

# **Access Rights**

**Synthesis 351**

**7<sup>th</sup> Conference on Access Management**

**August 13<sup>th</sup> - 16<sup>th</sup>, 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).**

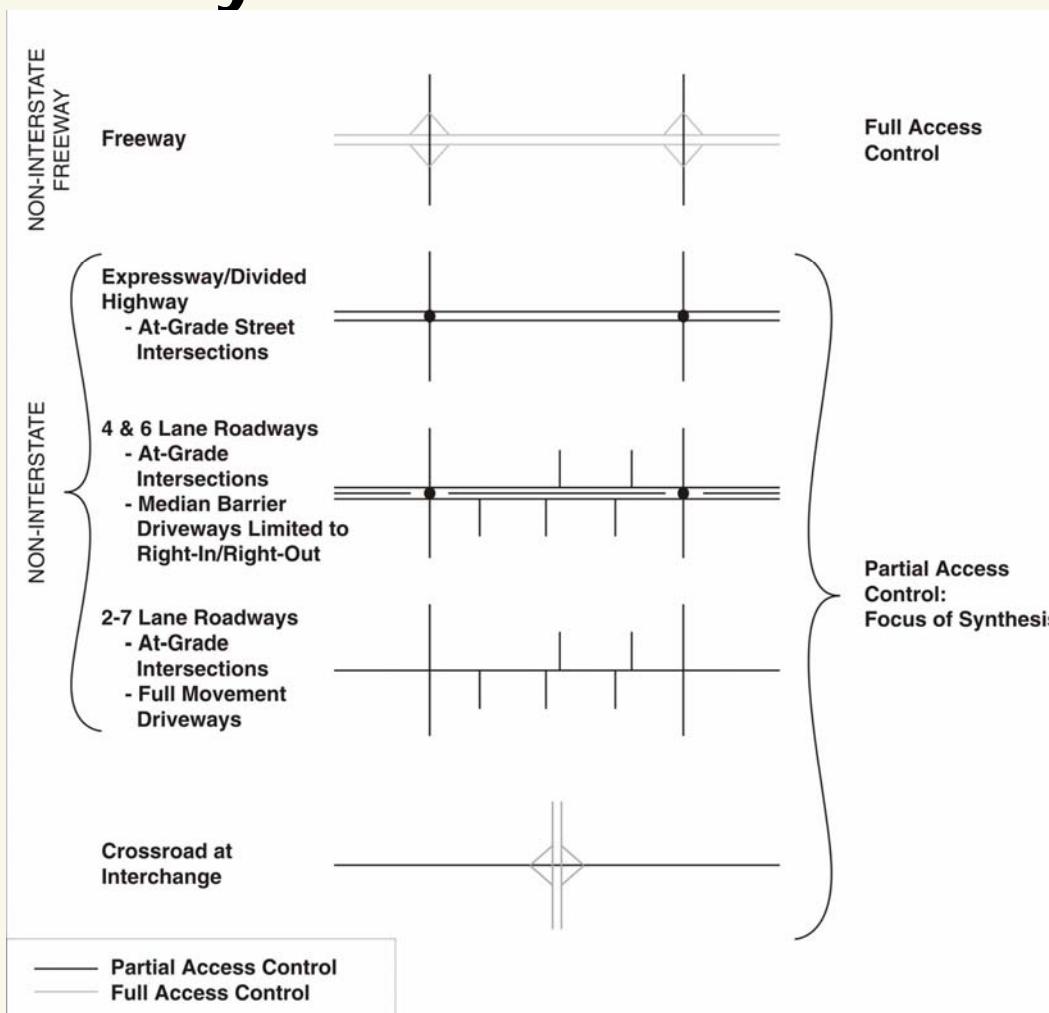


# Purpose of Synthesis

- **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).**

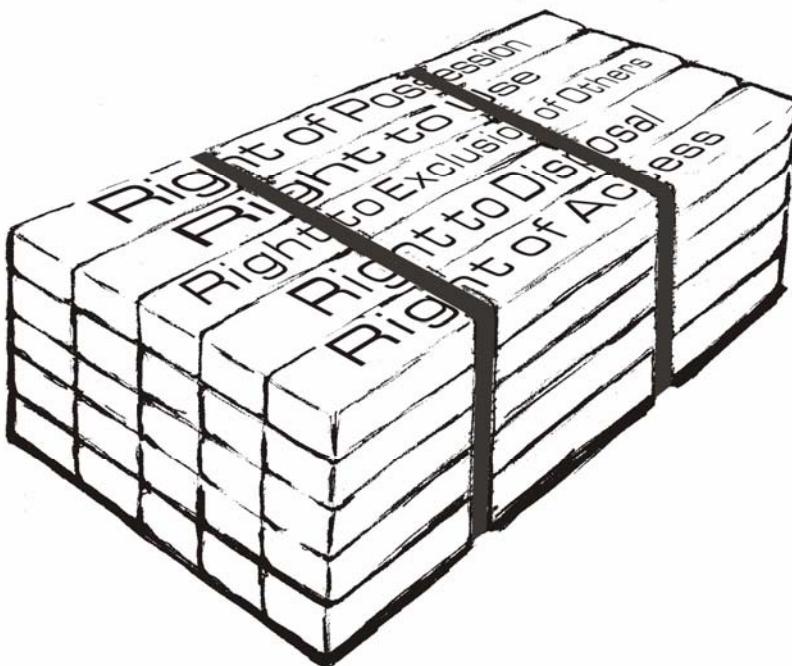


# Focus of the Synthesis



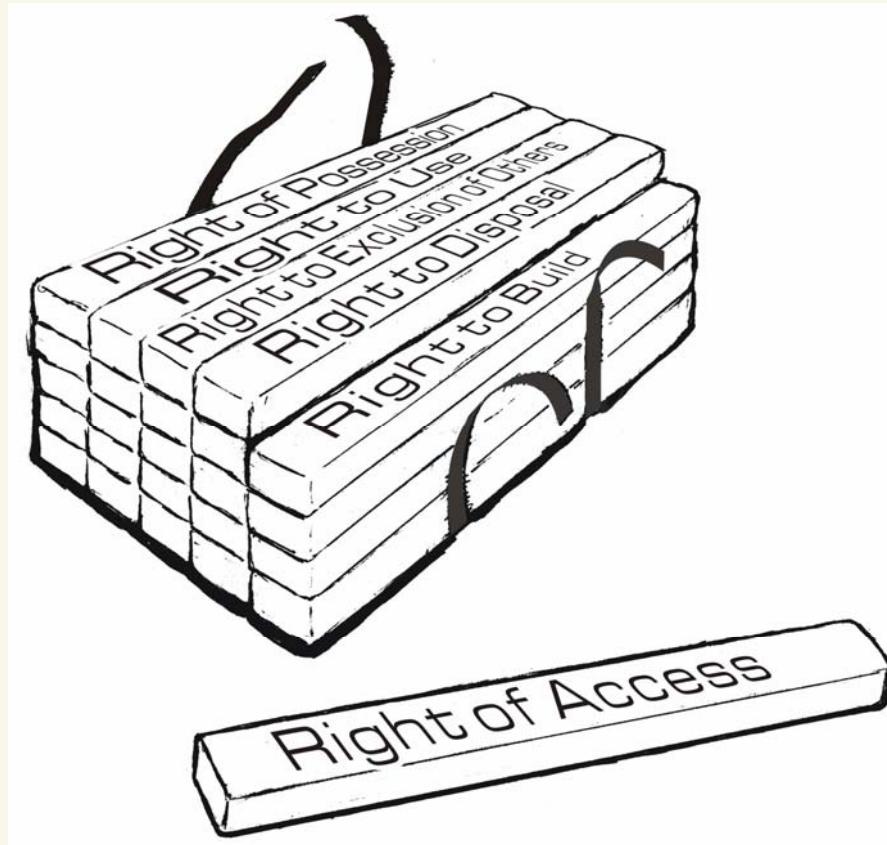
**KITTELSON & ASSOCIATES, INC.**  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# Eminent Domain and the Bundle of Rights



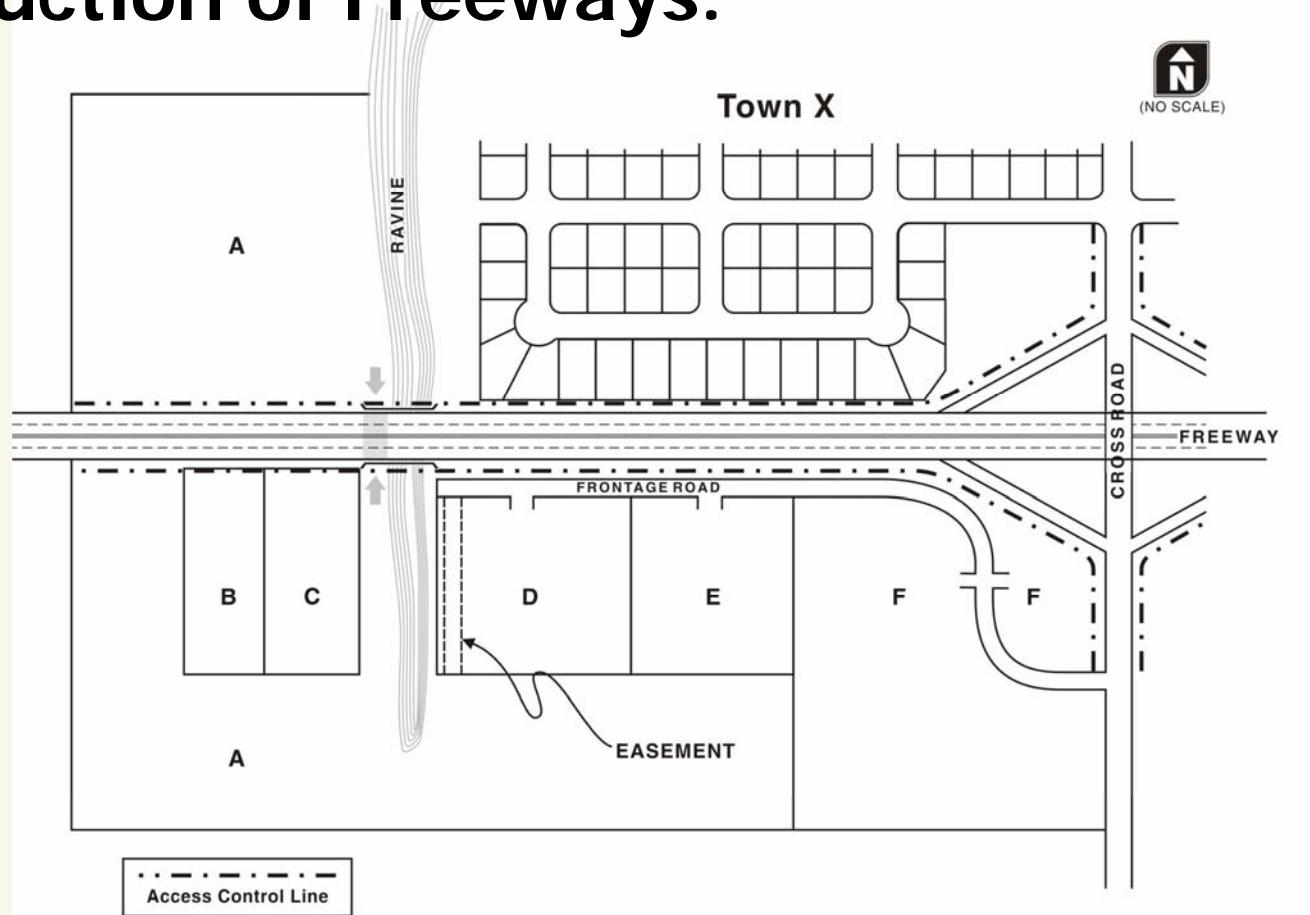
KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# Eminent Domain



KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# The use of Eminent Domain in the construction of Freeways.



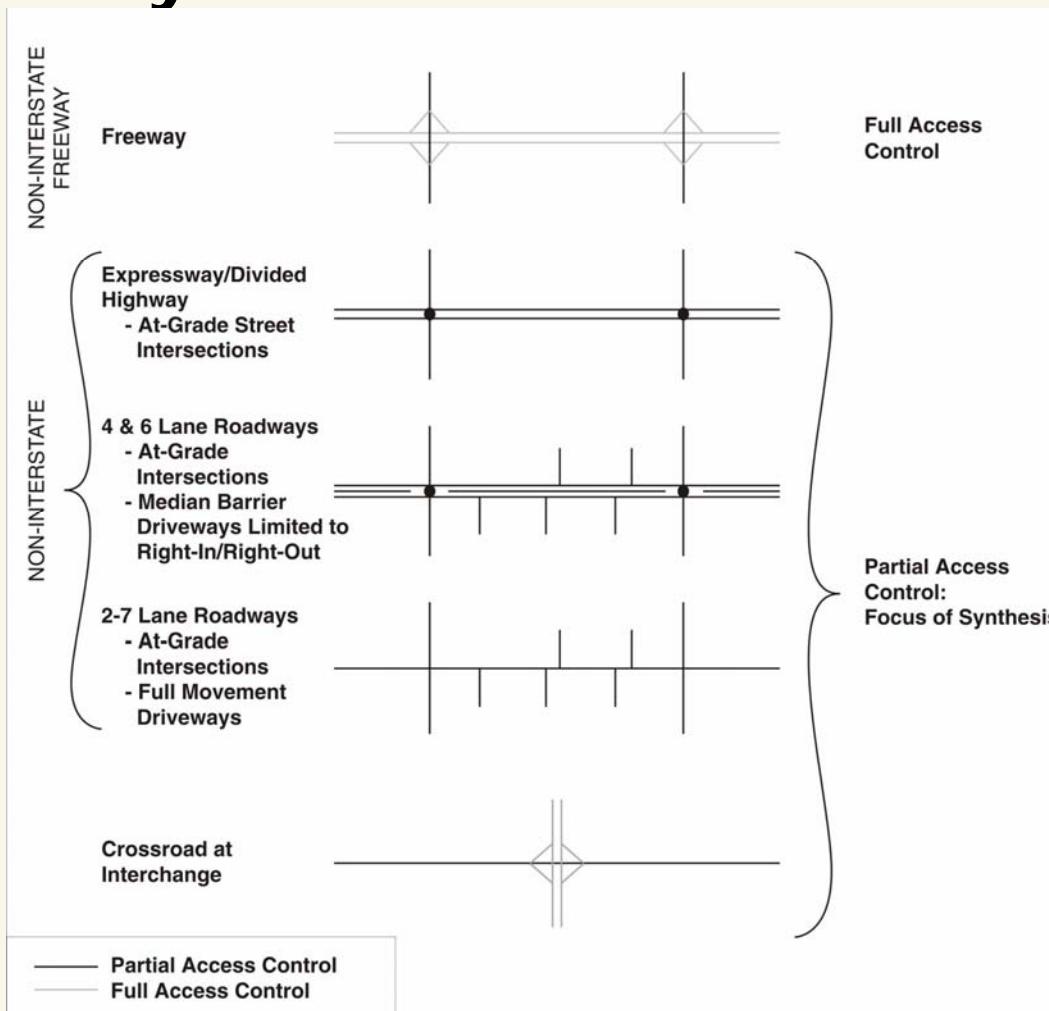
KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# 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



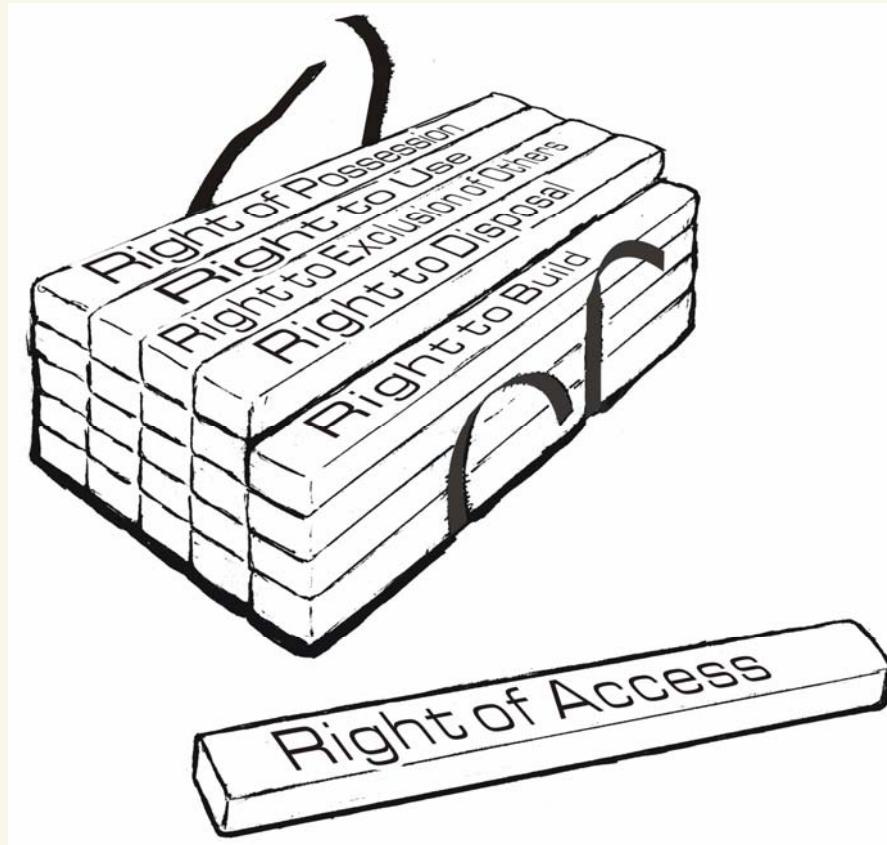
**KITTELSON & ASSOCIATES, INC.**  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# 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.

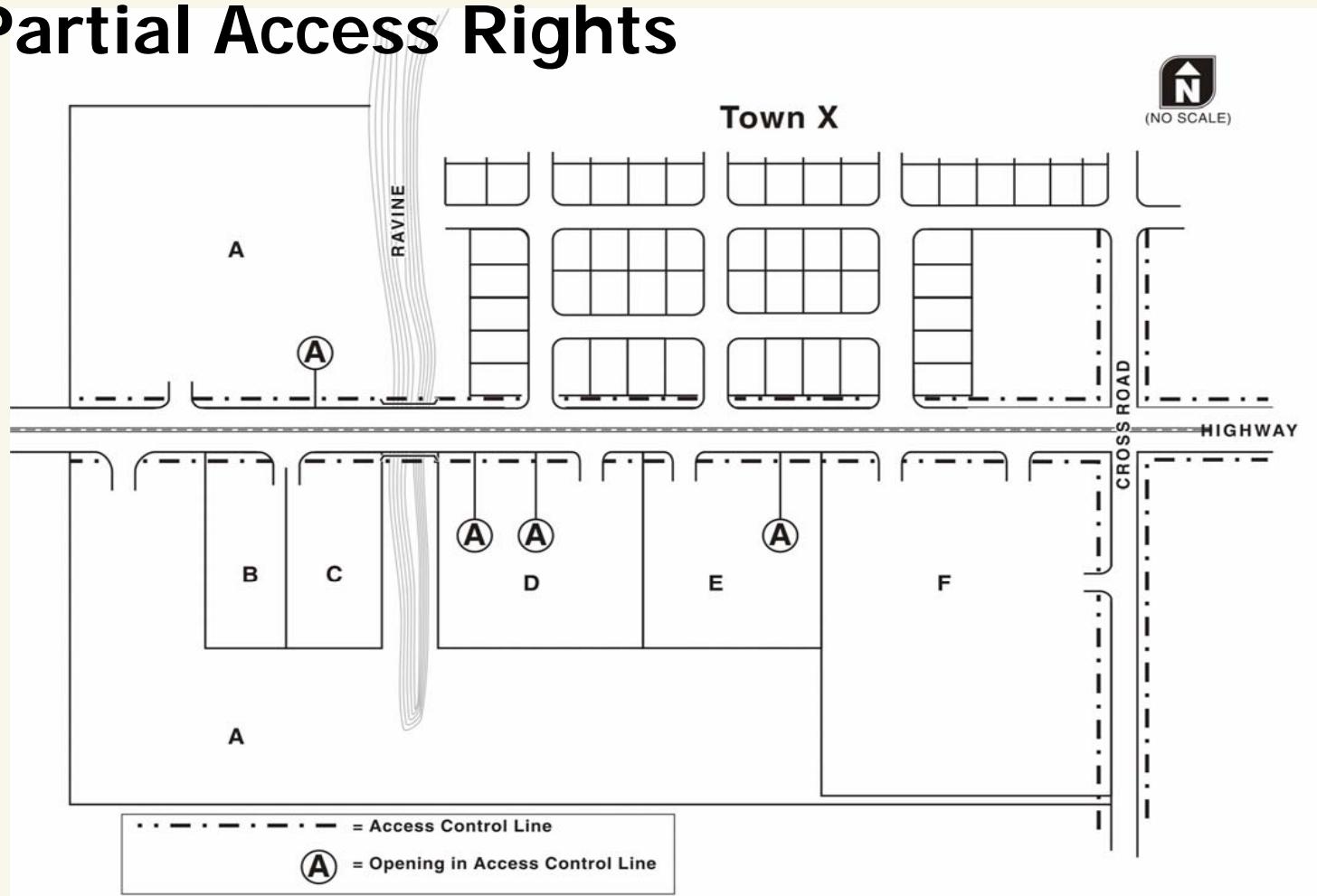


# Eminent Domain



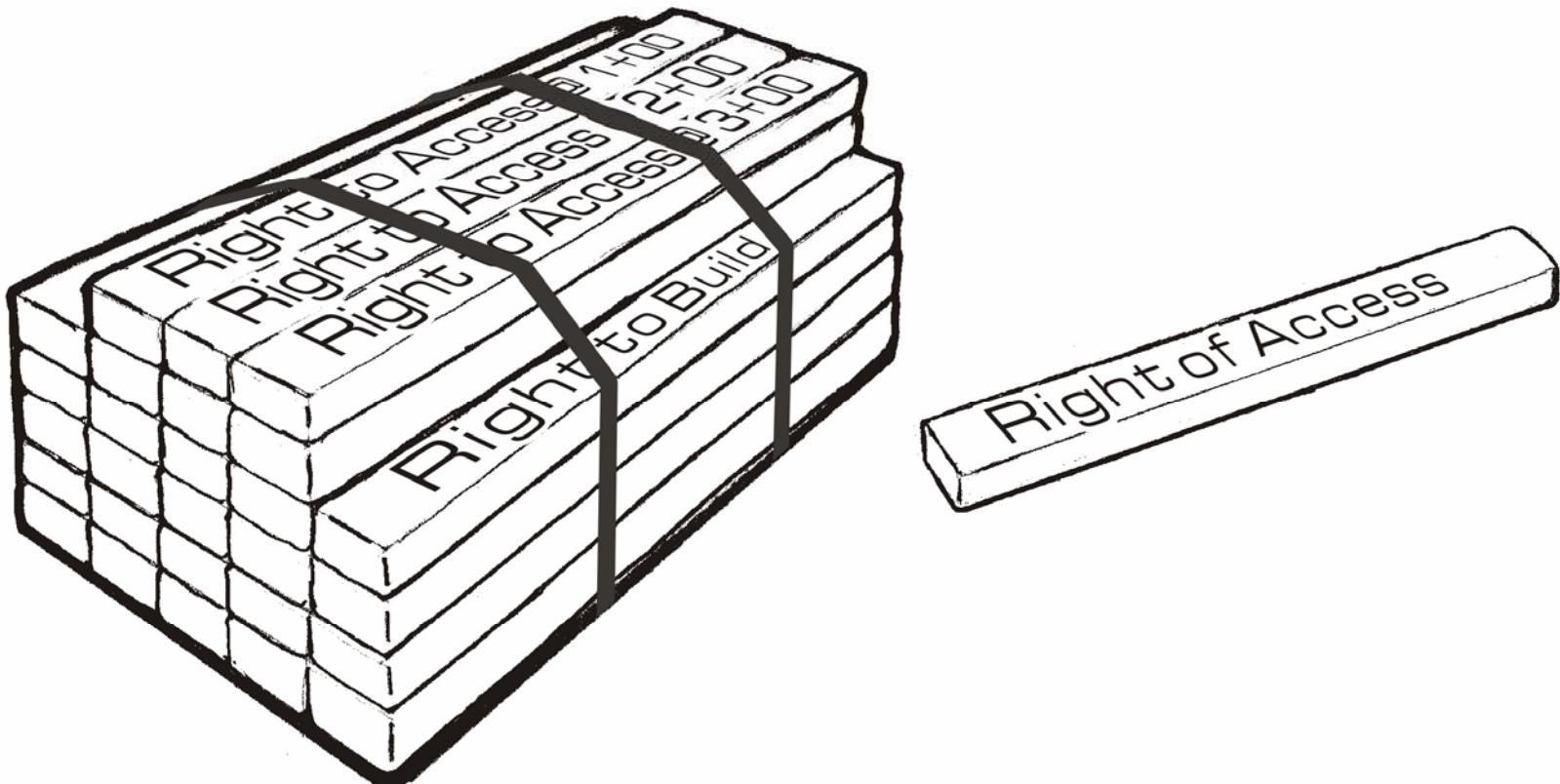
KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# The use of Eminent Domain to Acquire Partial Access Rights



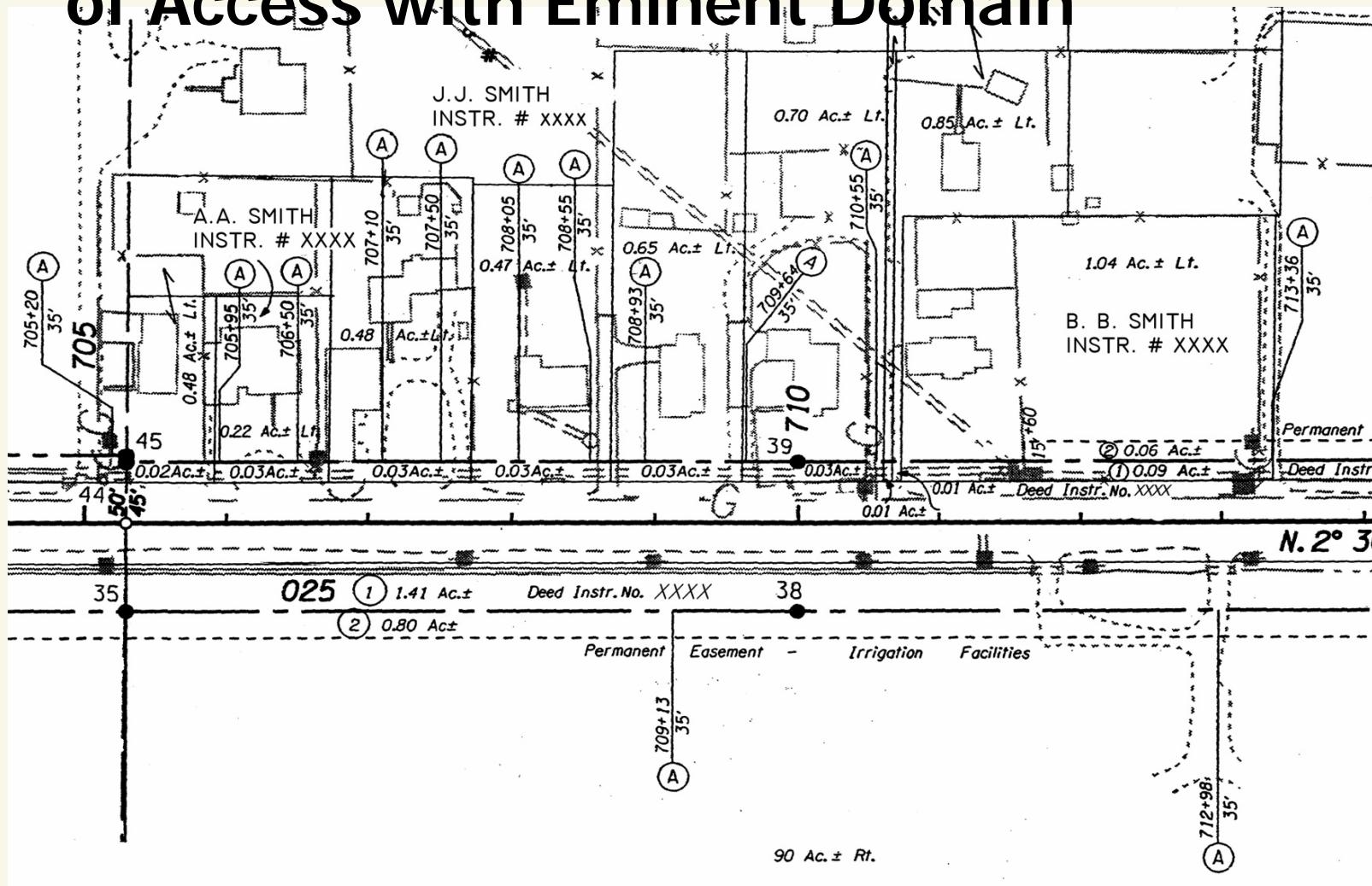
KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# The Provision of Access Rights Limited to Specific Locations



KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

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



KITTELSON & ASSOCIATES, INC.  
TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

# 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 nor 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.**

