

Access Management / Corridor Preservation Tools

Introduction

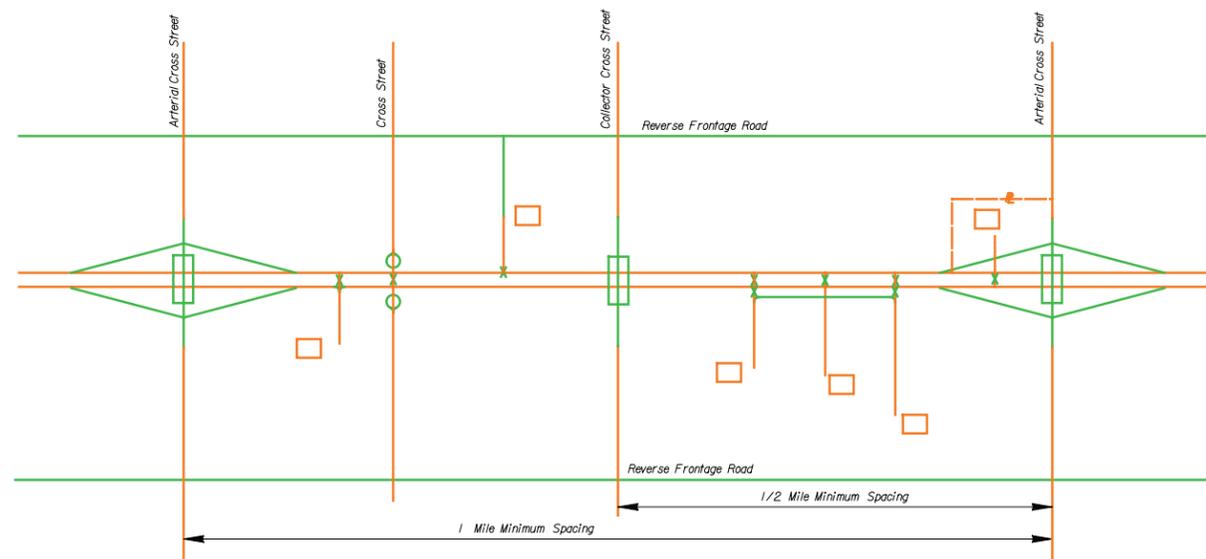
Access management and corridor preservation tools will be important instruments for KDOT and the communities to use as they implement the K-7 Corridor Plan. While the ultimate objective of an access controlled facility cannot be realized immediately, KDOT and the communities need to look for opportunities to eliminate access at locations other than approved interchange locations.

Access Management Tools

Access management is necessary to protect safety for the motoring public and the operational efficiency of the K-7 Corridor. Effective access management also protects public investment and the continued economic vitality of the corridor as contrasted with uncontrolled access that can impede development and produce high costs if retrofits are needed.

KDOT and local communities can undertake access management activities as part of what is known as “governmental police powers” which is the authority used to take action to protect citizens’ well-being, safety and health. A component of access management is known as regulation of traffic flow. Regulation of traffic flow could include several actions listed in the access management tools below or be as simple as prohibiting left turns, prescribing one-way traffic, or restricting speed as examples. Managing access is complicated and requires careful consideration but it can be done while still allowing the property owner reasonable access to their property and surrounding street network.

It is important to understand the differences between access (connection with surrounding roadways) and routing (direction of flows between properties and surrounding roadways). This difference is a prelude to listing and illustrating a variety of access management and corridor preservation tools. Lists of the tools are provided below and an illustration in Figure 16.



ACCESS MANAGEMENT AND CORRIDOR PRESERVATION TOOLS

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| 1. Close median breaks | 9. Convert one-mile intersections to interchanges | 17. Land swapping |
| 2. Consolidate mainline driveways | 10. Advance ROW acquisition | 18. Tax abatements and incentives |
| 3. Eliminate mainline driveways/side-road access | 11. Impact fees/excise tax credits | 19. Moratoria/administrative delay |
| 4. Install frontage roads and reverse frontage roads | 12. Platting and zoning regulation | 20. Official Street mapping |
| 5. Interim intersection upgrades (traffic signals, turn-lanes, acceleration lanes) | 13. Dedication of ROW for mainline, and local road networks in proportion to traffic demands created by development. | |
| 6. Eliminate 1/2 mile intersections with overpass/underpass | 14. Building setback lines | |
| 7. Utility master planning | 15. Overlay districts, use control (4f) | |
| 8. Intersection consolidation | 16. Density transfers, clustering | |

Access Management Tools

- 1.) Close median breaks
- 2.) Consolidate mainline driveways
- 3.) Eliminate mainline driveways/side road access
- 4.) Install frontage roads and reverse frontage roads
- 5.) Interim intersection upgrades (traffic signals, turn-lanes, and acceleration lanes)
- 6.) Eliminate 1/2 mile intersections with overpass/underpass
- 7.) Utility master planning
- 8.) Intersection consolidation
- 9.) Convert one-mile intersections to interchanges
- 10.) Advance R.O.W. acquisition
- 11.) Dedication of R.O.W. for mainline and local roads in proportion to traffic demands created by development

Typical Access Management - Figure 16

Access Management

Corridor Preservation Tools

Corridor preservation is the application of planning efforts to identify needed right-of-way and control or protect it for a future transportation facility. Frequently the application of corridor preservation also accomplishes access management goals by providing connectivity to alternate transportation facilities for existing access points that are desired to be removed. Access management tools and regulations can be imposed as an overlay district and don't have to be city or county wide. They can be deployed for corridor preservation through a coordinated use of techniques to control or protect right of way for planned transportation facilities. However, they can't be used solely to reduce the cost of the facility; in such a case they could be construed as a compensable taking. Benefits of corridor preservation include:

- Preventing incompatible development
- Minimizing environmental/social/economic impacts
- Reducing displacements
- Fixing the location of the facility which allows communities to make future plans with orderly development
- Reduction in project costs

Close coordination between KDOT and the local communities is essential since authority for some preservation tools are vested in the state and others are vested in the locals.

- 1.) **Land acquisition** - Public sector entities have the authority to acquire land for public improvements including state highways and local roads and streets by gift, purchase, or condemnation. Sufficient land may be acquired to accommodate immediate construction needs, as well as for future needs. In appropriate circumstances, public sector entities can acquire interests in land for public improvements in advance of the date of the start of construction. Jurisdiction: KDOT/Local.
- 2.) **Transfer of development rights** - The transfer or removal of the right to develop or build, expressed in units per acre or floor area ratio, from one lot or parcel to another, or from a portion of a lot to another part of the same lot. This transfer generally occurs in accordance with a legislative established program that allows the relocation of potential development (that authorized under applicable zoning regulations) from areas where proposed land uses or environmental impacts are considered undesirable (the donor site or sending zone), such as at locations where interchanges are to be constructed, to another areas (receiver or receiving zones) chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social and aesthetic impacts. Jurisdiction: Local.
- 3.) **Density transfers** - The transfer of all or a part of the permitted density on a parcel to another parcel or to another portion of that same parcel at higher density that would be allowed under the existing zoning regulations. A way of retaining open space or land for future improvements by concentrating densities usually in compact areas at other locations while leaving unchanged historic, sensitive or hazardous areas. In some jurisdictions, for example, developers can buy development rights of properties targeted for public open space and transfer the additional density to the base number of units permitted in the zone in which they propose to develop. Jurisdiction: Local.
- 4.) **Cluster Development** - Similar to density transfers. Generally authorized by specific district regulations,

such as a cluster subdivision. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreational, common open space, preservation or historically or economically sensitive areas. Jurisdiction: Local.

- 5.) **Impact fees** - A payment of money imposed by a public sector entity on development activity as a condition of granting development approval and/or a building permit in order to pay for the planned facilities needed to serve new growth and development activity. Involves the development of a legislative adopted system that provides the calculation methodology for the fee, and a system of credits, exemptions and appeals, etc. Jurisdiction: Local.
- 6.) **Economic incentives** - Measures that can be taken by a public sector entity to encourage certain types of development, such as: the grant of additional development capacity in exchange for the developer's provision of a public benefit or amenity, an increase in permitted density, tax abatement, and other forms of development subsidies. Jurisdiction: KDOT/Local.
- 7.) **Development moratorium** - The adoption by a public sector entity of a temporary halt on the processing of applications for all or a specified type of development until a governmental activity is completed such as the adoption of a plan or the passage of a revised ordinance on a specified subject. The Supreme Court recently held that a reasonable moratorium fulfills a legitimate public purpose and is not per se a taking. Jurisdiction: Local.
- 8.) **Subdivision Regulation and Platting** - The control of the division of a tract of land by a requiring development according to design standards and procedures adopted by local ordinance. These regulations usually specific what improvement the subdivider will be required to provide and the standard to which the improvements will need to be constructed. A plat is a map prepared by a registered civil engineer or licensed land surveyor showing the boundaries and locations of individual properties and streets of a proposed subdivision. The plat generally also shows land to be dedicated to a public sector entity for streets and easements for public utilities. Jurisdiction: Local.
- 9.) **Zoning** - A process utilizing the police power of local governments classifying land into areas and districts, such areas and districts being generally referred to as "zones" and imposing, in each area and district, regulations concerning building and structure designs, building and structure placement, and uses to which land, buildings, and structures within these districts may be put, including setbacks and height restrictions, lot coverage restrictions, impervious cover restrictions and typically allowing for certain uses only by special or conditional use permit. Jurisdiction: Local.
- 10.) **Overlay districts** - A zoning district that can be either initially mapped or narratively described to be mapped at some later point in time. An overlay district superimposes certain additional requirements that modify or supplement the regulations of the underlying general zoning district or districts, in recognition that distinguishing circumstances exist within the area that must be regulated in a manner different from the regulations of the underlying district. In the instance of conflicting requirements, the stricter of the requirements apply. Jurisdiction: Local.
- 12.) **Setback ordinances** - Regulations establishing the requirement that a building or structure be set back a certain distance from a road, street highway or lot line, generally at street-grade level, although it can be at a prescribed height. K.S.A. § 12-765 is an example of legislation that authorizes the adoption of setback regulations from major streets or highways by cities or counties. This statute specifically authorizes the incorporation by reference of an official map and a prohibition on the locations of any new buildings within those established building setback lines. Jurisdiction: KDOT/Local.
- 13.) **Official Map** - A legally adopted map that conclusively shows the location and width of proposed road or streets, public facilities and public areas and drainage rights-of-way. Jurisdiction: KDOT/Local.

Tool	Description	Jurisdiction	Implementation and Compensation Requirements
Close Mainline Median Breaks	Eliminate existing median breaks to prohibit left turns to/from mainline and abutting properties.	KDOT	Administrative action under police power to regulate traffic flow. No private property right exists in traffic flow (turning movements) and therefore no compensation due abutting property owners.
Consolidate Private Driveways	Eliminate redundant driveway connections to mainline into single driveway connection, either within an individual tract or at property line of contiguous tracts.	KDOT/LOCAL	If "reasonable" access to the property will remain after consolidation, can potentially be accomplished by KDOT regulation of driveway permits under police power without payment of compensation to affected property owners. More typically, existing access control breaks allowing private driveways to mainline are acquired through traditional negotiation or condemnation processes. If abutting property owner submits a re-zoning or development proposal to local government, driveway locations are subject to regulation under zoning authority without payment of compensation as condition of zoning or development plan approval.
Eliminate Private Driveways/Side-Road Access	Where property owner has frontage on both mainline and side-road, eliminate mainline driveway and restrict access to side road.	KDOT/LOCAL	If "reasonable" access to the property will remain after consolidation, can potentially be accomplished by KDOT regulation of driveway permits under police power without payment of compensation to affected property owners. More typically, existing access control breaks allowing private driveways to mainline are acquired through traditional negotiation or condemnation processes. If abutting property owner submits a re-zoning or development proposal to local government, driveway locations are subject to regulation under zoning authority without payment of compensation as condition of zoning or development plan approval.
Eliminate Public Road Connections to Mainline, Re-Connect to Frontage Road	Where local roads connect to mainline at locations other than mile roads, eliminate connection between mainline and local cross-road, re-connecting cross road to newly installed frontage or reverse frontage road.	KDOT/LOCAL	KDOT may regulate location where public roads connect to mainline under general statutory authority to establish and maintain state system and its police power. No public "property right" in location where local roads connect to mainline. Therefore, local governments cannot enjoin closure of mainline connections nor can abutting property owners seek compensation for resulting re-routing along local roads to mainline. More typically, KDOT and local governments will jointly undertake coordinated road improvement projects pursuant to their respective general statutory powers to establish and maintain public roadways. Such a project would include closing side-road intersections with mainline and reconnecting side-roads to frontage or reverse-frontage roads which connect to mile-roads and mainline interchanges. If abutting property owner submits a re-zoning or development proposal to local government, location of abutting public or private streets are subject to regulation under zoning authority without payment of compensation as condition of zoning or development plan approval.
Eliminate Private Driveways, Re-Connect to Frontage Road	Where private driveways connect directly to mainline, eliminate private driveways and re-connect to newly installed frontage or reverse road.	KDOT/LOCAL	Acquire existing access control breaks through negotiation or condemnation, stipulating property remaining will be connected to a newly installed frontage or reverse frontage road. If abutting property owner submits a re-zoning or development proposal to local government, driveway locations are subject to regulation under zoning authority without payment of compensation as condition of zoning or development plan approval.
Eliminate at-grade local road intersections	Where local roads connect to mainline at at-grade intersections, install overpass or underpass to eliminate at-grade intersections.	KDOT/LOCAL	KDOT may regulate location where public roads connect to mainline under general statutory authority to establish and maintain state system and its police power. No public "property right" in location where local roads connect to mainline. Therefore, local governments cannot enjoin closure of mainline connections nor can abutting property owners seek compensation for resulting re-routing along local roads to mainline. More typically, KDOT and local governments will jointly undertake coordinated road improvement projects pursuant to their respective general statutory powers to establish and maintain public roadways. Such a project would include replacing side-road intersections with overpasses or underpasses at mainline. If abutting property owner submits a re-zoning or development proposal to local government, intersection location is subject to regulation under zoning authority without payment of compensation as condition of zoning or development plan approval.
Utility Master Plan	This is a plan prepared by a public sector entity specifying the location of utilities within a geographically-described area. The plan should also include the width of the easements necessary to accommodate the utilities and the different utilities located within those easements and specifying which utility provider owns which utilities in those easements.		
Intersection Consolidation	Consolidate redundant, at-grade local road intersections into single intersection by establishing local road network to facilitate connection to single remaining at-grade intersection.	KDOT/LOCAL	KDOT may regulate location where public roads connect to mainline under general statutory authority to establish and maintain state system and its police power. No public "property right" in location where local roads connect to mainline. Therefore, local governments cannot enjoin closure of mainline connections nor can abutting property owners seek compensation for resulting re-routing along local roads to mainline. More typically, KDOT and local governments will jointly undertake coordinated road improvement projects pursuant to their respective general statutory powers to establish and maintain public roadways. Such a project would include consolidating redundant, at-grade local road intersections with local road network to facilitate connection to single remaining at-grade intersection. If abutting property owner submits a re-zoning or development proposal to local government, intersection location is subject to regulation under zoning authority without payment of compensation as condition of zoning or development plan approval.
Interchanges at Mile Roads	Replace mile road at-grade intersections with grade-separated interchanges	KDOT	KDOT may install interchanges under general statutory authority to establish and maintain state system. Acquire necessary right of way through traditional negotiation and condemnation processes.
Advance ROW Acquisition	Identify and prioritize critical parcels most vulnerable to development or other market forces.	KDOT/LOCAL	After identifying and prioritizing critical parcels most vulnerable to development or other market forces which would make acquisition at time of future project physically impossible or unnecessarily expensive. KDOT or local government may acquire necessary right of way as funding is available through traditional negotiation and condemnation processes.
Interim Intersection Upgrades	Identify one-mile at-grade intersections where traffic volumes or accident rates require interim improvement until interchange is constructed.	KDOT	KDOT may authorize interim intersection improvements including traffic signals, turn-lanes and acceleration/deceleration lanes under general statutory authority to establish and maintain state system.
Dedication Of Right-of-Way For Mainline and Local Roads In Proportion To Traffic Demands Created by Development.	The conveyance by an owner or developer of private land for public use and the acceptance of that land for that use by the public sector entity having jurisdiction over the public function for which it will be used. It is common practice for public sector entities to condition approval of a development application, such as site plan, rezoning, special use permit or plat application on the requirement that the applicant dedicate an interest in land, which is needed for the improvements necessary to support the development, to the approving entity. The U.S. Constitution requires that such a permit condition involving a required dedication serve the same legitimate public purpose as a refusal to issue the permit. There must be an essential nexus between the specified state interest and the dedication requirements. The Supreme Court has stated that permit conditions involving a requirement for the conveyance of an interest in land will be strictly scrutinized. The approving entity must make an individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.		

Access Management, Regulation of Traffic Flow and Corridor Preservation Tool Kit