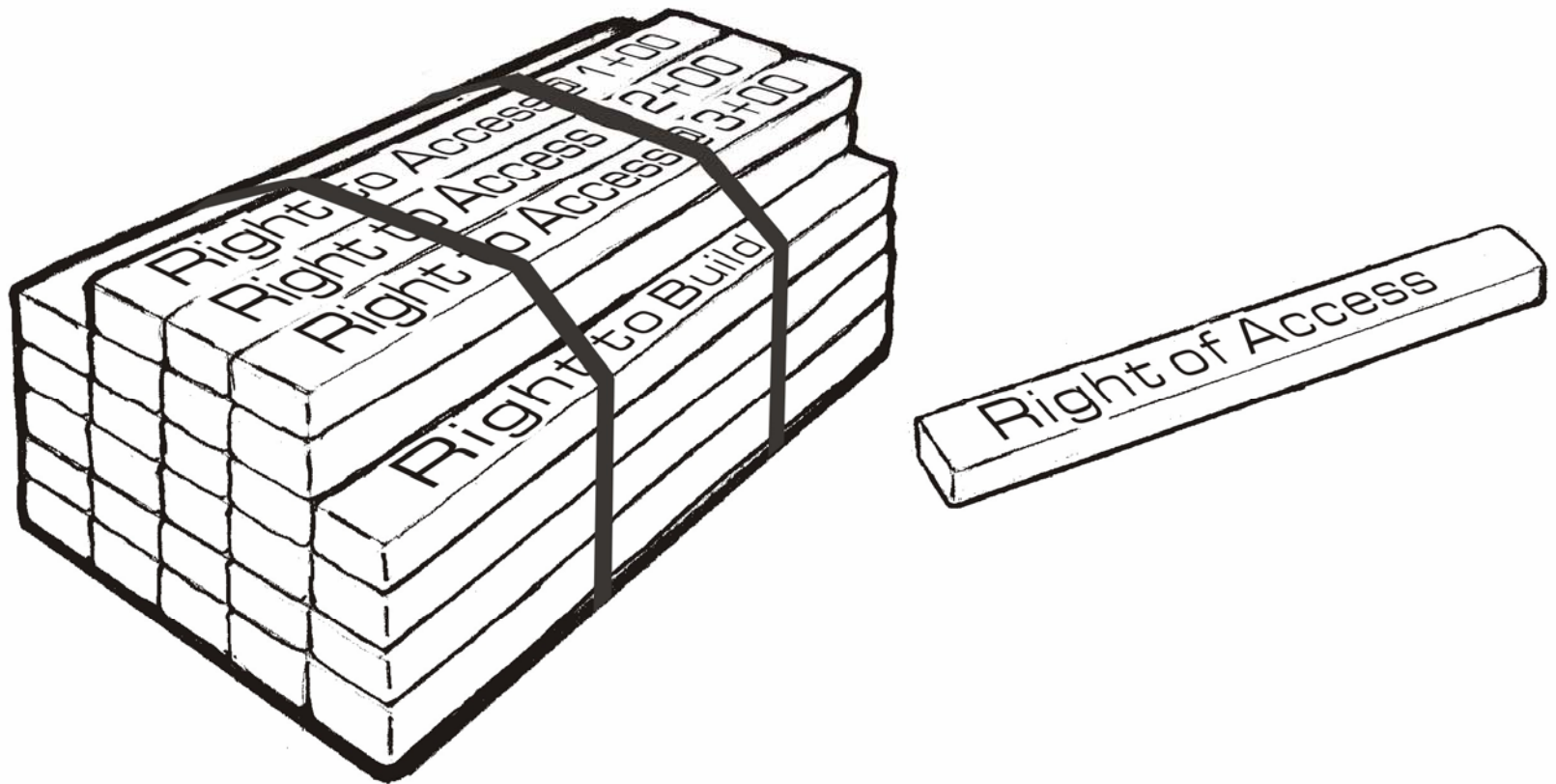
Eminent Domain



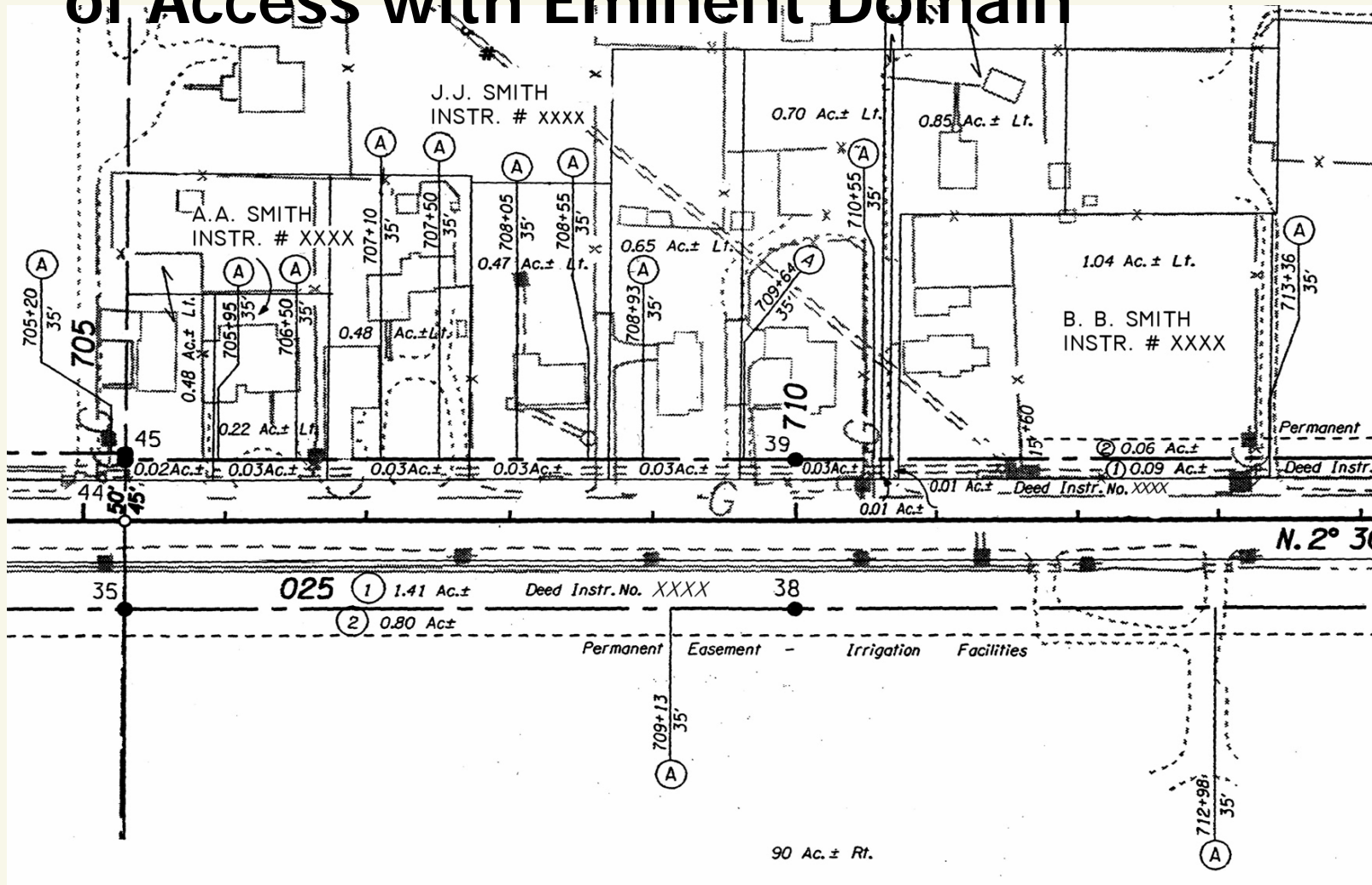
The use of Eminent Domain to Acquire Partial Access Rights



The Provision of Access Rights Limited to Specific Locations



Results of the Acquisition of Partial Rights of Access with Eminent Domain



Potential Concerns with the Acquisition of Partial Access Rights

- 1. The Court may establish that the property owner has a right that is significantly greater than the jurisdiction presumed.**
- 2. It can blur the line between the use of eminent domain and police power.**
- 3. You may not be able to give it away.**
- 4. It does not allow for flexibility in the event that spacing standards are developed or revised.**
- 5. It adds a significant level of confusion and bureaucracy in the event that the roadway becomes the responsibility of another jurisdiction.**
- 6. Uncertainty on whether or not all forms of travel could cross the access control line.**



Conclusion

- Acquisition of all rights of access has been a very successful strategy that has been applied over 50 years along the Interstate Highway System and freeways.
- A limited access designation has been successfully applied on many non-freeways across the U.S.
- Acquisition of partial rights of access from property owners abutting non-freeways can prevent unwanted access, but can also lead to unanticipated consequences in the future.