

# 510 Access Control

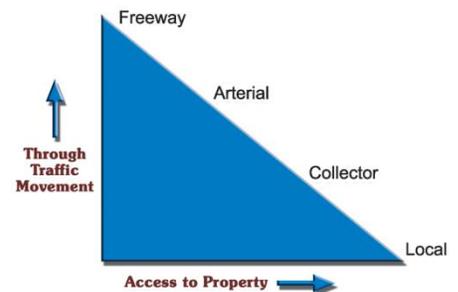
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## 510.1 General

Significant resources have been invested to develop the highway system in New Mexico. Growing traffic use, traffic safety concerns, and the ever-increasing cost of upgrading and expanding the highway system require that appropriate measures are taken to maintain and to continue to develop New Mexico's highway system.

The control of access to and from New Mexico's highways is one of the traffic management strategies available to the New Mexico Department of Transportation (NMDOT) to get the most out of their transportation system investment. Access management balances the need to provide safe and efficient traffic movement on state highways with the need to provide reasonable access to adjoining properties. This balance of traffic movement and land access is achievable because the state transportation system consists of highways with varying functions. No single class of highway can provide both high levels of traffic movement and high levels of property access.

With New Mexico Administrative Code (NMAC) rulemaking, the NMDOT manages access to its highway system with rule 18.31.6 NMAC State Highway Access Management Requirements, October 2001 and the rule's associated guidebook the [State Access Management Manual](#) (SAMM). These documents present the administrative procedures, documentation requirements, and engineering methods used by the NMDOT to actively manage access to and from the state highway system.



Access management is not limited to driveways but also extends to intersections, medians, median openings, traffic signal locations, and interchanges. Effective access management results in several benefits:

- Conflicts are reduced along highway facilities, reducing crash potential and resulting in a safer highway environment.
- Traffic flow is smoother which maintains desired travel speeds and results in shorter and safer travel for the public.
- The statewide movement of goods and services, vital for economic prosperity, is maintained.
- The useful life of existing roadway facilities is extended.
- Uniform standards are established, which ensures fair and equal application of access requirements for property owners.
- Consistent application of access control practices leads to improved driver expectations.

## 510.2 References

Access management must be integrated with many other highway design requirements such as horizontal and vertical alignments, drainage needs, and requirements such as the Americans with Disabilities Act (ADA) and [Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way](#) (PROWAG).

NMDOT's [SAMM](#) provides a comprehensive reference listing for access control. The references below are specific to current NMDOT access management practices and are incorporated herein by reference:

- [18.31.6 NMAC](#), State Highway Access Management Requirements and State Access Management Manual (SAMM), October 2001.
- NMDOT Interstate Access Change Request, discussed in Chapter 210 of the Design Manual.

Additionally, the Transportation Research Board (TRB) of the National Academy of Sciences publishes the [Access Management Manual](#), which compiles best practices in access management from across the country. While this document is not specific to New

Mexico, it is a valuable resource for reviewing access control issues and/or verifying an approach to managing access issues.

### 510.3 Definitions

The following definitions are taken from the NMDOT [SAMM](#), which includes a more comprehensive list of definitions pertaining to access management.

- **Access control** - The regulated limitation of access to and from a highway facility including full control of access, partial control of access, and driveway regulations.
- **Applicant** - The owner of property or the representative of an owner applying for an access permit.
- **Control of access** - The condition in which the right of owners or occupants of land abutting or adjacent to a roadway is controlled by public authority.
- **Controlled-access highway** - Includes highways, streets, or roadways to which owners or occupants of abutting lands, and other persons, have no legal right of access except as determined by the public authority having jurisdiction over the highway, street, or roadway.
- **Driveway** - For the purposes of NMDOT access management requirements, a driveway is a public or private access along a state highway serving a limited area where traffic signal control is not required. It excludes public streets, roads, highways, and other signalized intersections. A driveway is defined in this way to ensure that adequate traffic signal spacing is maintained and is planned for when access is requested. If an access requires or is expected to require future traffic signal control, then it should not be considered a driveway for location and spacing determinations.
- **Functional classification** - The grouping of highways by the character of service they provide. . The function of a particular roadway class is defined in terms of service to through traffic movements (mobility) versus access to abutting properties (land accessibility). Section 510.6.2 provides additional information regarding functional classification.

- **Interstate highway** - Represents the highest functional classification of a roadway in a highway network. Interstates are multilane divided highways having a minimum of two lanes in each travel direction, with access provided by grade-separated interchanges. Access control is under the jurisdiction of the Federal Highway Administration (FHWA) and the NMDOT.
- **Local governments and authorities** - Every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of the State of New Mexico.
- **Non-access controlled highway** - State highways where roadside access is permitted and access control has not been established by legally obtaining right-of-way from the abutting property owners or by the use of frontage roads or other means to provide access to abutting properties.
- **Permittee** - The individual(s) responsible for fulfilling the terms and conditions of the access permit as imposed by the Department.
- **Property owner** - The person or persons holding the recorded title to property abutting a state highway, and other persons holding a recorded interest in such property, which includes a right to reasonable access from the state highway system.
- **State highway** - Any public highway that has been designated as a state highway by either the New Mexico State Legislature or the State Transportation Commission.

#### **510.4 Requests for Access to a Controlled-Access Highway**

The purpose of this section is to provide guidelines when a request for modification or new access to a controlled access highway, other than an interstate highway, is submitted by local or federal agencies. Access requests involving interstate highways shall be considered per guidance provided in Chapter 210 of the Design Manual.

#### **510.4.1 Requests for Access Changes**

A request for modification to or new access to a controlled access highway may be submitted to the NMDOT by either:

- Local governmental agencies or private interests working through local governmental agencies, whose jurisdiction includes the controlled highway where access is requested.
- Other state and federal agencies.

Requests for change of access control shall identify the specific location for the proposed access modification, outline the purpose or need for the change, and certify available funding for the required feasibility study, as explained in Section 510.4.3.

#### **510.4.2 Minor Modifications**

Requests for minor modifications to a controlled access highway shall be submitted to NMDOT's Access Control Review Committee and shall require the following:

- A study in compliance with the [SAMM](#)
- Concurrence by the Access Control Review Committee
- Review and approval by the NMDOT Cabinet Secretary, or designee

#### **510.4.3 New Access or Major Modifications**

Requests for new access or major modifications to access shall require an independent feasibility study by a private consultant. Requesting agencies shall enter into a joint powers agreement with the NMDOT and provide funding for the project-level feasibility study. An Access Control Study Team shall be established to review each feasibility study. The study team shall consist of the following members:

- Four people from within the NMDOT including one each from the Preliminary Design Bureau, the appropriate District, and the Traffic Technical Support Section, and one member to be appointed by the NMDOT Cabinet Secretary or the Cabinet Secretary's designee from any of the other NMDOT Sections.
- One from the FHWA.

- At the discretion of the NMDOT Cabinet Secretary, at least one and no more than three from the requesting agency.
- Advisory members from other highway disciplines as requested.

The NMDOT shall issue the request for proposal (RFP) to select an independent consultant for the project-level feasibility study, which will include the following elements:

- Purpose.
- The impact of the request to the access-controlled facility from a system-wide and local perspective on a short and long-term basis.
- Relationship to other highway improvement plans and programs.
- Distances to and size of communities/regions or activities directly served.
- Description of existing and proposed access:
  - Configuration of the existing and proposed interchange.
  - Distances to adjacent interchanges.
  - Alternatives that have been considered.
  - Freeway main line and crossroad traffic volumes (peak hour and average daily traffic), including turning movements and ramp volumes, for current implementation and design years.
  - Number of main line and crossroad lanes, including auxiliary lanes or collector-distributor roads.
- Traffic and operational analysis of existing and proposed conditions, including crossroads, ramps, and other roads and streets that effectively collect and distribute traffic from the new access. All capacity analyses shall be in accordance with the latest revision of TRB's Highway Capacity Manual.
- Any additional information that might help explain and support the request.
- Safety analysis.
- Preliminary layout.
- Impact on sensitive land uses.

- A recommendation of funding source based upon traffic generation and other relevant factors.
- Any information necessary to assess preliminary social, economic, environmental, and engineering impacts and costs associated with the request.

The NMDOT Consultant Selection Committee shall select an independent consultant to conduct the project-level feasibility study. The rotating voting member of the Consultant Selection Committee shall be an employee of the requesting agency.

The selected consultant shall report to the NMDOT, work within the standards of the NMDOT, and submit findings to the Access Control Study Team. The Access Control Study Team shall:

- Determine funding responsibilities for design, construction, and maintenance. This determination shall be documented by a memorandum of understanding (MOU) between the NMDOT and the requesting agency.
- Submit urban access request recommendations to the appropriate Metropolitan Planning Organization/Regional Planning Organization and the appropriate municipality for review and comments.
- Review feasibility study findings for rural access requests.
- Make recommendations and forward to the Access Control Review Committee.

The Access Control Review Committee shall review the final report and forward the final NMDOT recommendations to the Cabinet Secretary. The Committee shall consist of representation from:

- Right-of-Way Bureau (voting)
- Traffic Technical Support Section (voting)
- Preliminary Design Bureau (voting)
- Engineering Operations Division (voting)
- District (voting)
- District Traffic Engineer (voting)
- Traffic Services Section (advisory capacity)

- Design Bureau (advisory capacity)
- Statewide Planning Bureau (advisory capacity)
- Drainage Section (advisory capacity)
- Surveying and Lands Engineering Section (advisory capacity)
- FHWA (advisory capacity)
- Office of General Counsel (advisory capacity)
- Other agencies as designated by the Cabinet Secretary (advisory capacity)

One alternate shall be designated for each of the voting members of the Access Control Review Committee from within the voting member's section of discipline and either the voting member or the voting member's alternate shall appear at each meeting of the Access Control Review Committee. The Cabinet Secretary shall submit the proposals and recommendations to the State Transportation Commission for approval.

Requesting agencies shall enter into a joint-powers agreement with the NMDOT to initiate project development and include but not be limited to environmental documentation, design, construction, and maintenance responsibility. This agreement should be executed prior to the inclusion of the project in the appropriate Statewide Transportation Improvement Program.

Requests approved by the Commission shall be submitted to the FHWA for final approval (if required) and subsequent inclusion in the appropriate Transportation Improvement Program.

## **510.5 Clarifications of SAMM Content**

The following provides clarification on how design guidance in the [SAMM](#) is intended to be interpreted and/or implemented.

### **510.5.1 Deceleration and Acceleration Lane Lengths**

Section 18 of the [SAMM](#) includes Table 18.K-1 to define standard lengths of speed change lanes. The lengths contained in the table were calculated based on the American Association of State Highway Transportation Officials' (AASHTO's) 1990 A Policy on Geometric Design of Highways and Streets (Green Book). For

deceleration lanes and acceleration lanes, the designer should use the posted speed directly in Table 18.K-1 to determine the speed change lane lengths for the condition. Further discussion follows.

The deceleration lengths in the [SAMM](#) are based on the upper-end values of stopping sight distance (SSD) assuming no reduction in speed from the posted/design speed. For example, for a posted/design speed of 60 miles per hour (mph), the assumed speed for the condition is also 60 mph, which assumes there is no reduction in vehicle travel speed in the travel lane before entering the deceleration lane. As such, if sufficient length is not available to provide the deceleration length specified in Table 18.K-1, there is flexibility to reduce the deceleration lane length for posted/design speeds between 35 and 70 mph (SSD upper and lower values are the same for speeds below 35 mph) to the lower-end SSD values. Further reduction of deceleration lane length should be assessed on a case-by-case basis.

Acceleration lane lengths were calculated assuming the speed reached is between 75 percent and 80 percent of the posted highway speed. When using Table 18.K-1, the user should use the posted speed, or the desired speed for the condition, without reduction because the lengths already assume the accelerating vehicle will not reach the desired speed but will be able to reach 75 to 80 percent of the desired speed.

## **510.6 Considerations in Implementing Access Management**

The [SAMM](#) was developed in part to provide guidance for consistent application of access control strategies throughout the state. However, conditions are highly variable and while NMDOT personnel follow the SAMM and other NMDOT access control policies, consistent application can be difficult.

Fundamentally, access decisions along state highways should give high priority to the functional classification and location of the highway, and the travel speeds along the route. The separation of conflicts and overall safety for all road users are important considerations.

The following sections provide supplemental guidance to the [SAMM](#), but are not intended to address all situations that may be encountered by NMDOT personnel in the enforcement of access control policies along state highways.

### **510.6.1 Legal Access**

According to 18.31.6 NMAC, the NMDOT has the authority to enforce access control requirements. This authority should be used practically and reasonably for a given set of circumstances to maintain public health, welfare, and safety.

Access-related violations typically include:

- Construction of an access without NMDOT permission.
- Violation of the terms and conditions of an issued legal permit.
- Violation of the historical use of a grandfathered access location as demonstrated by changed land use conditions which result in increased traffic and/or safety concerns.

The [SAMM](#) defines the procedures for addressing access permit violations. The NMDOT has discretion in how 18.31.6 NMAC is applied and enforced.

### **510.6.2 Functional Classification**

There are seven functional classifications for public roadways: Interstate, Other Freeway & Expressway, (Other) Principal Arterial, Minor Arterial, Major Collector, Minor Collector, and Local (Road). Classification criteria are provided by FHWA, which approves updates to classifications. The entire statewide network is re-evaluated following every decennial census, but updates and revisions can be made more frequently. Local agencies and communities can work with the NMDOT's Statewide Planning Bureau to review and submit proposed classification changes to the New Mexico Division of the Federal Highway Administration (FHWA-NM) for review and approval once a year.

### 510.6.3 Location and Area Type

When applying access management to non-interstate highways, location is often the key aspect informing the access decision. Per the [SAMM](#), location is identified as urban or rural, and in a large or small area. More specifically, location should be described in terms of the abutting land use status including developed areas, non-developed/developing areas, or within a business district. Each of these area types is described below based on how access is typically provided to abutting property:

- **Developed area** - Access points serving abutting property exist and offer little flexibility for managing new or modified access requests. Accommodating reasonable access to each property per desirable access spacing guidelines often requires compromise in developed and redeveloping areas.
- **Non-developed or a developing area** - Flexibility exists in how access to abutting property is managed because access conditions have not been established or few access points exist.
- **Business district** - A business district is essentially a high-density, downtown area where block lengths are approximately 300 feet and typically there is on-street parking and few access points. Posted and travel speeds are low.

Of these area types, developed areas present the greatest challenge to NMDOT staff. The [SAMM](#) was written to allow flexibility in making access decisions in developed areas because of the compromises that are often required. A list of considerations includes the following:

- Consider the functional hierarchy of the highway network, giving priority for access according to the hierarchy. For example, a public street intersecting an arterial would have a higher priority than a nearby private access drive along the arterial.
- Determine if all existing access points are legal or have valid permits. Unpermitted access points should not be recognized and should be reconciled per the [SAMM](#) before further access decisions are made. Illegal access points have lower priority than a new access point that will be permitted.

- Can reasonable access be provided on a cross street? Direct access from a state highway is not an entitlement if there are reasonable alternatives.
- If there are no viable alternatives, determine the safest location for one access point to the subject property and design it accordingly. If located on a divided highway, limit the access to right-in/right-out only to satisfy the provision of reasonable access.
- Require the applicant to investigate shared access with adjacent properties. Section 510.6.4 discusses shared access considerations.
- Safety of all modes should be considered in all access decisions. More access points, whether driveways or public/private roads, increases the number of intersections and conflict points for motor vehicles, bicycles, and pedestrians using the sidewalk. Additionally, although the use of medians may limit access, medians may provide a pedestrian refuge. NMDOT looks to balance both safety and access needs.

#### **510.6.4 Shared Access**

Shared access, including joint and cross access, provides a unified property access and circulation system that is shared by two or more adjacent lots or developments. It may involve a joint-use driveway, internal cross-access easements between abutting properties, or a combination of both.

##### **510.6.4.1 Applications**

The feasibility of shared access should consider existing and proposed buildings, parking and driveway locations, adjacent buildings, natural constraints, and compatibility of land uses.

Circumstances where shared access should be considered include:

- Nonresidential development fronting major roadways.
- Residential subdivisions or major apartment complexes. In rural areas, it may be practical to serve several homesteads by one access point.

- Smaller corner properties or areas subdivided into small lot frontages where the lot frontage is too narrow to meet access spacing standards.
- Locations along congested roadways which may need mitigation of existing and future traffic impacts. In addition to shared access, this may involve use of service roads (frontage roads or back service roads).
- Developed areas where shared access may be accomplished through voluntary agreements with property owners. Flexibility in design standards or incentives could be offered, such as landscaping or assistance in driveway closure or reconstruction, in exchange for participation.
- Locations where substantial growth is expected. Site plans should be evaluated to ensure that site layout, including building location, on-site parking and circulation, can accommodate future cross-access easements.
- Properties that cannot meet access spacing standards may be required to provide for shared access or demonstrate why it is not feasible.

#### **510.6.4.2 Implementation**

Shared access may be required along one property with extended frontage along a highway but most often will involve multiple property owners. Where multiple properties are involved, the burden for investigating shared access should be on the new permittee or applicant. As part of the access permit requirements, the NMDOT should require the property owners to coordinate to determine if a new access plan makes sense given site circulation and existing uses.

Where property owners cannot agree, shared access driveways can be enforced by condemnation or by attaching conditions to the driveway permit during access permitting. The preference is that shared access occurs on a voluntary basis.

#### **510.6.4.3 Recording Shared Access**

All affected property owners should be required to sign a joint-maintenance agreement that establishes shared maintenance responsibilities for the unified access system. A shared access

decision is typically recorded with the deed to the property(s); consequently, the decision is attached to the land and any new owner is also subject to the requirement.

### **510.6.5 Variances and Exceptions**

The need for variances and/or exceptions to the guidelines provided in the [SAMM](#) should be determined on a case-by-case basis considering the complexity of the access issue. The [SAMM](#) has provisions for a permittee or applicant to apply for a variance to NMDOT access requirements per [18.31.6.14 NMAC](#), Permitting Process. Variance procedures are discussed in Chapter 210 of the Design Manual.

Considerations that should be reviewed when a variance request is made include:

- Variances should not be considered until every feasible option for meeting desirable access code standards is explored.
- The applicant should demonstrate a public necessity to grant a variance, not only a market perception.
- Variances set precedent. As such, equal treatment requires that a variance granted to one must also be granted to another where conditions are the same.
- A variance may be granted where: (a) not to do so would deny reasonable access; (b) the access variance would not endanger public health, welfare, or safety; and, (c) failure to grant a variance would cause an exceptional and undue hardship on the applicant.
- Variances or exceptions only apply to design standards, not to procedures.