



R930. Transportation, Preconstruction.  
**R930-6. Access Management.**



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## R930-6-1.

### Purpose.

- (1) The purpose of this rule is to:
  - (a) maximize public safety;
  - (b) provide for efficient highway operations and maintenance of roadways;
  - (c) utilize the full potential of the highway investment.
- (2) This rule serves to establish highway access management procedures and standards to protect Utah's state highway system. The state highway system constitutes a valuable resource and a major public investment. The Utah Department of Transportation (Department) has an obligation and a public-trust responsibility to preserve and maintain the state highway system, protect the public investment in this system, and to ensure the continued use of state highways in state highways in meeting state, regional, and local transportation needs and interests. This rule also serves to establish a procedure for allowing and establishing new or existing highways as limited-access facilities, for the elimination of intersections and for the right to access restricted facilities.
- (3) The primary function of a state highway is to provide system continuity and efficiency of state highway system operation and maintenance activities. Utah Code Section 72-4-102.5. A state highway may provide access to property as a secondary function. The primary function of city and county roads is to provide access to property. Owners of property adjoining a state highway have certain rights of access unless such access has been restricted by purchase or by legal action. The Department recognizes that property owners have the right of reasonable access to their property. This rule establishes standards that balance the need for reasonable access to properties with the need to preserve the smooth flow of traffic on the state highway system in terms of safety, capacity, and speed.
- (4) Failure to manage access to and from state highways can cause an increase in accidents, increased traffic congestion, decline in operating speed, loss of traffic carrying capacity, and increased traffic delays. This failure results in reduced traffic mobility, increased congestion, transportation costs and delays, and contributes to higher rates of property damage, personal injury, and fatal accidents. The proliferation of driveways, intersections, and traffic signals without regard to their proper design, location, and spacing degrades highway operation and performance and poses traffic hazards for the traveling public.

- (5) It is a goal of the Department to improve public safety in the development, design, and operation of the state highway system. In exercising this public safety duty, the Department enacts this rule to limit the number of conflict points at driveway locations, separate highway conflict areas, reduce the interference of through-traffic, and adequately space at-grade signalized and unsignalized intersections. The Department works closely with property owners and local authorities to provide reasonable access to the state highway system that is safe and enhances the movement of traffic. The Department shall utilize all of the state highway right-of-way to the best advantage for highway purposes through a permit process that assesses the number, location, width, and design of connecting streets and driveways.
  
- (6) This rule provides guidance to Department Permit Officers, local authorities, landowners, or developers for when a conditional access permit or encroachment permit is required, how to apply for a permit, what standards or guidelines are considered in the issuance of a conditional access permit and encroachment permits, and what to do when a variance is sought to deviate from the standards and requirements of this rule.



## R930-6-2.

## Authority.

- (1) This rule is authorized by the following sections of the Utah Code.
  - (a) Section 41-6a-216. Removal of plants or other obstructions impairing view  
Notice to owner - Penalty.
  - (b) Section 41-6a-1701. Backing - When permissible.
  - (c) Subsection 72-1-102(11). "Limited-access facility" defined.
  - (d) Section 72-1-201. Creation of Department of Transportation - Functions, powers, duties, rights, and responsibilities.
  - (e) Section 72-3-109. Division of responsibility with respect to state highways in cities and towns.
  - (f) Section 72-4-102.5. Definitions - Rulemaking - Criteria for state highways.
  - (g) Section 72-6-117. Limited-access facilities and service roads - Access - Right-of-way acquisition - Grade separation - Written permission required.
  - (h) Section 72-7-102. Excavations, structures, or objects prohibited within right-of-way except in accordance with law - Permit and fee requirements - Rulemaking - Penalty for violation.
  - (i) Section 72-7-103. Limitation on access authority.
  - (j) Section 72-7-104. Installations constructed in violation of rules - Rights of highway authorities to remove or require removal.
  - (k) Section 72-7-105. Obstructing traffic on sidewalks or highways prohibited.
  - (l) Section 72-7-503. Advertising - Permit required - Penalty for violation.



## R930-6-3.

### Scope.

- (1) This rule supersedes the following publications:
  - (a) "Regulations for the Accommodation of Utilities on Federal Aid and Non Federal Aid Highway Rights-of-way" - 1970.
  - (b) "Regulations for the Control and Protection of State Highway Rights-of-way" - 1982, and previous editions of this rule, "Accommodation of Utilities and the Control and Protection of State Highway Rights of Way" - 2006 and 2013.
- (2) Utility accommodation in state highway right-of-way is governed by Rule 930-7.
- (3) Regulations, laws, or orders of public authority or industry code prescribing a higher degree of protection or construction than provided by this rule shall govern.



## R930-6-4. Application.

- (1) This rule applies to all state highways within the Department's jurisdiction.
- (2) The Department may issue a conditional access permit and encroachment permit only when the application is found by the Department to be in compliance with this rule. The Department is authorized to impose terms, conditions and limitations as necessary and convenient to meet the requirements of this rule. In no event shall a conditional access permit or encroachment permit be issued or authorized if it is detrimental to the public health, welfare, and safety.
- (3) This rule requires that installation or modification of access facilities to the state highway system be made by permit from the Department. This rule provides a description of information to be contained in the conditional access permit and encroachment permit application, the standards against which the application shall be measured, and the administrative relief offered by the Department to review the balance of private property rights of reasonable access versus the public need to preserve the smooth flow of traffic on the state highway system. The standards, procedures, and requirements of this rule are in addition to other county or municipal land use regulation authority and apply to conditional access permit or approvals on the state highway system. Local authorities may adopt similar policies procedures for application of access management on other street systems.
- (4) If any part or parts of this rule are held to be unlawful, such unlawfulness may not affect the validity of the remaining parts of this rule. Nothing in this rule shall be construed to disqualify the Department from receiving federal participation on any federal-aid highway project.



## R930-6-5.

## Definitions.

- (1) “AADT” means the Annual Average Daily Traffic, the average 24-hour traffic volume at a given location over a full 365-day year, divided by 365.
- (2) “AASHTO” means the American Association of State Highway and Transportation Officials.
- (3) “ADT” means the Average Daily Traffic, the total volume during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period. The Department may, at its own discretion, define the appropriate time period (including days of the week) to be considered when measuring or calculating ADT.
- (4) “Acceleration lane” means a speed-change lane, including tapered areas, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can more safely merge with through traffic.
- (5) “Access” or “access connection” means any driveway or other point of entry or exit such as a street, road, or highway that connects to the general street system. Where two public roadways intersect, the secondary roadway is considered the access.
- (6) “Access approval” see “conditional access permit.”
- (7) “Access category” is a classification assigned to a segment of highway that determines the degree to which access to a state highway is managed. It is also referred to as “category.”
- (8) “Access control” see “controlled access highway.”
- (9) “Access corridor control plan” specifies the limitation or management of driveways, streets or other access points which balance the need for reasonable access to land development with the smooth and efficient flow of traffic defined by safety, capacity, and travel speed. Also referred to as a “corridor agreement.”
- (10) “Access management plan” means a roadway design plan that designates access locations and their design for the purpose of bringing those portions of roadway included in the access management plan into conformance with their access category to the extent feasible.

- (11) "Access operation" refers to the utilization of an access for its intended purpose and includes all consequences or characteristics of that process including access volumes, types of access traffic, access safety, Time of the access activity, and the effect of such access on the state highway system.
- (12) "Access spacing" means the distance measured from the inside point of curvature of the radius of an intersection or driveway to the inside point of curvature of the adjacent intersection or driveway radius. In the case of a flared curb driveway, the distance is measured from or to the inside driveway edge.
- (13) "Access width" means the width of the traveled portion of the access as it extends away from the main highway. Access width measures only the travel portion of the access; it excludes auxiliary or turn lanes, transitions, radii, flares, and curb and gutter.
- (14) "Agricultural access" means an access to undeveloped or agricultural property.
- (15) "Applicant" means any person, corporation, entity, designee or agency applying for a permit. As used within this rule, applicant also refers to the property or project subject to a conditional access permit or encroachment permit application.
- (16) "Application fees" means the latest application fees established by the Department and approved by the legislature. Application fees are non-refundable and are designed to offset access management application review costs.
- (17) "Arterial highway" is a general term denoting a highway primarily for through traffic, usually on a continuous route.
- (18) "Auxiliary lane" refers to the portion of the roadway adjoining the traveled way for speed change, turning, storage for turning, weaving, truck climbing, and other purposes supplementary to through traffic movement.
- (19) "Bandwidth" means the time in seconds or the percent of traffic signal cycle between a pair of parallel speed lines on a time-space diagram that delineate a progressive movement. It is a quantitative measurement of the through traffic capacity of a signal progression system. The greater the bandwidth the higher the roadway capacity.
- (20) "Capacity" means the maximum rate at which persons or vehicles can reasonably be expected to traverse a point or uniform section of a lane or a roadway during a given time period under prevailing roadway and traffic conditions. Capacity may refer to the entire roadway, a single lane, or an intersection. Measures of capacity may include, but are not limited to, traffic volumes, speed, throughput and density.
- (21) "Channelizing island" means a defined area between traffic lanes for control of vehicle movements.
- (22) "Clear roadside policy" refers to the policy employed by the Department to increase safety, improve traffic operations and enhance the appearance of highways by designing, constructing, and maintaining highway roadsides as wide, flat and rounded as practical and as free as practical from physical obstructions above the ground, within the clear zone as defined in the AASHTO Roadside Design Guide and the Department's current standards and specifications, including Standard Drawing DD-17.
- (23) "Clear zone" means the total roadside border area, starting at the edge of the traveled way, available for safe use by errant vehicles. The desired width is dependent upon the traffic volumes and speeds and on the roadside geometry as referenced in the AASHTO Roadside Design Guide.
- (24) "Conditional access permit" is the document that specifies requirements and conditions under which a driveway, or other access point, is approved, also referred to as an access approval. Unless specified, references to conditional access permits may also refer to temporary conditional access permits.
- (25) "Control of access" means the condition where the right of owners of abutting land or any other persons having access to highway right-of-way is controlled by the appropriate public authority.
- (26) "Controlled access highway" means a street or highway to which owners or occupants of abutting lands and other people have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. See also "limited-access line" and "no-access line."

- (27) “Contiguous property” means a parcel of land that has two or more adjoining properties abutting highway rights-of-way.
- (28) “Corridor agreement” refers to a multi-agency cooperative agreement for managing the development, operations, and maintenance of a highway corridor or segment of highway corridor. In this rule, corridor agreements refer to agreements between the Department and one or multiple Local Authorities and are based on signal control plans and access corridor control plans agreed on and approved by the Department and local authorities.
- (29) “County roads” are all roads that are or may be established as a part of a county system of roads.
- (30) “Deceleration lane” is a speed-change lane, including tapered areas, enabling a vehicle to leave the mainstream of faster moving traffic and to slow to a safe turning speed prior to exiting the highway.
- (31) “Department” or “UDOT” mean the Utah Department of Transportation. Where referenced to be contacted, submitted to, approved by, accepted by or otherwise engaged, Department or “UDOT” mean an authorized representative of the Utah Department of Transportation.
- (32) “Department Region permitting office” refers to the permitting office of the Utah Department of Transportation regional offices.
- (33) “DVH” means the design hour volume, an hourly traffic volume determined for use in the geometric design of highways. It is by definition the 30th highest hour vehicular volume experienced in a one-year period. The Department shall determine the appropriate DVH conditions. In most cases the Department will require the use of the peak hour volume as the DVH, typically in a range of 8-12 percent of AADT if actual volume data are not available. For rural areas and recreational routes, the Department will typically require the use of the 30th highest hour for DVH.
- (34) “Design speed” means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern as referenced in the most recent addition of the AASHTO “A Policy on Geometric Design of Highways and Streets.”
- (35) “Divided highway” means a highway with separated traveled ways for traffic in opposite directions, such separation being indicated by depressed dividing strips, raised curbing, traffic islands, or other physical barriers so constructed as to discourage crossover vehicular traffic.
- (36) “Driveway” refers to an access constructed within the public highway right-of-way, connecting the public highway with the adjacent property. Driveway to highway connection designs may include, but are not limited to, curb cuts and radius curb returns.
- (37) “Driveway angle” means the angle of the driveway alignment relative to the highway alignment. The driveway angle refers to the alignment of a driveway near and at the connection with the highway. The driveway angle is measured between the alignment of the driveway and the alignment of the highway traveled way.
- (38) “Driveway spacing” means the distance between adjacent driveways on the side of the roadway as measured from near edge to near edge, considered necessary for the safe ingress and egress of vehicles and the safe operation of the highway at its posted speed.
- (39) “Easement” is an interest in real property that conveys use, but not ownership, of a portion of an owner’s property.
- (40) “Encroachment” is the use of highway right-of-way.
- (41) “Encroachment permit” is a document that specifies the requirements and conditions for performing work on the highway right-of-way.
- (42) “Expressway” is a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.
- (43) “Federal-aid highway” is a highway eligible to receive Federal aid.
- (44) “FHWA” means the Federal Highway Administration.

- (45) “Freeway” is an expressway with full control of access.
- (46) “Freeway one-way frontage road” is a one-way public street that runs parallel to a freeway and provides direct freeway access through ramps that connect the freeway main lane and frontage road.
- (47) “Frontage road” is a public street or road auxiliary to and normally alongside and parallel to the main highway, constructed for the purposes of maintaining local road continuity and the controlling of direct access to the main highway.
- (48) “Full access” means that ingress and egress is afforded at the point of access. It does not mean full movement.
- (49) “Full movement” means that all possible vehicle turning movements are afforded at the point of access.
- (50) “Functional classification” refers to a classification system that defines a public roadway according to its purposes and hierarchy in the local or statewide highway system.
- (51) “General street system” is the interconnecting network of city streets, county roads, township roads, and state highways in an area.
- (52) “Grade separation” is a crossing of two roadways, a roadway and a fixed guideway, a roadway and a pedestrian walkway, or bike path in such a way that neither facility interferes with the operation of the other.
- (53) “Gradient or grade” means the rate or percent change in slope, either ascending or descending from or along the highway measured along the centerline of the roadway or access.
- (54) “Hierarchy of the roadway” refers to the functionality and the mobility flow of traffic across a system of highway facilities. The natural progression to flow from a highest order facility of high capacity and high operational speed serving major economic centers to the lowest order facility of low volume, low speed and serving multiple driveway connections.
- (55) “Highway” is a general term for denoting a public way for the transportation of people, materials, and goods, including the entire area within the right-of-way. Also referred to as road.
- (56) “Interchange” is a facility that provides ramps for access movements between intersecting roadways that are separated in grade. The ramps and any structures used to accomplish the movement of traffic between the roadways are considered part of the interchange.
- (57) “Interchange crossroad access spacing” means the distance measured between the interchange ramp gore area (point of widening on the crossroad) and the adjacent driveway or street intersection.
- (58) “Intersection” is the general area where two or more highways or streets join or cross at-grade.
- (59) “Intersection sight distance” is the distance at which a motorist attempting to enter or cross a highway is able to observe traffic in order to make a desired movement. The required distance varies with the speed of the traffic on the main highway.
- (60) “Interstate highway system” refers to the Dwight D. Eisenhower National System of Interstate and Defense Highways as defined in the Federal-aid Highway Act of 1956 and any supplemental acts or amendments. It is also referred to as interstate.
- (61) “Inventory” means the listing maintained by the Department that gives the access category for each section of state highway.
- (62) “ITE” means the Institute of Transportation Engineers.
- (63) “Lane” is the portion of a roadway for the movement of a single line of vehicles. It does not include the gutter or shoulder of the roadway.

- (64) “LOS” means level of service, a qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels of service are defined from A to F, with A representing the free flow travel conditions and F representing extreme traffic congestion. LOS shall be evaluated according to the procedures and conditions defined in the most recent edition of AASHTO “A Policy on Geometric Design of Highways and Streets.”
- (65) “Limited-access line” means a line parallel or adjacent to the state highway right-of-way purchased and held with the intent to limit and control access across such lines and thereby preserve the functionality, operation, safety, and capacity of the highway system. The highest priority and consideration for access category spacing standards and design apply where limited-access lines exist. Also referred to as line of limited-access, limited-access highway, limited-access freeway or limited-access facilities (See Utah Code Section 72-1-102(11)).
- (66) “Local authority” means the governing body of counties and municipalities.
- (67) “Local road” includes any road or highway in public ownership that is not designated part of the Utah state highway system or as defined by Utah Code. It is also referred to as a “local street.”
- (68) “Median” means the portion of a roadway separating the traveled ways for opposing traffic flows.
- (69) “Median island” means a curbed island that prevents egress traffic from encroaching upon the side of the drive used by ingress traffic. The island ensures that ingress traffic has the necessary maneuvering space.
- (70) “MPH” means miles per hour, a rate of speed measured in miles per hour.
- (71) “MUTCD” means the current Utah Manual on Uniform Traffic Control Devices referenced in R920-1.
- (72) “No-access line” means a line parallel or adjacent to the state highway right-of-way purchased and held with the intent to disallow connections across such lines. No-access lines are of the highest priority and order of the state highway system and have been established to preserve and protect the functional operation of the adjacent facility. No-Access Lines are created through the purchase of access rights. The purchase of these access rights may utilize federal, state, or combination of federal and state funds. Also referred to as line of no-access or no-access facilities.
- (73) “Peak hour” means the hour of the day in which the maximum volume occurs.
- (74) “Permit” as referenced under this rule may include a conditional access permit or encroachment permit. Permits defined under this rule do not include other written permission that may be required by local authorities for utility work in the state highway right-of-way, and other permits referenced in other applicable rules.
- (75) “Permit issuance date” means the date when the authorized Department official signs the permit electronically or by any other means.
- (76) “Permittee” means any person, unit of government, public agency, or any other entity to whom a conditional access permit or encroachment permit is issued. The permittee is responsible for fulfilling all the terms, conditions and limitations of the conditional access permit or encroachment permit.
- (77) “Person” means any individual, partnership, corporation, association, government entity, or public or private organization of any character other than a state agency , as noted in Section 63G-3-102(12).
- (78) “Posted speed” means the maximum speed limit for a specified section of highway.
- (79) “Public authority” means a public administrative agency or corporation authorized to administer a public facility.
- (80) “Reasonable alternate access” refers to conditions where access to the general street system from a property adjoining a state highway can be achieved by way of another alternative including but not limited to a lesser function road, internal street system, or dedicated rights-of-way or easements. For example, where a subject

property adjoining a state highway also adjoins or has access to an internal street system, such access shall be considered a reasonable alternate access and any access to the state highway shall be considered an additional access.

- (81) "Relocate" means to remove and establish in a new place and may include, if necessary to conform a property's access to the provisions of this rule, merging or combining non-conforming access with other existing access so as to eliminate the non-conformance. In such event, the property owner or permittee, if applicable, may be required to remove all physical elements of the non-conforming access such as curb cuts and surfacing material and install curbing, barriers, or other physical separators to prevent continued use of the access.
- (82) "Right-in right-out" refers to a type of three-way road intersection where turning movements of vehicles are restricted with only right turns allowed. Also refers to intersection or driveway movements restricted to right-turn ingress and right-turn egress movements only.
- (83) "Right-of-way" is a general term denoting property or property interest, usually in a strip devoted to transportation purposes.
- (84) "Road" see "highway."
- (85) "Roadside" means the area between the outside shoulder edge and the right-of-way limits.
- (86) "Roadway" means the portion of a highway, including shoulders, for vehicular use.
- (87) "Rural" includes areas incorporated, or designated by census, with a population of less than 5,000.
- (88) "Shared access" is an access point serving more than one parcel or landowner.
- (89) "Shoulder" means the paved or unpaved portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles.
- (90) "Signal" means a traffic control signal. It is also used to refer to a signalized intersection or traffic signal.
- (91) "Signal control plan" is a comprehensive action plan for identification of signal locations along a corridor or segment of a corridor. The purpose of a signal control plan is to provide for efficiency of signal progression and corridor functionality. This is also referred to as a corridor agreement.
- (92) "Signalization" means the installation or modification of a traffic control signal.
- (93) "Signal progression" means the progressive movement of traffic at a planned rate of speed without stopping through adjacent signalized locations along a corridor or within a traffic control system.
- (94) "Signal spacing" means the distance between signalized intersections measured from the centerline of a signalized intersection cross street to the centerline of the adjacent existing or future signalized intersection cross street. Signal spacing addresses the uniformity and frequency of signalized intersections along a highway and is thought to be one of the most important access management techniques. Signal spacing generally governs the performance of urban and suburban highways. Traffic signals that are closely or irregularly spaced bring about increases in the number of accidents, stops, delay, fuel consumption, and vehicular emissions. Long and uniform signal spacing allows for more efficient progression throughout the corridor and provides for the implementation of a more efficient traffic control system to accommodate variations in peak and off-peak period traffic flows.
- (95) "Slope" means the relative steepness of the terrain expressed as a ratio or percentage. Slopes may be categorized as positive or negative and as parallel or cross slopes in relation to the direction of traffic.
- (96) "Speed" refers to the posted legal speed limit at the access location at the time of permit approval. A higher speed for access design must be used if the section of highway is presently being redesigned or reconstructed to a higher speed or an approved access control plan requires a higher speed.

- (97) “Speed change lane” means a separate lane for the purpose of enabling a vehicle entering or leaving a roadway to increase or decrease its speed to a rate at which it can safely merge with or diverge from through traffic. Acceleration and deceleration lanes are speed change lanes.
- (98) “State highway” includes those highways designated as state highways in Utah Code Title 72, Chapter 4, Designation of State Highways Act.
- (99) “Stewardship and oversight agreement” means the current agreement formalizing the roles and responsibilities of the FHWA, Utah Division and the Department in administering the Federal-Aid Highway Program. This agreement is available from the Department’s website.
- (100) “Stopping sight distance” means the distance required by a driver of a vehicle traveling at a given speed to bring the vehicle to a stop after an object on the roadway becomes visible. It includes the distance traveled during driver perception and reaction times and the vehicle braking distance.
- (101) “Storage length” means the additional lane length added to a deceleration lane to store the maximum number of vehicles likely to accumulate in the lane during a peak hour period to prevent stored vehicles from interfering with the function of the deceleration lane or the through travel lanes.
- (102) “Street” is a general term for denoting a public way or private way for purpose of transporting people, materials, and goods.
- (103) “Street spacing” means the distance between intersections (signalized or unsignalized) measured as the distance between the leaving point of tangent of a street access to the receiving point of tangent of the adjacent street access.
- (104) “Structure” means any device used to convey vehicles, pedestrians, animals, waterways or other materials over highways, streams, canyons, or other obstacles. A major structure is a highway structure with a span or multiple span length of 20 feet or more measured along the centerline of the roadway and a minor structure is the same as a major structure except it is less than 20 feet.
- (105) “Taper” means a transitional area of decreasing or increasing pavement width to permit the formation or elimination of an auxiliary lane.
- (106) “Traffic control equipment” means equipment, including but not limited to, traffic control signs, traffic signal poles, circuitry and appurtenant equipment.
- (107) “Temporary conditional access permit” is required from the Department whenever a temporary driveway or connection to a state highway is sought. A temporary conditional access permit shall expire within twelve months of the permit issue date or before as specified in the terms, conditions, and limitations of the temporary conditional access permit. No extensions may be granted. To reestablish a temporary access, the permittee or applicant shall submit a new conditional access permit application.
- (108) “TIS” means traffic impact study, a study that may be required by the Department or local authorities that addresses the impacts of a proposed development, mitigation of impacts, access usage, or land use to ensure the efficient flow of traffic.
- (109) “Traveled way” includes the portion of the roadway for the movement of vehicles.
- (110) “Urban” refers to a census designated area with a population of 5,000 or more or any portion of a designated urbanized Metropolitan Planning Organization planning boundary.
- (111) “Variance” is an authorized permission to depart from the standards and requirements of this rule. Variance requests are evaluated through the completion of the Department’s Variance Request Form.
- (112) “Warrant” is the criteria by which the need for a treatment or improvement can be determined.
- (113) “Working day” includes any weekday in which a normal day of work can be performed exclusive of delays that result from inclement weather, labor disputes, and material shortages. It does not include weekends and legal holidays.



## R930-6-6.

## Access Control.

- (1) General.
  - (a) This section addresses general methods, requirements and limitations utilized to manage and control access to state highways.
- (2) Access categories.
  - (a) Access category management system. This rule provides a system of ten highway access categories to which all sections of state highways have been or will be assigned.
    - (i) Each access category describes the function of the highways including the operational standards that are applied to maintain the highway's function in terms of mobility, capacity, traffic flow, and safety.
    - (ii) The access category is assigned based on, but not limited to, evaluation of the attributes and characteristics of whether or not the facility is a part of the National Highway System, FHWA functional classification, urban or rural designation, and posted speed.
    - (iii) The number, spacing, type, and location of accesses and traffic signals have a direct and often significant effect on the capacity, speed, and safety of the highway and are therefore managed by this category system which establishes a hierarchy of the roadway for access management.
    - (iv) The spacing and design standards for each category are necessary to ensure the highway functions at the levels expected for its assigned access category.
    - (v) The access management standards of this rule have been developed for segments or classifications of highways that have similar context and functions. Access Management standards have been established to achieve safety, capacity, and traffic flow objectives for each classification.
    - (vi) Implementation of the statewide access management requirements of this rule ensures equitable, uniform, consistent, and systematic application of access management standards.

(b) Access category description. The following describe the function and application of the ten access categories used to manage access to state highways:

(i) Category 1: Freeway/interstate system facilities (I).

- (A) Category 1 is appropriate for use on highways that have the capacity for high speed and high traffic volumes over medium and long distances.
- (B) These facilities serve major interstate, intrastate, and inter-regional travel demand for through traffic. In urbanized and metropolitan areas, they may also serve high volume and high-speed intra-city travel.
- (C) All interstate and freeway facilities are included in this category.

(ii) Category 2: System priority-rural importance (S-R).

- (A) Category 2 is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes.
- (B) Category 2 highways are designed and intended to achieve a posted speed of 55 mph or higher in areas without signals and 45 mph or higher in areas with signals.
- (C) These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in rural areas.
- (D) Direct access service to adjoining land is subordinate to providing service to through traffic movements.

(iii) Category 3: System priority-urban importance (S-U).

- (A) Category 3 is appropriate for use on highways that have the capacity for high speed and relatively high traffic volumes.
- (B) Category 3 highways are designed and intended to achieve a posted speed of 50 mph or higher in areas without signals and 40 mph or higher in areas with signals.
- (C) These facilities provide for interstate, inter-regional, intra-regional, and intercity travel needs in urban areas.
- (D) Direct access service to abutting land is subordinate to providing service to through traffic movements.

(iv) Category 4: Regional-rural importance (R-R).

- (A) Category 4 is appropriate for use on highways that have the capacity for moderate to high speeds (generally greater than 50 mph) and relatively high traffic volumes.
- (B) These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of interstate or system importance in rural areas.

(v) Category 5: Regional priority-urban importance (R-PU).

- (A) Category 5 is appropriate for use on highways that have the capacity for moderate speed (generally 45 mph or higher) and moderate to high traffic volumes.
- (B) There is a balance between direct access and mobility needs within this category.
- (C) These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of interstate or system importance and through urban areas that have significant potential for development or redevelopment.

- (vi) Category 6: Regional-urban importance (R-U).
  - (A) Category 6 is appropriate for use on highways that have the capacity for moderate to low speeds (generally to a speed range of 40 mph or less) and moderate to high traffic volumes.
  - (B) While this category provides service to through traffic movements, it allows more direct access to occur.
  - (C) These facilities move traffic across multiple communities or jurisdictions, typically connecting facilities of Interstate or system importance but through urban areas that are significantly developed to the point where travel speed and capacity has eroded.
- (vii) Category 7: Community-rural importance (C-R).
  - (A) Category 7 is appropriate for use on highways that have the capacity for moderate to low speeds and moderate volumes.
  - (B) This category provides a balance between through traffic movements and direct access. These facilities move both regional and local rural traffic but with emphasis on local movements such as those common on small city Main Streets.
- (viii) Category 8: Community-urban importance (C-U).
  - (A) Category 8 is appropriate for use on highways that have the capacity for moderate to low speeds and moderate volumes.
  - (B) This category provides a balance between through traffic movements and direct access.
  - (C) These facilities move traffic through a single community or to an adjacent community but not generally used for long distance (greater than five miles) travel.
- (ix) Category 9: Other importance (O).
  - (A) Category 9 is appropriate for use on frontage roads, back roads, service roads, critical connections of short distance, and other special use facilities.
- (x) Category 10: Freeway one-way frontage road (F-FR).
  - (A) Category 10 is appropriate for use on one-way frontage road systems that provide direct access to and from freeway ramps. Specifically, this category applies to the one-way frontage roads.
  - (B) Freeway main lane and ramp components of the freeway/frontage road systems must meet the criteria defined for Category 1 facilities.
- (c) Access category assignments. To make category assignments for specific sections of state highways, the Department may consider adopted administrative and functional classifications, National Highway System routes, designated urban areas, existing and projected traffic volumes, posted and operating speed, current and future highway capacity and levels of service, current and predicted levels of highway safety, adopted state and local transportation plans and needs, the character of lands adjoining the highway, adopted local land use plans and zoning, the availability of existing and planned vehicular access from local streets and roads other than a state highway, and other reasonable alternate access provided by municipal streets and county roads. Category assignment boundaries shall be logical and identifiable. Category assignments shall maintain highway system hierarchy and facility continuity to the extent possible.
  - (i) Category reviews and reassignments. External requests for changes in the access category of a state highway or sections thereof must be submitted to the Department through the appropriate local authority and metropolitan planning organization where appropriate. Such requests must include information pertaining to the factors cited in this rule for determination of category assignment and explain the need for the requested change. The explanation must also discuss how the requested

change is consistent with and conforms to the purpose and standards of this rule and does not compromise the public health, safety, and welfare. A reassignment in access category may not be approved solely to accommodate eventful or planned growth of an entity, a specific access request, or to allow the permitting of access connections that would otherwise not be approved.

(A) Local authority coordination. Upon request by local authorities, the Department shall coordinate with local authorities in the review of zoning, subdivision, and other land use regulations affecting the safety and operation of state highways to ensure that future access requirements related to local land use decisions are consistent with the purposes and standards of this rule. The issuance or approval of any permit, agreement, plat, subdivision, plan, or correspondence does not abrogate or limit the regulatory powers of the Department in the protection of the public's health, safety and welfare.

- (ii) Access category inventory. The Department maintains an inventory of each section of state highway listing its access category assignment. This inventory is available from the appropriate Department Region and District office or the Department's website. Mapping inventory may not be held as the sole determination for access category assignment. Field assessment by a Department Permit Officer or designee may be needed to verify the appropriate access category assignment.
- (iii) Category updates. The Department may review the access category inventory once every five years, or on an as needed basis, to accommodate requests or changes in the highway environment affecting the access requirements of the highway. For internally driven changes or updates, the initial assignment of access categories and any subsequent revision should be determined in cooperation and coordination with local authorities to ensure category assignments are compatible with preserving and maintaining the highway's intended and designed function within the state highway system and within the context of the area's transportation needs and plans.

(3) Corridor agreements.

- (a) General. The Department, in cooperation with local authorities, may draft agreements for the planned and future spacing or installation of access connections based on the assigned access category for the facility. The local authorities must consider these agreements in the local zoning ordinances and any development approvals. A corridor agreement in the form of a signal control plan or access corridor control plan may supersede an access category assignment. The following apply to all corridor agreements including signal control plans and access corridor control plans.
  - (i) The corridor agreement shall balance between state and local authority transportation planning objectives and preserve and support the current and future functional integrity of the highway.
  - (ii) The corridor agreement must be executed by the Department and the local authority to become effective. This approval shall be in the form of a written agreement signed by the local authority and the appropriate Department Region Director.
  - (iii) The corridor agreement shall be noted and reflected in the local jurisdiction transportation master plan.
  - (iv) Where a corridor agreement is in effect, all action taken in regard to the access must be in conformance with the agreement and current design standards except by written approval of the Department and local authority.
- (b) Signal control plan. The Department may, at its discretion, initiate, direct or develop a signal control plan for a designated portion of a state highway. The following requirements apply for signal control plans in addition to those described for corridor agreements.
  - (i) A signal control plan must provide a comprehensive action plan for identification of signal locations along a designated portion of state highway. This plan shall, to the extent practical, meet the functional characteristics and design standards of the appropriate access category and requirements of the Department's Traffic and Safety division.

- (ii) The signal control plan must indicate the location of existing and future signalized intersections. The plan must identify signal locations intended to be modified, relocated, realigned, removed, or added. The plan must reserve signalized access for state facilities and local jurisdiction routes noted in their corresponding transportation master plans.
- (c) Access corridor control plan. The Department or local authority may, at its discretion, initiate, direct or develop an access corridor control plan for a designated portion of a state highway. The following requirements apply to access corridor control plans in addition to those described for corridor agreements.
  - (i) An access corridor control plan must provide a comprehensive roadway access design plan for a designated portion of a state highway. This plan shall, to the extent feasible and given existing conditions, bring said portion of highway into conformance with its access category and its functional needs.
  - (ii) The access corridor control plan must indicate existing and future access locations and all access related roadway access design elements including signals to be modified, relocated, removed, or added, or to remain. The plan must reserve signalized access for state facilities and local jurisdiction routes noted in their corresponding transportation master plans.
  - (iii) The access corridor control plan shall include current or future accommodation for multiple transportation modes, including vehicles, bicycles, pedestrians, and public transit.
- (4) Limited-access and no-access lines.
  - (a) Application of limited-access control lines. Limited-access control for new classified principal arterial highways other than the interstate system and expressways shall be obtained in all rural areas and in areas of the highway being constructed on new alignment or if the existing highway is in sparsely developed areas where control is desirable and economically feasible.
    - (i) Short alignments. Limited-access control may be justified for limited lengths of high volume minor arterial highways, especially on new alignments and if adjacent to a freeway interchange.
    - (ii) Existing urban alignments. Limited-access control in urban areas on existing alignment shall not be allowed unless approved by the Department.
  - (b) Application of no-access control lines. Interstate and freeway facilities shall have no-access control lines.
  - (c) Designation of access control lines. Determination of the final location for limited-access and no-access lines, including final access locations, shall be made by the Department. The following requirements and limitations apply:
    - (i) FHWA review and concurrence for access locations is required for federal-aid roads based on the Stewardship and Oversight Agreement between FHWA and the Department, even if the right-of-way was nonparticipating.
    - (ii) Approved access openings shall be accurately described in the property deed and shown on right-of-way maps and roadway construction plans as required to facilitate modifications to a limited-access or no access control line.
    - (iii) After execution of the deeds, no change may be made in the access location, use, size or additional access openings be approved except as provided in this rule.
    - (iv) If a portion of a property which has no access to the highway is later sold, the Department has no obligation to grant an access to the property.
- (5) Local authority highway projects.
  - (a) Compliance requirements. A public highway reconstruction project is not required to bring legal access into full compliance with current standards of this rule, except to the extent reasonable within the limitations and scope of the project, consistent design parameters, and available public funds.

- (b) Maintenance responsibility. Vehicular use and operation of local roads where they connect to (access) a state highway is the responsibility of the local authority. The local authority shall maintain such state highway access locations in conformance with this rule to the extent feasible and within statutory and public funding limitations. The local authority may fund any necessary improvements by obtaining contributions from the primary users of the access or as off-site subdivision improvements necessary for the public safety.
- (c) Consolidation and modification of access. Where multiple accesses service the same ownership, public highway reconstruction projects may combine or reduce the number of accesses or modify access size and design to meet current standards.
- (d) Temporary access. Temporary access within a highway project construction zone may be permissible at the discretion of the Department. A temporary conditional access permit is required for any new temporary access location that provides access to the traveled portion of the highway.
- (e) Interference with public highway construction. Under no circumstances shall the construction or reconstruction of a private driveway by a private interest interfere with the completion of a public highway construction project. The private interest must coordinate work with the Department project engineer for the project.



## R930-6-6. Design Requirements.

- (1) General.
  - (a) The design requirements presented herein are intended to protect the functional integrity of state highways, maintain and preserve traffic mobility, provide efficient and necessary access, while protecting the public health, safety, and welfare. Designs for access connections to state highways must comply with Department standards and conform to the current MUTCD. A design based on engineering standards and methods that are more exact than those presented in this rule may be allowed if the design meets the purposes of this rule, does not violate standards of this rule, is based on desirable nationally accepted standards, and is determined acceptable to the Department. Local authority standards that are more stringent than those required by this rule may be used only if determined acceptable by the Department.
- (2) General criteria for authorizing conditional access permit approval.
  - (a) General criteria. The Department may authorize modified or new access that is in compliance with this rule.
  - (b) Reasonable alternate access. When an application is created for access to a state highway with assigned access category 4 through 9, the access may be granted if reasonable alternate access cannot be obtained from the local street or road system. If the proposed access does not meet design or spacing standards, the access shall be denied if the proposed access on the property has reasonable alternate access available to the general street system and a variance request is not approved.
    - (i) Reasonable alternate access from a city or county road shall be determined in consultation with the appropriate local authority and the applicant. A determination of reasonable access from a local street or road shall include consideration of the local street or road function, purpose, capacity, operational and safety conditions and opportunities to improve the local street or road.

- (ii) Where a subject property adjoins or has access to a lesser function road or an internal street system or by way of dedicated rights-of-way or easements, such access will be considered a reasonable alternate access and any access to the state highway will be considered an additional access.
- (iii) Direct access to the state highway may be approved if the alternative local access will create, in the determination of the Department, a significant operational or safety problem at the alternative location and the direct access to the state highway will not create a safety issue or operational impairment to the highway.
- (c) Parcel division. No additional access rights may accrue upon the splitting or dividing of existing parcels of land or contiguous parcels under or previously under the same ownership or controlling interest.
- (d) Signalized intersections. The Department shall give preference to public ways that meet or may be reasonably expected to meet signal warrants in the foreseeable future.
- (e) Category 1. For highways and corresponding facilities with Category 1 designations, any new access or modification of existing access shall meet freeway/interstate design practices and Department and FHWA standards. They must also receive FHWA and Department approval when the Interstate Highway system is involved.
  - (i) All private direct access to Category 1 highways, access ramps, and structures is strictly prohibited unless specifically authorized for official temporary highway construction purposes under Department contract and must receive approval from FHWA and the Department when the Interstate Highway system is involved.
  - (ii) Public access to a Category 1 facility shall only be provided by means of interchanges properly spaced, located, and designed in accordance with Department and FHWA standards and regulations.
  - (iii) Any new access or modification of existing access to Category 1 facilities shall separate all opposing traffic movements by physical constraints such as grade separations and non-traversable median separators.
  - (iv) A new interchange or, in the determination of the Department, a significant modification to an interchange on a Category 1 facility that is part of the Interstate Highway system requires the preparation of analyses and reports that meet current FHWA and Department requirements.
- (f) Category 2 and 3. For highways with Category 2 or 3 designations, access may be allowed by means of interchanges or public street intersections. Public street access to Category 3 highways shall be signalized.
  - (i) The Department may allow modifications to an existing private point of access abutting a Category 2 or 3 highway including relocation of the point of access within the limits of the property, if such modification or change will benefit the operation and safety of the highway, bring the access level of the highway into greater conformance with the access category, or be in the interest of public health, safety, and welfare.
  - (ii) Any direct private access approved for Category 2 or 3 highways shall be for right turns only and shall be closed when reasonable alternate access is available or based on additional criteria defined by the Department in the conditional access permit.
- (g) Category 4 through 9. For highways with Category 4 through 9 designations, direct access may be approved if the alternative local access would create, in the determination of the Department, a significant operational or safety problem at the alternative location and the direct access to the state highway does not create an operational or safety problem for the state highway.
- (h) Category 10. For highways with Category 10 designations, direct access shall be provided only by means of public street intersections.
  - (i) All private direct access to Category 10 highways is strictly prohibited unless specifically authorized for official temporary highway construction or utility maintenance and operations purposes under Department contract.

- (ii) Spacing between ramps and adjacent intersections shall accommodate weaving movements and storage requirements to ensure smooth and safe operations for the frontage road.
- (iii) No access shall be allowed between an exit ramp and its downstream cross-street intersection or between an entrance ramp and its upstream cross-street intersection.
- (iv) No access shall be approved within 100 feet of the intersection of freeway ramp and one-way frontage road.

(3) Access placement requirements.

(a) Spacing requirements. Table 1 summarizes the minimum required signal spacing, street spacing, driveway spacing, and interchange crossroad access spacing for corresponding state highway access categories.

TABLE 1

Category	Minimum Signal Spacing (feet)	Minimum Street Spacing (feet)	Minimum Driveway Spacing (feet)	Minimum Interchange to Crossroad Access Spacing		
				To First Right-in Right-out Driveway (feet)	To First Intersection (feet)	From Last Right-in Right-out Driveway (feet)
1 (I)	N/A	N/A	N/A	n-a	n-a	n-a
2 (S-R)	5,280	1,000	1,000	1,320	1,320	1,320
3 (S-U)	2,640	N/A	N/A	1,320	1,320	1,320
4 (R-S)	2,640	660	500	660	1,320	500
5 (R-PU)	2,640	660	350	660	1,320	500
6 (R-U)	1,320	350	200	500	1,320	500
7 (C-R)	1,320	300	150	n-a	n-a	n-a
8 (C-U)	1,320	300	150	n-a	n-a	n-a
9 (O)	1,320	300	150	n-a	n-a	n-a
10 (F-FR)	1,320	660	N/A	n-a	n-a	n-a

“N/A” means not allowed  
 “n-a” means not applicable

- (i) Signal spacing. Signal spacing addresses the uniformity and frequency of signalized intersections along a highway and one of the most important access management techniques. Signal spacing generally governs the performance of urban and suburban highways. Signals that are closely or irregularly spaced bring about increases in crashes, stops, delay, fuel consumption, and vehicle emissions. Long and uniform signal spacing allows for more efficient progression through a corridor and provides for the implementation of a more efficient traffic control system to accommodate variations in peak and off-peak period traffic flows. Signal spacing shall be as defined in this rule or as deemed necessary by the Department for the safe operation, capacity, signal progression, and proper design of the signal and adjacent accesses. Preference for the spacing, timing, and operation of a signal shall be given to highways and cross streets of a higher access category or function.

- (ii) Street and driveway spacing. Access connections, including streets and driveways introduce conflicts and friction into the traffic stream of the main highway. Vehicles entering and leaving the main highway often slow the through traffic. The speed differentials between turning and through vehicles increase the potential for crashes. Increasing the distance between intersections and driveways enhances traffic flow and safety by reducing the frequency of conflicts for the main highway and providing greater distances to anticipate and recover from turning maneuvers. Where feasible or required by this rule, accesses must be combined or closed to reduce frequency and increase spacing between accesses. The spacing must also be consistent with current signal progression efficiency and cause no degradation to existing operations.
- (iii) Interchange crossroad access spacing. Freeway and expressway interchanges allow traffic to transition from freeways to arterial or other lower functioning roadways. Interchanges also serve as important focal points of roadside development in urban, suburban, and rural areas. Intersections that are too close to the arterial/freeway interchange ramp termini result in heavy weaving volumes, complex signal operations, frequent accidents, and recurring congestion. Access connections to interchange crossroads shall be sufficiently spaced to allow the smooth transition between the freeway or expressway and intersecting lower functioning roadways. The Department may require applicants to conduct a weaving or speed change lane analysis given unique area conditions. The Department may require applicants to use a distance greater than defined in this rule when said analysis shows that a greater spacing is necessary to provide safe and efficient weaving maneuvers.
  - (A) The following elements must be considered in determining minimum interchange crossroad access spacing distances:
    - (I) The distance required to weave across the through travel lanes.
    - (II) The distance required for transition into left-turn lane(s).
    - (III) The distance needed to store left turns with a low likelihood of failure.
    - (IV) The distance from the stop line to the centerline of the intersecting road or driveway.
  - (B) The minimum interchange to crossroad spacing requirements of Table 1 are based on the following definitions:
    - (I) "To 1st right-in right-out driveway," means the distance from the interchange off-ramp gore area (point of widening on the crossroad) to the first right-in right-out driveway intersection.
    - (II) "To 1st intersection," means the distance from the interchange off-ramp gore area (point of widening on the crossroad) to the first major intersection.
    - (III) "From last right-in right-out driveway," means the distance from the last right-in right-out driveway intersection to the interchange on-ramp gore area (point of widening on the crossroad).
- (b) Emergency access. Emergency access may be approved on state highways with category 2 through 10 designations, where required by local safety regulations, or where the Department has determined exigent circumstances exist. Such direct emergency access may be approved only if it is not feasible to provide the emergency access to a secondary roadway. External requests for emergency access must include a written explanation with references to local standards from the local authority safety official. Emergency access may not be authorized to accommodate general vehicular ingress or egress. The access shall be gated and locked.

- (c) Agricultural access. Agricultural access may be approved on state highways with access to Category 2 through 9 designations and where, in the determination of the Department, the property has no other reasonable alternate access. Additional agricultural access to property under the same ownership or controlling interest may be approved if the necessity for such additional access due to topography or ongoing agricultural activities is demonstrated. Agricultural accesses must be kept to the minimum necessary to provide access service. Agricultural access must meet minimum access design and safety standards of this rule. A change in use of the parcel of land serviced by the agricultural access may require that the access be closed. The spacing criteria between accesses contained in this rule may be waived for agricultural access. All such agricultural accesses must meet the sight distance criteria of this rule.
  - (d) Access near at-grade railroad crossings. Conditional Access Permits within 250 feet of an at-grade railroad crossing are prohibited unless approved by the Department. Circumstances may exist where greater spacing is required consistent with the appropriate access category spacing. See Utah Administrative Code R930-5 for more information on the process to follow to comply with Department spacing requirements.
  - (e) Shared access. Shared access of two or more parcels may be required where a proposed new access or the redesign of an existing access does not meet spacing standards and criteria for the appropriate access category. The access location shall serve as many properties and interests as possible to reduce the need for additional direct access to the state highway.
  - (f) Offset placement. Where proposed or redesigned access connections which are offset and not separated by a non-traversable median are to be considered, every effort must be made to align opposing driveways and streets.
  - (g) Challenging topography. Where existing topography or other existing conditions make the required access spacing intervals not feasible, the Department may consider topography, established property ownerships, unique physical limitations, unavoidable or pre-existing historical land use patterns, and physical design constraints with a reasonable attempt to achieve the required access spacing. Where there are conflicts within this rule, the more stringent requirement must be met.
- (4) Access design requirements.
- (a) Sight distance. Access points must be located and designed to provide adequate sight distance along the state highway and the access.
    - (i) Access design must meet AASHTO sight distance guidelines and Department standards.
    - (ii) Potentially obstructing objects, including but not limited to, advertising signs, structures, trees, and bushes must be designed, placed, and maintained to meet sight distance requirements for vehicles using the access.
    - (iii) Modifications to the existing highway may be required for access points with less than the required minimum sight distance. Modifications may include, but are not limited to, changes to horizontal or vertical alignments, addition of acceleration or deceleration lanes, roadway relocation, use or creation of other general street system facilities, or other modifications as required by the Department.
  - (b) Access width. Access width shall be designed and constructed to properly accommodate the anticipated traffic volumes, lane geometries, and vehicle characteristics of both the access and the adjoining highway.
    - (i) Minimum and maximum access widths (feet):
      - (A) Commercial or industrial land uses:
        - (I) Two-way direction use: 25 feet minimum to 50 feet maximum.
        - (II) One-way direction use: 16 feet minimum to 30 feet maximum.
      - (B) Residential land uses:

- (I) Two-way or one-way direction use: 16 feet minimum to 30 feet maximum.
  - (C) Agricultural uses:
    - (I) Two-way or one-way direction Use: 16 feet minimum to 32 feet maximum.
  - (ii) One-way approaches. The Department may treat adjacent one-way approaches (one-way in, one-way out) as one access when all of the following conditions are met:
    - (A) The one-way approaches are divided by a non-traversable median at least four feet wide but no more than 25 feet.
    - (B) Signing for the access median is clear and visible.
  - (iii) Future public streets. Applications for an access point intended to become a future public street access must consider long-term traffic projections, modal use, and agency standards to determine appropriate access widths.
  - (iv) Private openings for limited-access highways. The maximum size of private access openings shall be 16 feet for residences, 32 feet for farms or other areas where large equipment is used, and 50 feet for commercial and industrial areas.
- (c) Access radii. The turning radii of an access must accommodate the turning radius of the largest vehicle using the access on a regular basis.
- (i) Minimum and maximum radii ranges:
    - (A) Commercial, industrial, or agricultural land uses:
      - (I) Urban areas: 30 feet minimum to 60 feet maximum.
      - (II) Rural areas: 20 feet minimum to 60 feet maximum.
    - (B) Residential land uses:
      - (I) Urban areas: 10 feet minimum to 15 feet maximum.
      - (II) Rural areas: 20 feet minimum to 30 feet maximum.
  - (ii) Where possible, applicants shall reduce the access radii to improve visual and physical separation of accesses and to reduce pedestrian conflicts by reducing the total access width at the roadway edge (i.e., at the intersection). Access radii shall be no larger than required to accommodate the volume and type of vehicles using the access on a regular basis.
  - (iii) Curb cut style driveways are typically required where curbs are present. However, radius curb returns may be used when determined by the Department to be necessary and consistent with existing or planned conditions.
  - (iv) Access points intended to become a future public street access may use the design criteria of the local authority and the Department to select appropriate radii, corner and intersection design. Access designs are subject to approval by the Department.
- (d) Driveway profile. Driveways must be designed to minimize slope changes to prevent dragging and must conform to Department standards, including UDOT standard drawings.
- (e) Driveway vertical curves. Driveway vertical curves must be as flat as feasible and at least 20 feet long. To prevent dragging, the following driveway vertical curve designs are prohibited:
- (i) A hump or dip greater than 6 inches within a wheelbase of 10 feet.

- (ii) Crest vertical curves exceeding a 3-inch hump in a 10-foot chord.
  - (iii) Sag vertical curves exceeding a 2-inch depression in a 10-foot chord.
  - (iv) Rolled gutters crossed by traffic.
- (f) Driveway angle. Driveway angles less than 80 degrees are prohibited. Whenever possible, driveways must provide a right (90-degree) driveway angle.
- (i) Exceptions. For one-directional use driveways with a right-turn entry-only or a right-turn exit-only operation, driveway angles may not be less than 60 degrees. Whenever possible, these one-directional driveways must provide a right (90-degree) driveway angle.
- (g) Access signing. Traffic control devices for accesses that serve the general public must conform to the current MUTCD. Stop or yield signs are required for all street intersections and driveways when warranted by traffic conditions.
- (h) Emergency access. Emergency access features must be designed to accommodate emergency vehicle characteristics appropriate for the development or intended land use and in conformance with the Department driveway standards, including those defined in this rule. However, emergency access widths may be designed to serve one-way traffic and may be less than 16 feet wide.
- (i) Emergency access surfacing must minimize its visibility while still providing sufficient strength.
  - (ii) Emergency access must be designed based on the standards of the local emergency services and accommodate emergency vehicles necessary to serve the site.
  - (iii) Emergency access must provide a suitable barrier to eliminate non-emergency use. The access must be signed for emergency services only and shall only be opened during emergencies.
  - (iv) The access, including but not limited to barriers and signing, shall be maintained by the permittee.
  - (v) Emergency access barriers shall not be placed within the state highway right-of-way.
  - (vi) Other design elements. The Department may require other design elements or features to ensure accesses are designed and constructed in a manner that will encourage proper operations and safety. Additional design elements and features include, but are not limited to the following:
    - (vii) Positive barrier. The Department may require access with turn restrictions to provide positive barrier such as a non-traversable median to prevent unauthorized turns. Intersection or driveway islands that channel traffic movements may be required for turn-restricted movements when any of the following apply.
      - (A) No restrictive center median is in place or programmed to be constructed.
      - (B) When frequent violations of the turn restrictions are anticipated.
- (ii) Parking and site circulation. Accesses must be designed to facilitate turning movements to and from the highway while preventing vehicle queues on the highway.
- (A) Parking or storing vehicles within the state highway right-of-way is prohibited without the prior written consent of the Department. See UDOT Policy 06C-09 - Placement of Angle Parking on State Highways for more information. Roadside businesses must provide sufficient private parking or storage space to handle their corresponding parking needs and not rely upon any parking space within the state highway right-of-way.
  - (B) Access may be denied for parking areas that require backing maneuvers onto the state highway, roadway or, right-of-way. Circulation for parking facilities must be arranged to restrict backing onto the state highway and allow vehicles to enter and exit the site in forward drive. This requirement does not apply to residential single unit driveways.

- (C) Accesses that have or are planned to have a gate across it, must be designed so the longest vehicle using the access can clear the highway when the gate is closed. For locations with prohibitive topographical features, applicants must provide a wide shoulder for temporary standing while the gate is operated.
  - (D) The Department may require the review of the parking lot and circulation layout and require designs, terms, and conditions necessary to ensure the safe use of the access.
  - (iii) Modal considerations. Access designs must provide for the safe and convenient movement of all highway right-of-way users and modes of transportation including but not limited to pedestrians, bicyclists, transit, and the physically challenged. Sidewalks and bike lanes or paths may be required where deemed appropriate by the Department or when required by the local authority.
  - (iv) Storm drainage. All new or modified accesses must make provisions for site retention, detention, or accommodation of site originating surface runoff such that no flow of stormwater or spill shall utilize the state highway drainage system unless by prior analysis and agreement in conformity with UDOT Policy 08A-06.
    - (A) Applicants must construct all driveways and buffer areas to maintain a positive drainage system within the highway right-of-way and not alter the stability of the roadway sub-grade.
    - (B) The Department is not liable for the quality of drainage waters originating at service stations or special industrial processing plants that are directed into irrigation canals through highway drainage system. Such drainage concerns are the subject of separate agreements and permits by the developers and irrigation companies.
  - (v) Roadside development lighting equipment. All lighting equipment for the roadside development must be placed outside the highway right-of-way. Directing light beams toward the eyes of approaching drivers on the highway is prohibited.
- (5) State highway design requirements.
- (a) General. This section describes the Department requirements for highway features located within the rights-of-way of any state highway. Highway features include, but are not limited to, traffic signs and street name signs, traffic signals, traffic control equipment, highway lighting, crosswalks, curb and gutter, sidewalks, and pavements. Installation of new features within the highway right-of-way and modifications to existing highway features necessary as part of permitted work must be completed at the expense of the permittee and in accordance with plans approved by the Department. Any damage to existing highway features must be repaired or restored at the expense of the permittee and in accordance with plans approved by the Department. Any work completed within state highway right-of-way must comply with Department standards and conform to the current MUTCD.
    - (i) Site specific requirements. For specific sections of state highway, the Department may provide additional requirement details for access design and construction, including but not limited to, pavement thickness and specifications, curb design and specifications, roadway fill design and compaction, testing and inspection, and other specific details.
    - (ii) Posted speed. A proposal for access may not presume a lower posted speed limit than currently posted or request a lower speed limit in order to accommodate the access.
  - (b) Traffic signals. The installation of permanent traffic control devices, including but not limited to traffic signals is regulated by the MUTCD and Department guidelines and standards.
    - (i) Nothing in this rule is intended to require the Department to authorize a traffic signal or other permanent traffic control device.
    - (ii) The Department may, at its discretion, complete the installation of permanent traffic control devices. The permittee shall pay for direct costs and labor provided by the Department for the installation and relocation of all traffic control devices within public right-of-way which are directly related to the use or construction of the proved access.

- (iii) Signal location, timing, and operation are not intended to serve or benefit single use or private access connections. Preference to signal location, timing and operation shall be given to highways and cross streets of a higher access category or function.
  - (iv) New traffic signals and modifications to existing traffic signals shall be allowed only as approved by the Department. No traffic signal may be authorized without the completion of an analysis that is sealed (stamped) by a Professional Engineer licensed in the State of Utah and meets MUTCD signal warrants and all requirements of the Department. The traffic signal analysis must consider traffic signal system operation, design, construction feasibility, and safety.
  - (v) For existing or proposed accesses that meet MUTCD warrants and the Department requirements for signalization, but do not meet the spacing or placement requirements of this rule, the access shall be reconstructed to conform to appropriate design criteria and eliminate or reduce the traffic movements that caused the traffic signal warrant to be met.
  - (vi) Where the access may warrant signalization in the future, phasing of the installation may be required.
  - (vii) The Department may, at its discretion in consideration of approving access, require design, and operational modifications, restrict one or more turning movements, or deny access.
  - (viii) Category 2 and 3. For state highways with Category 2 or 3 designations, signals at intersections with major cross streets or roads of equal importance may be programmed to optimize traffic on both streets equally. Cross-streets of lesser importance need not be optimized equally. Traffic signals must be programmed to allow a desirable highway bandwidth of at least 50 percent. The efficiency of the signal system must be analyzed utilizing traffic volume, capacity, and level of service calculations. The analysis must determine the optimum progression speed under both existing and proposed conditions.
  - (ix) Category 4, 5 and 6. For state highways with Category 4, 5, or 6 designations, where it is not feasible to meet one-half mile spacing and where signal progression analysis indicates good progression (40 percent efficiency or better), or does not degrade the existing signal progression, a full movement intersection may be allowed. In such cases, a variance and subsequent traffic study is required. Spacing to nearby intersections must be sufficient to accommodate the future vehicle storage queues for both turning and through movements. The access location must also meet other access spacing, design, and need requirements of this rule.
- (c) Surface. The permittee must appropriately surface driveways and connections between the traveled way and the service area. For accesses adjoining paved highways, the permittee must pave the access surface to the right-of-way line. Pavement materials used within the state highway right-of-way shall meet Department standards and requirements.
- (i) Preservation of new pavement. The Department may not issue permits to cut or excavate on newly constructed, paved, or overlaid state highways. This preservation restriction applies for a period of two years after installation of pavement or overlay. Exceptions to preservation of new pavement restrictions shall be made only in cases of emergency, and only with the approval of the appropriate Department Region Director or designee.
- (d) Median treatments. A raised median or movement channelization may be required.
- (i) Nothing in this rule is intended to require the Department to authorize a left turn movement at any location.
  - (ii) Left turn movements may not be approved if a median is already established and the proposed opening of the median does not provide, in the determination of the Department, any significant operational or safety benefits to the general public or will be counter to the purpose of the median construction and the continued function of the highway at the category assigned to it.
  - (iii) A median opening may not be allowed if any of the following apply:
    - (A) A safety or hazard situation is likely or identified.

- (B) The location is within the functional area of an existing or planned interchange, signalized intersection, or major unsignalized intersection.
- (iv) Category 2 and 3. For state highways with Category 2 or 3 designations, Left turn movement may be approved if all of the following apply:
  - (A) Access does not have potential for signalization.
  - (B) Travel is circuitous in one direction that exceeds two miles.
  - (C) Left turn movement can be designed to the Department's satisfaction that meets all safety, design, and operational standards.
- (v) Category 4, 5, 6, 7 and 8. The following apply for state highways with Category 4, 5, 6, 7 or 8 designations:
  - (A) If a restrictive median exists, left turns at unsignalized intersections shall be restricted unless the restriction of these movements will cause a safety or operations problem or cause an out-of-direction movement of greater than one mile (or one-half mile for state highways with Category 6, 7, or 8 designations).
  - (B) If a flush or traversable median exists, left turns may be approved unless an operational or safety problem is identified.
- (e) Auxiliary lanes. Auxiliary lanes for state highways must conform to Department Standards, including UDOT standard drawings.
  - (i) Auxiliary lanes may be required where any of the following apply:
    - (A) An auxiliary lane has been specifically identified and documented necessary to prevent or correct an operational or safety condition that will be associated with traffic imposed by the creation of a new access or an existing access.
    - (B) Any of the following apply for an access to an access category 2 or 3 highway:
      - (I) A left turn lane with deceleration, storage, and taper lengths is required for any access with a projected peak hour left turn ingress turning volume greater than 5 vehicles per hour.
      - (II) A right turn lane with deceleration and taper lengths is required for any access with a projected peak hour right turn ingress turning volume greater than 10 vehicles per hour.
      - (III) A right turn lane with acceleration and taper lengths is required for any access with a projected peak hour right turning volume greater than 10 vehicles per hour.
      - (IV) A left turn acceleration lane may be required if such a design will be a benefit to the safety and operation of the roadway.
      - (V) Left turn acceleration lanes are generally not required where the posted speed is less than 50 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.
    - (C) The following applies for an access to an access category 3 highway:
      - (I) Left turn acceleration lanes are generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

(D) The following apply for an access to an access category 4 or 5 highway:

- (I) A left turn deceleration lane with taper and storage length is required for any access with a projected peak hour left ingress turning volume greater than 10 vehicles per hour. The taper length must be included in the required deceleration length.
- (II) A right turn deceleration lane and taper length is required for any access with a projected peak hour right ingress turning volume greater than 25 vehicles per hour. The taper length must be included in the required deceleration length.
- (III) A right turn acceleration lane and taper length is required for any access with a projected peak hour right turning volume greater than 50 vehicles per hour when the posted speed on the highway is greater than 40 mph. The taper length must be included in the required acceleration length. A right turn acceleration lane may also be required at a signalized intersection if a free-right turn is needed to maintain an appropriate level of service for the intersection.
- (IV) Right turn deceleration and acceleration lanes are generally not required on roadways with three or more travel lanes in the direction of the right turn.
- (V) A left turn acceleration lane may be required if it will be a benefit to the safety and operation of the roadway.
- (VI) A left turn acceleration lane is generally not required where the posted speed is less than 45 mph, the intersection is signalized, or the acceleration lane would interfere with the left turn ingress movements to any other access.

(E) Any of the following apply for an access to an access category 6, 7, 8, or 9 highway.

- (I) A left turn lane with storage length plus taper is required for any access with a projected peak hour left ingress turning volume greater than 25 vehicles per hour. If the posted speed is greater than 40 mph, a deceleration lane and taper is required for any access with a projected peak hour left ingress turning volume greater than 10 vehicles per hour. The taper length must be included in the deceleration length.
- (II) A right turn lane with storage length plus taper is required for any access with a projected peak hour right ingress turning volume greater than 50 vehicles per hour. If the posted speed is greater than 40 mph, a right turn deceleration lane and taper is required for any access with a projected peak hour right ingress turning volume greater than 25 vehicles per hour. The taper length must be included in the deceleration length.

(F) The following apply for an access to an access category 10 highway:

- (I) Exclusive turning lanes are required for all intersections. At a minimum all street accesses must provide an exclusive right turn lane with a minimum length of 250 feet, exclusive of tapers. Longer storage lengths may be necessary based on traffic analysis. Left turn lane dimensions to be defined through traffic analysis. Taper and deceleration lengths to meet current Department standards for posted speeds.
- (ii) For specifically identified and documented safety and operational reasons, a turn acceleration or deceleration lane may also be required based on any of the following location factors:
- (A) Volume of commercial trucks.
  - (B) Influence of nearby access.
  - (C) Highway speed and traffic density access volume.
  - (D) Existing highway auxiliary lanes close to the access.

- (E) Nearby traffic control devices.
  - (F) Available stopping sight distance.
  - (G) Topographic and highway design factors.
- (iii) For access locations with high percentage of truck use, the Department may require corresponding auxiliary lanes be built to full length and width and the transition taper length extend beyond the full length.



## R930-6-8.

### Conditional Access Permit Application Procedures and Requirements.

- (1) General.
  - (a) Current standards. Applicant must use the most recent editions of engineering and state standards and best practices, including but not limited to those cited in this rule.
  - (b) Compliance responsibility. It is the responsibility of the applicant to demonstrate the application meets the requirements of this rule. Requirements for a conditional access permit refer to the applicant's responsibility to obtain approval from the Department before being authorized to access to a state highway.
  - (c) Approvals and environmental compliance. Applicants must comply with all federal, state, and local authority approvals and laws, including environmental laws before the Department can issue a permit.
  - (d) Site plan. A site plan approval by a local authority does not entitle the applicant to access a state highway. A conditional access permit from the Department does not imply endorsement or approval of the submitted site plan.
  - (e) Multiple accesses. A conditional access permit application may cover multiple access connections serving a site.
  - (f) Review periods. Failure of the Department to comply with the review periods defined in this rule shall not preclude the Department from approving or denying any application.
  - (g) Encroachment permit. Conditional access permit approval does not allow the applicant to construct the access. An encroachment permit must also be obtained prior to any construction in the state highway right-of-way.
  - (h) Movement restrictions. A conditional access permit does not guarantee a right of full movement access. The Department may, at its own discretion, require access movements to be restricted.

- (2) Conditions requiring conditional access permit.
- (a) Access changes. A conditional access permit is required whenever a new driveway, other curb cut, or local street connection is sought on a state highway. This applies to proposals to construct a new vehicular access, modify or relocate an existing access, or to close an access on the state highway right-of-way.
  - (b) Change in land use type and intensity. A conditional access permit is required when there is a change in land use or a change in the land use intensity of an existing access.
  - (i) Change of land use. A change in land use includes any land use change that requires a change in zoning, site plan, or conditional use approval by the local authority.
  - (ii) Change of intensity of land use. A change of intensity of land use is considered to have occurred when an existing land use intensifies as described below. The applicant must use current ITE Trip Generation procedures or other Department accepted methodology to identify this change. A level of change requiring a conditional access permit is a trip generation that exceeds 100 peak hour trips or 500 daily trips or a change in trip generation of 20% or greater relative to existing conditions. If the property, other than a single-family residential dwelling, is vacant for more than twelve months, the trip generation for that property is considered zero. A conditional access permit is also required if trip generation change causes a change in the Access Application Level.
  - (c) Modification or improvement by local authorities. A conditional access permit is required for new or modified public access to the state highway (such as county roads and municipal streets).
    - (i) Access to subdivisions and other developments must be processed in the same manner as a private access and applied for pursuant to this rule, until the access is constructed, completed, and accepted as a public access and public way by the local authority.
    - (ii) The local authority shall be considered the applicant for requests submitted by local authorities for a new or modified public access. A private developer may not apply for a private driveway with the local jurisdiction as the applicant.
    - (iii) Where a private development accessing the roadway of a local authority necessitates access improvements and where the private access shall become and operate as a local roadway connecting to a state highway, the applicant may either be the local jurisdiction, the developer, or a combination, at the discretion of the local authority. The corresponding application must identify the intended connection on the local jurisdiction transportation master plan
  - (d) Transfer of Additional Right-of-Way and Improvements. The increased intensity of traffic associated with a proposed access may require the transferring of new state highway real property and highway improvements to handle the traffic associated with the proposed development. The Department may require the applicant to transfer real property, improvements and highway appurtenances when an essential link exists between a legitimate governmental interest and the transfer of the mitigation requirements and the mitigation requirements are roughly proportionate to the impact of the proposed development. In some instances where the transfer of real property is not feasible, the Department may require the applicant to pay for the mitigation of the development impacts to the highway. Additional right-of-way necessary for the state highway improvements, including but not limited to, travel lanes, turn lanes, and auxiliary lanes, are to be conveyed without cost to the Department by dedication or by a warranty deed in a form acceptable to the Department. The Department may accept a perpetual easement for facilities or improvements located outside of the highway right-of-way. If the applicant transfers the property by warranty deed, all rights, title and interests are conveyed to the Department. The applicant shall provide a title policy for the real property to be transferred to the Department. The title policy shall only contain exceptions approved by the Department. If the property is being dedicated through a plat, the property shall not have any encumbrances that are not approved by the Department. The Department may refuse to accept the transfer of real property if the property has unacceptable encumbrances, contains hazardous substances or other conditions of the property. The real property must be in compliance with all applicable state and federal statutes, regulations and rules.

- (e) Temporary conditional access permit. A temporary conditional access permit is required for any temporary driveway or connection to a state highway. A temporary driveway or connection may be approved to accommodate actions associated with site construction or development. The term of the temporary conditional access permit shall be noted on the permit but shall not exceed 12 months in duration.
- (3) Pre-application coordination.
- (a) Department primary contact. The Region permits officer or other designated employee of the Department shall be the primary contact for the applicant. Direct inquiries regarding an application or review must be directed to this person.
  - (b) Local agency coordination. To apply for a conditional access permit, it is recommended that applicants work closely with the local authority's land use approval division and the appropriate Department Region permitting office.
  - (c) Pre-application meeting. Prior to submitting an application, the applicant must contact the appropriate Department Region permitting office to schedule a pre-application meeting. A pre-application meeting provides Department personnel and local authorities an early opportunity to examine the feasibility of the access proposal with the applicant and to consider whether it is permissible under the Department's standards, the requirements of this rule and requirements of locally adopted access plans. During the pre-application meeting, the Department will identify and determine the access category, access application level, and any traffic impact study requirements. The Department will also identify and determine whether or not a limited-access or no-access control line is affected, whether or not a land value appraisal is required, and other application requirements. The applicant shall clearly identify all neighboring and adjoining parcels where shared ownership interests exist. An application may be submitted any time after the pre-application meeting when all required application components are fully designed, complete, and available to electronically upload into the Department's online permit system. The Department shall review any documents that require recording prior to the document being submitted for recording.
  - (i) Meeting is not binding. The pre-application meeting is not binding to the Department or the applicant. Information presented and findings generated during the pre-application meeting may be documented and confirmed in a written notification. However, any pre-application written notification or communication from the Department shall not be considered binding.
  - (ii) Number of meetings. For typical access applications, one pre-application meeting shall be provided in regards to a specific access application. A second pre-application meeting may be allowed at the Department's discretion to address complex access situations, or to include other affected jurisdictional partners.
- (4) General application requirements.
- (a) The applicant shall complete the conditional access permit application using the form provided by the Department.
  - (b) The applicant shall complete any other form, or produce any other document, deemed required by the Department, or this rule, to facilitate the timely review of the application.
    - (i) The Applicant must identify any Limited-Access and No-Access lines adjoining the property. The Department makes final determination whether an established line of Limited-Access or No-Access exist in the area in which access is sought.
    - (c) When all of the required documents are assembled and complete, but prior to being recorded or finalized, the applicant shall upload the documents into the Department's online permit system to initiate the formal completeness review and application review process.
    - (d) When the Department deems the application complete, and prior to starting the application review process, the applicant will receive an automated email from the online permit system with instructions on how to electronically pay the appropriate non-refundable permit review fee. Once this permit fee is paid the Department will initiate the application review process which will result in the permitting outcome (e.g., approval or denial).

- (e) Access application level. The level of application required is based on the size and magnitude of the project being proposed by the applicant. The application levels define specific threshold elements related to required applicant site plan elements, permitting process, permitting schedule, application fees, traffic impact study requirements, and other permit related issues. The applicant must declare all property within the application area to which they hold interest, including, but not limited to, property to be developed. The application levels are based on anticipated changes to state highway facilities and site-generated traffic volumes for daily and/or peak hour time periods. Higher application levels are required when the construction of the proposed access would require significant modifications to elements of a state highway. The Department reserves the right to determine at its own discretion which modifications are considered minor or significant. Generally, the Department will consider modifications to traffic signals, pedestrian ramps, and sidewalks to be minor modifications. For convenience, application level thresholds are also presented in terms of standalone land use intensity. Land use intensities are based on published ITE Trip Generation rates. The Department may require the applicant to provide more precise trip generation estimates to determine the appropriate access application level for mixed land use or complex developments.
- (i) Application level I thresholds. Applicant shall meet the requirements of application level I if the projected site generated traffic is less than 100 daily vehicle trips and there are no proposed modifications to traffic signals or elements of the roadway. Standalone land use intensities corresponding to application level I site generated traffic thresholds include the following:
- (A) Single Family: < 10 units.
  - (B) Apartment: < 15 units.
  - (C) Lodging: < 11 occupied rooms.
  - (D) General Office: < 9,000 square feet.
  - (E) Retail: < 2,500 square feet.
- (ii) Application level II thresholds. Applicant shall meet the requirements of application level II if the projected site generated traffic between 100 and 3,000 ADT or less than 500 peak hour vehicle trips and there are minor modifications to traffic signals or elements of the roadway. Standalone land use intensities corresponding to application level II site generated traffic thresholds include the following:
- (A) Single Family: 10 to 315 units.
  - (B) Apartment: 15 to 450 units.
  - (C) Lodging: 11 to 330 occupied rooms.
  - (D) General Office: 9,000 to 270,000 square feet.
  - (E) Retail: 2,500 to 70,000 square feet.
  - (F) Gas Station: < 18 fueling positions.
  - (G) Fast Food: < 6, 000 square feet.
  - (H) Restaurant: < 26,000 square feet.
- (iii) Application level III thresholds. Applicant shall meet the requirements of application level III if the projected site generated traffic between 3,000 and 10,000 ADT or between 500 to 1,200 peak hour vehicle trips or there is a proposed installation or, in the determination of the Department, significant modification of one or more traffic signals or elements of the roadway, regardless of project size. Standalone land use intensities corresponding to application level III site generated traffic thresholds include the following:

- (A) Single Family: 316 to 1,000 units.
  - (B) Apartment: 451 to 1,500 units.
  - (C) Lodging: 331 to 1,100 occupied rooms.
  - (D) General Office: 270,001 to 900,000square feet.
  - (E) Retail: 70,001 to 230,000 square feet.
  - (F) Fast Food: 6,000 to 20, 000 square feet.
- (iv) Application level IV thresholds. Applicant shall meet the requirements of application level IV if the projected site generated traffic greater than 10,000 ADT or there is a proposed installation or, in the determination of the Department, significant modification of two or more traffic signals, addition of travel lanes to the state highway or proposed modification of freeway interchange, regardless of project size. Standalone land use intensities corresponding to application level IV site generated traffic thresholds include the following:
- (A) Single Family: > 1,000 units.
  - (B) Apartment: > 1,500 units.
  - (C) Lodging: > 1,100 occupied rooms.
  - (D) General Office: > 900,000square feet.
  - (E) Retail: > 230,000 square feet.
- (f) Reasonable alternate access. The applicant shall identify any and all reasonable alternate access for the subject site.
- (i) Determination of reasonable access. Reasonable local access shall be determined by the Department.
  - (ii) Limited-access and no-access control lines. When applications are made for properties adjoining a state highway with a limited-access or no-access control line, reasonable alternate access shall be afforded through the use of other existing or planned facilities whenever possible.
- (g) Traffic impact study (TIS) purpose. The purpose of the TIS is to identify system and immediate area impacts associated with the proposed access connection(s). A traffic study may be required to identify, review, and make recommendations for mitigation of the potential impacts a development may have on the roadway system.
- (i) Applicant responsibility. The applicant is responsible for the submittal of an acceptable TIS as determined by the Department. The TIS, when required, shall be completed by an individual or entity demonstrating capability to analyze and report mobility, traffic engineering elements, and design elements as necessary for the application study area and site design. Additionally, the TIS shall be stamped by a professional engineer licensed in the State of Utah.
  - (ii) TIS Requirements and Waiver Evaluations. A TIS may be required for any conditional access permit or for any encroachment permit. The Department, at its discretion, determines when a TIS is required. The Department will notify the applicant whether or not a TIS is required during the pre-application meeting. In general, the TIS requirements may be waived with the written concurrence of a Region Traffic Engineer, or designee, for Access Application Levels I and II. Access Application Levels III and IV may be waived with the written concurrence of the Traffic Operations Engineer, or their designee, only when the applicant is voluntarily constructing all mitigation measures recommended by the Department. If

such mitigation measures are not easily identifiable, or if potential traffic impacts associated with a proposed access point modification are unknown (or considered high-risk) the TIS shall not be waived for any Access Application Level. Additionally, a TIS is required for modifications to existing state highway traffic control equipment and shall not be waived.

- (ii) Applicant justification. Applicants wishing to waive the requirement for TIS Levels III and IV must submit a written request, including justification for waiving the requirement for a TIS.
- (iii) Department documentation requirement. Any TIS waiver the Department authorizes shall be documented in writing and become part of the official permit record within the Department's online permit system. This record shall contain the individual's name that is authorizing the waiver, the date the waiver was authorized, and justification for approving the waiver.
- (iv) TIS details, format, and study area boundary. The Department shall provide the applicant basic instructions regarding the details, format, and study area boundary for the TIS during the pre-application meeting.

(5) Application submittal.

- (a) Application and attachments. Applicants must submit to the appropriate Department Region permitting office, the complete application including any required attachments reasonably necessary to review and assess the application and complete the application review process. Required attachments may include detailed site plans, maps, traffic studies, surveys, deeds, agreements, access value appraisals, documents, and other data to demonstrate compliance with this rule. Maps and site plans to be submitted may include, but are not limited to utilities in the vicinity of the access and utilities to be moved. The Department shall determine the scope of the attachments necessary for application submission based on the identified access application level.
- (b) Site or development overview. Applications must provide a description of the site/development including site plan and overview materials such as preliminary maps, plans, and documents to illustrate the site, the size and type of proposed land use, estimated traffic volumes, vehicle types generated by the site, adjacent public roads and highways, adjacent properties, and any existing or available access points. The application must include all the information and materials requested at the pre-application meeting. Plans may be required to be stamped by a professional engineer licensed in the State of Utah.
- (c) Document ownership. All submitted applications become records of the Department. The Department may not request items without relevance to the approval or denial of the application. If the applicant is other than the fee surface rights owner of the property to be served, the applicant shall include sufficient evidence of concurrence or knowledge in the application by the fee owner and proof of development rights (i.e. option to buy, federal use permit). The applicant shall give complete names, physical address, email address, and telephone numbers of the property owner(s), the applicant(s), and primary contact person, on the application along with the expected dates of construction and commencement of use of the access.
- (d) Corporate or agency applicant. When the owner or applicant is a company, corporation, government agency or other entity, the application must provide the office, title, and the name of the responsible officer. A corporation must be licensed to do business in the State of Utah.
- (e) Misrepresentation. Intentional or negligent misrepresentation of existing or future conditions or of information requested for the application for the purposes of getting a more favorable determination is sufficient grounds for the rejection or denial of the application or revocation of a conditional access permit and encroachment permit.
- (f) Non-refundable application review fees. A non-refundable application review fee shall be assessed for the review and assessment of the conditional access permit application and the temporary conditional access permit application. The non-refundable review fee may be waived for local government agencies where a public street connection is being made.
  - (i) The Department shall establish and collect a reasonable schedule of fees for the review and administration of all applications referenced in this rule. The appropriate application fees may be found in the Department's authorized schedule of fees.

- (ii) The application review may not proceed until payment has been received by the Department. The application shall not be considered submitted until payment has been received.

(6) Application review and approval.

- (a) Completeness review. The Department shall review the application to verify the required information has been submitted. If the Department determines an application to be incomplete, the applicant shall be notified in writing including by, but not limited to, email notification. The notice shall include any outstanding items, issues, or concerns. Upon receipt of the Department's correspondence requesting more information, the applicant shall timely provide additional data and information as appropriate or withdraw the application. The applicant is required to submit the necessary information as determined by the Department to complete the application within 30 calendar days of said request. Otherwise the application may be considered withdrawn.
- (b) Completeness review period. The typical completeness review period is ten working days. This review period begins when the applicant submits a completed application packet with all required components for approval and has rendered the appropriate non-refundable application review fee. Once additional requested information is submitted, or resubmitted, by the applicant the (10) ten-day completeness review period starts over.
- (c) Application review. The Department shall begin processing the application when the application has been identified as complete. The Department shall use this rule and any other applicable state and federal laws, policies, or guidelines to evaluate and act on the application. If during the review of the application it is found that additional information for review is necessary, the Department shall correspond in writing to the applicant the need for additional information. Written notification may include, but not be limited to, email notification. The application review period may be lengthened or begin again when the applicant submits significant additional information.
- (d) Signatures. When this rule or related official forms require the signature of the permittee(s) or applicant, the signatures shall be that of the specific individual or if a corporation or partnership or other entity, the duly authorized officer or agent of the corporation or partnership or other entity. The applicant shall include the name of the corporation, partnership, or entity with the signature.
- (e) Application review period. The typical application review period is forty-five working days.
- (f) Action by the Department. As determined by the requirements of this rule, the Department may approve the conditional access permit as proposed, require layout, design and location modifications as it considers appropriate, restrict one or more turning movements as necessary to reduce traffic and safety impacts, or deny the request.
  - (i) The application shall be denied if the proposed access cannot meet the requirements or standards of this rule including consideration of appropriate variance criteria or other applicable laws. If the Department denies the application, the Department shall provide a written explanation of the decision.
  - (ii) Upon permit approval, the Department shall prepare a conditional access permit document and transmit it to the applicant.
  - (iii) The issue date of the conditional access permit shall be the date the Department representative signed the permit.
- (g) Conditional access permit expiration. A conditional access permit shall expire if the access construction is not completed within twelve months of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to complete construction within 12 months after the permit issue date, the permittee may request a 12-month extension from the Department. No more than one 12-month extension may be approved under any circumstances. The applicant must submit a request for an extension in writing to the Department before the original 12-month period expires. The request shall state why the extension is necessary, when construction is anticipated, and include a copy the conditional access permit approval. Extension approvals shall be in writing and may include, but not be limited to, email documentation.

For any access approval that has expired, the applicant shall begin the application procedures again. Once an issued permit has expired any prior approval is null and void. Any subsequent application must conform to the latest permitting standards and conditions without reliance upon any past conditions that may have been deemed acceptable on any previously approved, but expired, permit.

- (h) The Department shall maintain a copy of the conditional access permit issued for as long as the access point is in existence, or as otherwise prescribed by law.
- (7) Additional requirements for limited-access and no-access control line modifications.
- (a) The following procedures and standards apply to requests for the modification of a limited-access or no-access line.
    - (i) No-access control lines. A modification of a no-access line for the purpose of creating a new access point may be allowed to create a city or county street connection as proposed by the local authority where no other reasonable alternate access to abutting property can be provided.
    - (ii) Limited-access control lines. Only in cases where, in the determination of the Department, significant public benefit is expected may new access points be authorized through an established limited-access line. A request for a new or modified access opening shall be submitted by the property owner or local authority in writing to the Department and must clearly identify the proposed public benefit resulting from the access opening.
    - (iii) If there are other justifications for the access opening that are not solely for the public's benefit, the applicant shall identify those justifications and any public interests served by those justifications.
    - (iv) Upon review of the application, the Department, in its sole discretion, shall determine whether there is a sufficient public benefit to justify allowing the proposed new or modified access opening.
  - (b) Extended review period for limited-access and no-access control line modifications. While most requests for a new access opening may be reviewed within 45 days, additional review time may be needed for these types of applications that can require an external review by the Federal Highway Administration. There is no fixed amount of time that the Department may take to review a request to create or modify an access control line. Complex or incomplete requests may take longer than 45 days to review and approve or deny.
  - (c) Corridor agreements. Requests to modify a limited-access line may require the applicant to produce or provide analysis for a signal control plan or access corridor control plan. Requests to modify a no-access line must include a signal control plan agreement or access corridor control plan agreement.
    - (i) If no such agreement exists, the applicant must complete an analysis that the Department may use to create or modify a signal control plan or access corridor control plan.
    - (ii) The Department, local authorities and, if one exists, the Metropolitan Planning Organization, must ratify signal control plan and access corridor control agreements.
    - (iii) Signal control plans and access corridor control plans must be consistent with the local authority's transportation master plan. Such plans must also conform to the Metropolitan Planning Organization's plans and designs.
  - (d) Approval or denial decision. Upon recommendation of Department staff, the Department Deputy Director or designee shall approve or deny the conditional access permit request for changes to limited-access lines or no-access lines and send notice of the decision to the applicant. FHWA review is required for federal-aid roads based on the Stewardship and Oversight Agreement between FHWA and the Department, even if the right-of-way was nonparticipating.
  - (e) Fees and reimbursements. The Department considers access rights a real property interest that the Department may sell upon payment of fair market value. Alternatively, the Department may retain ownership and allow an access by conditional access permit, with a reduced fee that takes into account exchanges of value received by the Department or that are otherwise in the public interest. Any changes to limited-access or no-access lines require reimbursement to the Department of its fair market value or a conditional

access permit. Fair market value shall be determined by an independent licensed appraiser as listed within the Department's certified pool of approved appraisers. The fee for a conditional access permit is its fair market value, less offsets for adequately supported exchanges of value offered by the applicant and accepted by the Department. The Department may apply a credit to a purchase or a conditional access permit fee in the following circumstances:

- (i) when the applicant shows that an exception to charging fair market value or the full conditional access permit fee amount is in the overall public interest based on social, environmental, or economic benefits, or is for a nonproprietary governmental use;
  - (ii) use by public utilities in accordance with 23 CFR part 645;
  - (iii) use by railroads in accordance with 23 CFR part 646;
  - (iv) use for bikeways and pedestrian walkways in accordance with 23 CFR part 652;
  - (v) uses under 23 USC Section 142(f), Public Transportation; or
  - (vi) use for other transportation projects eligible for assistance under title 23 of the United States Code, provided that a concession agreement, as defined in 23 USC Section 710.703, shall not constitute a transportation project exempt from fair market value requirements. For example, the Department may allow credit against a conditional access permit fee for proposed mitigation of impacts caused by any change to limited-access or no access lines, including without limitation where the private person is relinquishing access rights, where the person agrees to permit future safety modifications to the access without compensation, where the person has committed to dedicate the access and related improvements to a municipality, and/or where the person has agreed to dedicate additional right-of-way to the Department beyond or in addition to any right-of-way required to accommodate safety features required by the access opening (e.g., acceleration and deceleration lanes). Because access costs are a major consideration for any development-related initiative, grantee or applicant should obtain the appraisal at the beginning of a proposed purchase or conditional access permit application process. Upon approval to modify a limited-access line or no-access line, the grantee or applicant must pay a conditional access permit fee, or the fair market value of the access right acquired from the Department. The property owner shall also pay all costs for construction of gates, approaches and any other incidental construction costs involved. Since the functions and responsibilities of local governments serve public interests, the Department may waive or share in the costs of providing access rights to a local government.
- (f) Recorded deed. The Department, in consultation with the applicant, shall execute and record any deeds associated with an approved conditional access permit on the appropriate property deed indicating the access opening. The applicant shall revise all maps and plans as necessary to facilitate the conditional access permit approval process as required by the Department.
- (g) Review considerations. Department and, if applicable, FHWA staff shall investigate safety and other operational features and impacts of the request review and comment on the following:
- (i) Finding or demonstration of no reasonable alternate access and,
  - (ii) Providing the access connection to a local street system or an identified local street system on which:
    - (A) The opening is identified on the local master street plan,
    - (B) The opening provides continuity to other local streets,
    - (C) The opening provides reasonable alternate access via the local system,
    - (D) If the opening creates or exists as a dead-end, it is for a local and not private connection.
  - (iii) Identifying the access on an agreed local signal control or access corridor control plan on which:
    - (A) The opening provides continuity to other local streets,

(B) The opening provides reasonable alternate access via the local system, and

(C) If the opening creates or exists as a dead-end, it is for a local and not private connection.

- (h) Revision of access openings. If a property owner desires to change the location, use, or size of an access opening, after execution of the deed, a new application must be submitted to the Department giving the location of the desired change and its justification. Changes shall comply with the standards and requirements of this rule.
- (i) The Department shall evaluate the application to determine if the change in location, use, or size will cause any adverse safety or other traffic operational effects and submit a report with recommendations to the Deputy Director.
  - (ii) If the change is approved by the Deputy Director and by FHWA for federal-aid roads, new deeds shall be prepared and executed, and all maps corrected.
  - (iii) The property owner shall pay for all costs involved in closing or modifying an existing access opening.
  - (iv) External requests for modification of access control shall be forwarded with recommendations to the Department by the local authority.

(8) Encroachment permit requirements.

- (a) General. No work on the state highway right-of-way may begin until an approved encroachment permit is issued by the Department and the permittee is authorized in writing to proceed. Written authorization may include, but not be limited to, email.
- (i) Prior to any construction, the applicant must receive approval for an encroachment permit (related to the conditional access permit approval) with appropriate traffic control, construction plans, bonds, and insurance requirements. The applicant must attach a copy of the conditional access permit document to the encroachment permit application.
  - (ii) All construction materials, techniques, and processes shall be in conformance with the terms, conditions, and limitations of the permit and consistent with Department requirements and standard specifications.
- (b) Permit fees. A non-refundable review fee shall be assessed for approved encroachment permits. The Department may not authorize the permittee to begin work on the state highway until the permit fee is paid.
- (c) Notice of construction and work completion time-frames. The permittee shall notify the Department at least (2) two working days prior to any construction within state highway right-of-way. The permittee shall execute access construction in an expeditious and safe manner. Access construction must be completed within (90) ninety days from initiation of construction within the highway right-of-way.
- (d) Phased construction of access. Upon request, the phasing of the installation of access design requirements may be allowed if the average use of the access at any time does not exceed the constructed design and the Department or local authority is provided monetary or legal guarantees that access approval terms, conditions and limitations shall be met prior to any use of the access exceeding the existing design of the access.
- (i) The following items may be used to provide the monetary or legal guarantees referenced above:
    - (A) Posting a bond.
    - (B) Irrevocable letter of credit.
    - (C) Any other techniques as approved and accepted by the Department.

- (ii) All such arrangements shall be included as terms, conditions, and limitations of the permit.
  - (iii) The local authority and Department may record notices in the county records of such agreements to inform future property owners of potential liabilities and responsibilities.
  - (iv) If the project is to be phased over time, the schedule, location and other details of each phase must be provided as part of the application for an encroachment permit.
- (e) Traffic control. The permittee shall provide appropriate construction traffic control devices at all times during access construction in conformance with the MUTCD and UDOT standard drawings for traffic control.
- (i) The applicant shall provide traffic control plans detailing the location, duration, design, use, and traffic controls of the access.
  - (ii) Construction may not commence until the traffic control plan has been approved by the Department.
  - (iii) Traffic control plans must be sealed (stamped) by a Professional Engineer licensed in the State of Utah or, when determined appropriate by the Department, a certified Traffic Control Supervisor.
  - (iv) Traffic control plans must conform to the current MUTCD and Department requirements and standards, including Department Traffic Control Standards and Specifications.
  - (v) Traffic control plans must address the following:
    - (A) Construction phasing.
    - (B) Lane/shoulder closures.
    - (C) Tapers and device spacing.
    - (D) Sign boards, arrow boards, and variable message signs.
    - (E) Temporary modifications to traffic signals.
    - (F) Time restrictions and work schedule.
    - (G) Lane shifts.
    - (H) Flagging operations.
  - (vi) Traffic control plans may be revised as necessary with Department concurrence.
  - (vii) The Department may establish a fee schedule to charge an hourly fee or daily fees for the closure of any travel lanes necessary for the construction of a private access. The purpose of the fee is to encourage the quick completion of all work that reduces highway capacity and safety or interferes with the through movement of traffic.
- (f) Professional evaluation. For any permit involving changes to state highways or structures, the Department may require the permittee to hire a Professional Engineer licensed in the State of Utah to inspect the access and state highway and structures carefully and to affirm to the best of their knowledge and belief that the construction is in compliance with the permit, Department specifications, materials construction monitoring and testing, and to report any item that may not be in compliance or cannot be determined to be in compliance and the nature and scope of the item relative to compliance. The Department may require testing of materials at the permittee's expense. When so required by the Department or as specified on the permit, test results must be provided to the Department.

- (g) Construction operations. Installation of highway and access elements must be in compliance with all Department requirements for conditional access permit and encroachment permits, the UDOT standard drawings and the state or local health ordinance specifications for culverts, catch basins, drainage channels, and other drainage structures.
- (i) Applicant must ensure adequate sight distance for traffic operation and comply with the requirements of the Department approved traffic control plans during all construction operations.
  - (ii) Applicant must provide proper drainage, suitable slopes for maintenance operations, and good appearance during construction operations.
  - (iii) Trees, shrubs, ground cover, or other landscape features may need to be removed, replaced, or suitably adjusted.
  - (iv) Applicant must free the construction buffer area, as defined by Department traffic control standards from any encroachment that will hinder traffic. Applicant must grate or landscape the buffer area between driveways to prevent use by vehicles while protecting clear sight across the area.
- (9) Withdrawn applications.
- (a) No payment. A permit shall be deemed withdrawn if the Department has not received the signed copy of the permit or the non-refundable application review fee payment, if any, from the applicant within (30) thirty calendar days of the date of approval transmittal.
  - (b) Non-responsive applicant. The application may be deemed withdrawn if the applicant fails to provide requested documents, plan alterations, or similar application components as required by the Department within 30 calendar days of such a request. The clock for a non-responsive applicant starts anytime the Department provides the applicant a written request for additional information, plan alterations, or other application components deemed necessary to effect further review of the application. Written requests for additional information may include, but are not limited to, email. Prior to deeming a nonresponsive application withdrawn, the Department shall make a minimum of (2) two direct contact attempts in approximately (2) two-week intervals to advise an applicant that their application is in jeopardy of being terminated and classified as withdrawn. Contact attempts may be made in person, via email, written letter, or phone call.
  - (c) Resubmission. Once an application is deemed withdrawn, the applicant must:
    - (i) Submit a new application.
    - (ii) Include a complete re-submittal of the current plans and studies.
    - (iii) Pay a new non-refundable application review fee.



## R930-6-9.

## Conditional Access Permit Variances.

- (1) General.
  - (a) This section describes procedures and requirements for applicants to request a variance from the standards and requirements of this rule relating specifically to conditional access permits.
  - (b) Variations from provisions of this rule may be allowed if they do not violate state and federal statutes, laws, or regulations and the Department has determined the proposed applicant mitigation measures documented in a variance request are sufficient for the safety and operation of the of the state highway.
- (2) Variance format.
  - (a) A variance may be considered for any design standard of this rule that is not applicable or feasible given the proposed physical and operational characteristics of the site. Applicants seeking a variance from the standards and requirements of this rule must submit a thoroughly detailed variance request using the Department's Variance Request Form. The Department may allow a request for a variance as a supplement to a previously submitted application if the Department determines that it is in the public interest to do so.
    - (i) General requirements. The applicant is responsible to demonstrate that the variance request meets minimum acceptable engineering, operation, and safety standards. It must also demonstrate it is not detrimental to the public health, welfare, and safety and that it is reasonably necessary for the convenience and welfare of the public.
      - (A) The request for a variance must specify, in writing, why the variance is appropriate and necessary. The request must include documentation of conditions with and without the variance including all practical mitigation alternatives. This documentation must demonstrate that better alternatives in terms of highway operations are impracticable or do not exist.

- (B) The applicant must show that the variance request results from the application of the standards or requirements of this rule and is not self-created or self-imposed. For example, the applicant acting with or without knowledge of the applicable standard, requirement, or purchasing the property with no access or existing access.
- (ii) Existing non-conforming access. Non-conforming modifications to an existing highway access that is either in use or can demonstrate historical use and does not comply with the provisions of this rule, may be allowed when the applicant demonstrates to the Department that the proposed access point(s) modifications will improve the operation and safety of the highway. Consolidation of existing access points is considered a public benefit to highway operations and is encouraged. Where there are multiple existing accesses serving a site, the Department shall consider an overall permanent reduction of access point(s) as one justification element when contemplating the merits of a variance approval.
  - (iii) Limited-access and no-access facilities. Variance requests to modify a limited-access line or no-access line shall include detailed reports of appraisals, costs and justification for the variance. A request to modify a limited-access line or no-access line shall be treated as a request for variance. The Department may consider variances from the provisions of this rule for limited-access facilities when a careful appraisal reveals extensive damage, or if needed frontage roads would involve excessive right-of-way costs or construction costs.
- (b) Department review considerations. The Department shall not approve variances that, in the Department's determination, pose hazards to public mobility, health, safety, and welfare. The Department shall not authorize variances for procedural requirements. The Department shall review the variance request for consistency with the purposes of this rule. The Department shall consider the following specific factors in determining that the approval of a variance will not negatively impact the current and proposed operation of the highway:
- (i) The applicant has considered all other feasible alternatives to provide reasonable alternate access to the property or development and can demonstrate that better alternatives in terms of highway operations are impracticable or do not exist.
  - (ii) The applicant has considered access through, or entered into, a shared use driveway or access point agreement with an adjacent land use. If no such agreement is included with the variance request as a mitigation measure, the applicant must demonstrate such a shared use access is not feasible.
  - (iii) The applicant is providing on-site or off-site traffic improvements that might offset the negative impacts of approving an access that does not meet the provisions of this rule.
  - (iv) The applicant has considered and demonstrated trip reduction strategies that allow the access to properly function without creating a negative impact to the highway.
  - (v) The applicant has provided traffic engineering or other studies (if requested) to determine that the access will not degrade the efficient flow of traffic on the highway in terms of safety, capacity, travel speed, and other functional features of the highway.
- (c) Department review period. The review periods defined within this rule for conditional access permit applications shall apply to a request for variance.
- (d) Department documentation. The Department shall include in its files documentation of reasons for approving or denying a variance request.
- (e) Limitations and conditions of variance approval. An approved conditional access permit or encroachment permit may stipulate conditions and terms for the expiration of the permit when the necessity for the variance no longer exists. It may also require the permittee to improve, modify, eliminate, or correct the condition responsible for the variance when it is evident that the justification for the variance is no longer valid. Such stipulations and requirements shall be stated in the approved permit.



## R930-6-10. Conditions of Right-of-Way Use.

- (1) General.
  - (a) This section describes conditions that apply to all connections, encroachments, and uses of the state highway right-of-way. The conditions and requirements of this section are in addition to other conditions, limitations, and requirements of this rule and the conditional access permit and encroachment permit.
- (2) Right-of-way encroachment requirements.
  - (a) Prohibited right-of-way uses. The state highway right-of-way shall not to be used by anyone other than the Department for servicing vehicles or equipment, displays, sales, exhibits, business overhang signs, parking areas, banners, or any other form of advertising, or conducting of private business.
    - (i) The Department at its sole discretion may waive the provision of (2) (a) for electric vehicle charging stations, approved park and ride lots, and dedicated meter parking stalls only in instances where a formal written agreement has been agreed upon and executed between the Department and the local government within which the waiver is requested.
  - (b) Buildings and structures. The placement of buildings or structures of any type within state highway rights-of-way is not allowed unless authorized by a permit obtained from the Department.
  - (c) Special advertisement may be allowed within the state highway right-of-way if it will not compromise traffic flow or safety and will be in the public interest. An approved encroachment to occupy the right-of-way for such advertising may be issued, for a time not to exceed one week. All such special advertisement shall not conflict with any provisions of Utah's Outdoor Advertising Act.
  - (d) Mailboxes. Installation of new mailboxes must be approved by the appropriate Department Region Director or an authorized representative. All new mailboxes placed within a state highway right-of-way must be constructed in conformance with UDOT standard drawings. Existing mailboxes located within the state highway right-of-way must be maintained or corrected to conform to the Department standards. Owners of mailboxes deemed nonconforming shall

be notified in writing by the Department Region Director or an authorized representative. Within thirty days of receipt of notice, the owner must, at its own expense, reconstruct the mailbox or otherwise correct any deficiencies to conform to current safety standards and regulations of the Department. The Department may contact the postmaster and stop delivery of mail until compliance is achieved. Mailboxes may be deemed nonconforming for the following:

- (i) Mailboxes that constitute a traffic hazard are considered nonconforming.
- (ii) Mailboxes and supports that are in poor repair and detract from the appearance of the highway may be considered nonconforming.
- (iii) Any part of a mailbox that is over 50 inches high is considered nonconforming.
- (iv) Any part of a mailbox that is located within the shoulder is considered nonconforming.
- (v) Mailbox supports that exceed any of the following criteria are considered nonconforming:
  - (A) Wood support with over 16 square inches cross-sectional area.
  - (B) Metal support with greatest dimension over 3.5 inches.
  - (C) Metal pipe support of over 2 inches in diameter.
  - (D) Other metal supports deemed to be a hazard by the appropriate Department Region Director or an authorized representative.
- (e) Special limitations. All encroachments on state highway, including permits issued for special encroachment, are subject to the following conditions and limitations:
  - (i) Red or reddish colored lights. Red or reddish colored decorations or advertising lights are prohibited within the right-of-way.
  - (ii) Clearance over highway surface. Any decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item placed within the right-of-way must have a minimum vertical clearance of 20 feet.
  - (iii) Utility poles. No decorations, displays, flags, banners, colored lights, handbills, structures or other advertising or decoration items may be attached to a utility facility without written permission of the appropriate entity or owner.
  - (iv) Highway control obstructions. No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item may block the normal view of any official highway sign or other traffic control device and signals.
  - (v) Shapes similar to highway control devices. No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item may be of such shape, size, color or design similar to any Department traffic control sign, signal, marking or device.
  - (vi) Attachments to traffic signals. No attachments of any type may be allowed on traffic signals.
  - (vii) Sight obstructions. No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item may obstruct the normal view of traffic nor may obstruct, impede or endanger the normal flow of traffic. In accordance with Utah Code Section 41-6a-216 "Removal of plants or other obstructions impairing view, Notice to owner - Penalty," owners of real property next to state highway rights-of-way shall be ordered to remove any trees, plants, shrubs, or any other obstructions that obstruct the view of motorists and thereby constitute a hazard.

- (3) Department changes to existing access.
- (a) The Department may, when necessary for the improved safety and operation of the roadway, rebuild, modify, remove, or relocate any access or redesign the highway including any auxiliary lane and allowable turning movement.
    - (i) The Department shall notify the permittee or current property owner of the change.
    - (ii) Changes in roadway median design that may affect turning movements normally does not require a hearing because a conditional access permit approval confers no private rights to the permittee regarding the control of highway design or traffic operation even when that design affects access turning movements.
    - (iii) In order to eliminate public road access, a study shall be made in conjunction with local authorities for a feasibility of dead ending or rerouting of intersecting roads.
- (4) Permittee requirements and limitations.
- (a) Conditional access permit limitations. An approved conditional access permit conveys no rights, title, or interest in state highway rights-of-way to the permittee or property served. A conditional access permit for direct access to a state highway does not entitle the permittee to control or have any rights or interests in any portion of the design, specifications or operation of the highway or roadway, including those portions of the highway built pursuant to the terms, conditions and limitations of the conditional access permit.
  - (b) Completion requirements. Prior to using the access, the permittee is required to complete the construction according to the terms, conditions and limitations of the conditional access permit and required encroachment permit. Department approval is required if the permittee wishes to use the access prior to completion.
  - (c) Access transferability and maintenance. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access is responsible for meeting the terms, conditions and limitations of the permit, including, but not limited to the following maintenance requirements:
    - (i) Ensuring that the use of the access to the property is not in violation of this rule and terms, conditions and limitations of the permit.
    - (ii) Repairing and maintaining the access beyond the edge of the roadway, including any cattle guard and gate.
    - (iii) Removing or clearing snow or ice upon the access, including snow or ice deposited on the access in the course of Department snow removal operations.
    - (iv) Repairing and replacing any access-related features within the right-of-way, including culverts. Any significant repairs, such as culvert replacement, resurfacing, or changes in design or specifications requires authorization from the Department.
  - (d) Notification of changes. The permittee shall contact the Department if changes are made or will be made in the use of the property which would affect access operation, traffic volume, or vehicle type to determine if a new conditional access permit is required.
  - (e) Indemnification requirements. Permittees must, at all times, indemnify and hold harmless the Department, its employees and the State of Utah from responsibility for any damage or liability arising from their construction, maintenance, repair, operation, or use of an access or other facility.
  - (f) Insurance, bonding and letter of credit requirements. The permittee is responsible for the maintenance of the construction performed within the state highway right-of-way for a period of three years from the date of beginning work or two years from the end of work, whichever provides the longer period of coverage.
    - (i) Insurance. Permittee is required to maintain minimum liability insurance as specified in Utah Administrative Code R930-7-6.

- (ii) Bonding. As authorized by Utah Code Subsection 72-7-102(3)(b)(i) this rule requires encroachment permit applicants to post a performance and warranty or maintenance bond, using the Department's approved bond form as specified in Utah Administrative Code R930-7-6.
- (iii) Proceeds Against Bond. The Department may proceed against the bond to recover all expenses incurred if payment is not received from the permittee within (45) forty-five calendar days of receiving an invoice. Upon discovery of permittee caused damage to the highway or to the right-of-way, the Department may opt to exercise its bonding rights in recovering costs incurred to restore the highway or right-of-way due to permittee caused damages. Failure by the permittee to maintain a valid bond in the amounts required shall be cause for denying issuance of future permits and for the closure of the access to from the state highway right-of-way.
- (iv) Letter of credit. For small projects, the Department may accept an irrevocable letter of credit as reasonable security in lieu of bonding. A letter of credit shall be issued by a federally insured bank authorized to do business in Utah and shall be placed in the possession of and payable upon demand only to the Department. A letter of credit shall be irrevocable during its terms and shall be automatically renewable, or the applicant shall insure continuous coverage by replacing letters of credit, if necessary, at least (30) thirty days before the expiration date with other acceptable bond types or letters of credit.

(5) Existing interests.

- (a) Historical interest. The Department recognizes that pre-existing property interests within the state highway rights-of-way may exist. Proof of a pre-existing property interest within a public right-of-way must be provided to the Department in the form of a duly executed deed, grant or other document establishing the same are required to establish prior right or title of the entity or person. In the absence of such proof, it shall be assumed that the entity or person occupies the right-of-way under permit (i.e., by permission), and enjoys no vested interest in the state highway right-of-way. In those instances when the Department requires an entity or person with a pre-existing property interest to move completely or partially off the right-of-way, the Department shall make appropriate remuneration for the relinquishment of that interest.
  - (i) The adoption of this rule by the Department does not constitute an acceptance or recognition of pre-existing property interests.
  - (ii) The Department assumes no liability associated with these interests and uses; either for the safety to users or the traveling public, damage to property, or for the continued use thereof.
- (b) Parcel division. No additional access rights may accrue upon the splitting or dividing of existing parcels of land or contiguous parcels under or previously under the same ownership or controlling interest.
- (c) Permittee improvement of existing access. The property owner or authorized representative served by a lawful access may make physical improvements to the access per the requirements of this rule and only with the written permission of the Department. Denial of the application for improvements does not constitute revocation of the existing access authorization. Denial of an application to enlarge, relocate, or modify an existing lawful access, in no way impairs the permit for or right to the existing access for its legal historical use.



## R930-6-11.

### Progressive Corrective Action Process for Permit-Related Violations, Notification Protocols, Mitigation Plan Requirements, Related Fees, Informal Administrative Appeal Hearings, and Matters Related Thereto.

- (1) This section prescribes the progressive process within which the Department may set about remedying identified safety hazards, or other permit-related violations, arising out of permits issued under the Statewide Utility and Encroachment Permitting Program. It also details the informal administrative appeals process relating to this rule and other matters germane to this section including Conditional Access Permit and Variance appeals. The corrective action process shall be applied as necessary as determined by the Department. All persons, firms, and corporations legally authorized to work within the State right-of-way must exercise a level of care and compliance that continuously reflects a responsible attitude towards complying with all permit requirements and applicable rules and statutes.
- (a) Verbal Warning: A verbal warning may be given to correct a minor safety, or other permit-related violation if the violation is:
- (i) immediately correctable and;
  - (ii) not a repeat, or recurring violation, previously encountered with the same permittee or entity working in the right-of-way.
- (b) Written Notice of Violation: A written Notice of Violation shall be given anytime an identified violation:
- (i) is a repeat minor safety issue; or
  - (ii) was subject to a previous verbal warning for the same minor violation by the same permittee or entity performing work within the right-of-way
- (c) Stop Work Order:
- (i) An immediate Stop Work Order shall be issued when an identified permit or law violation results in, or contributes towards, an onsite injury or vehicle accident; or if, solely in the Department's determination, allowing the activity to continue without additional project planning and review may result in unacceptable mobility delays, or if there is belief that allowing the activity to continue creates an unacceptable safety risk due to either known, or unknown factors.

- (ii) An immediate Stop Work Order may be issued any time after two (2) or more Notices of Violation have been issued to the same permittee, contractor, or subcontractor for the same or similar violation within any twelve (12) month period; or anytime unauthorized (unpermitted) work is being conducted within the State right-of-way.
  - (iii) Any person who commits an act prohibited by Utah Code section 72-7-102(2) after the Department has issued a Stop Work Order under this subsection R930-6-11(1)(c) is subject to prosecution for a class B misdemeanor pursuant to Utah Code section 72-7-102(7).
  - (iv) The Department may install physical barriers to prevent unauthorized work within the State right-of-way or take any other action that is deemed necessary to stop unauthorized use. Any costs relating to enforcement activities and any cost required to restore the State right-of-way to the before condition shall be paid by the person, firm, or corporation responsible for the unlawful use of the State right-of-way. This includes, but is not limited to, any person, firm, or corporation that hires a contractor or subcontractor to perform the work as well as the individual(s) or entity conducting the work.
- (d) Permit Revocations, Suspensions, and Debarment: The Department may revoke already issued permits, suspend issuance of future permits, and seek debarment for cause when the permittee or other party has:
- (i) demonstrated recurring permit-related violations;
  - (ii) failed to voluntarily and timely correct an identified permit-related violation;
  - (iii) commenced work activity within the State right-of-way without first acquiring a required permit;
  - (iv) failed or refused to comply with a Stop Work Order;
  - (v) failed to render timely payment for any authorized, or incurred, permit-related fees.
  - (vi) Such revocations, suspensions, or debarment may be time-limited for a period up to three years.
- (2) UDOT permit violation notification protocols.
- (a) The Department may notify any interested third-party utility owners relating to contracted permit work, including utility owners when permitted work is authorized under a Statewide Utility License Agreement, anytime a contractor or subcontractor receives a Notice of Violation or is subject to additional corrective action(s) beyond the Notice of Violation stage of the corrective action process.
    - (i) Such notifications may be made in writing (email) or;
    - (ii) through a direct meeting with any combination of interested parties.
  - (b) All corrective action processes exercised by the Department, beyond the Verbal Warning stage, shall consist of a written notice being issued in the field at the time the violation is first identified.
    - (i) A copy of said notification shall also be mailed or emailed to the permittee identified on the corresponding permit record (if available) and;
    - (ii) if an identifiable permittee, contractor, or subcontractor is not available at the worksite location when a permit violation is identified, the Department shall post a copy of said notification in a conspicuous place at the worksite and record photographs of the posting.
- (3) Mitigation plan and reinstatement requirements. Any person, firm, or corporation that has been subject to a Stop Work shall submit a comprehensive written mitigation plan before the Department may consider restoring any privileges to work within the State's right-of-way.
- (a) Timing. Any person, firm, or corporation wishing to submit a written mitigation plan must do so within one calendar week from the date the Stop Work Order was issued.

- (b) Mitigation plan contents. The mitigation plan shall contain:
- (i) a clear summary of all corrective action steps being taken to prevent, eliminate, or minimize the identified violation(s) from recurring;
  - (ii) a statement regarding how each corrective action step will be implemented;
  - (iii) a clear timeline indicating when each corrective action step will be completed; and
  - (iv) any other information that may aid the Department in making an informed decision on behalf of the affected party.
- (c) Department review of mitigation plan. The Department shall review any submitted mitigation plan and render a determination as to whether or not the proposed remedies are sufficient to warrant consideration for the affected party to lawfully re-enter the State right-of-way on a limited, full-scale, or other basis. The Department may accept the plan as written, accept the plan with modifications, or reject the plan altogether.
- (d) Required reinstatement and violation fees. Where the Department has determined a mitigation plan is acceptable, before any new permits are issued and before any work is continued on any previously issued permits, the affected party must render any appropriate reinstatement fee and/or violation fee as listed within the Department's authorized fee schedule.
- (4) Informal Administrative Appeal Options for all permit or variance Denials, Revocations, Suspensions, or Debarments.
- (a) The permittee, contractor, subcontractor, or other identified interested party, affected by a permit or variance Denial, Revocation, Suspension, or Debarment may file a timely informal appeal using the Department's online appeal form.
- (i) Instructions on the informal appeal process will be made available with all permit or variance Denials, Revocations, Suspensions, or Debarments.
  - (ii) Any appeal of Department action must comply with, R907-1, and Utah Code Title 63G Chapter 4, Administrative Procedures Act including receipt of appeal within 30 calendar days of the Department's action.
- (b) Designation of Presiding Officer. Per Utah Code Section 63G-4-103(1)(h)(i), the assigned Statewide Program Administrator is the Department's Presiding Officer for purposes of signing any Notices of Agency Action that leads to any Revocations, Suspensions, or Debarments under this section.
- (c) UDOT Hearing Officer assignment determination.
- (i) Single Region Appeal: For corrective actions, or denials, affecting permits in a single UDOT Region, the appropriate Region Director shall act as the Department's Hearing Officer.
  - (ii) Multi-Region Appeal: For corrective actions, or denials, affecting permits in multiple UDOT Regions, the Executive Director's designee shall act as the Department's Hearing Officer.
- (d) Legal representation for UDOT Hearing Officers.
- (e) All Department hearing officers shall be assisted by a designated State of Utah Assistant Attorney General during the hearing and drafting of the final order.



R930. Transportation, Preconstruction.

**R930-6. Access Management.**

Date of Enactment or Last Substantive Amendment May 22, 2019