

3.70 IMPACTS TO ADJOINING PROPERTY

3.71 ACCESS LOCATIONS ON CONSTRUCTION PROJECTS

The Department has rules and a policy regarding access control on primary highways. The rules regarding access control are contained in the *Iowa Administrative Code 761-Chapter 112*. These Administrative Rules have been reprinted in the *Iowa Primary Road Access Management Policy*. The DOT's policy regarding administration of these Rules is contained in DOT Policy 730.02. In order to maintain uniformity throughout the state, the policy and rules must be adhered to.

In brief, the access control policy, and its effect on construction projects, is the following:

Highways Where Access Rights Are Acquired:

A location of access on highways where access rights have been acquired is termed, a "Predetermined Access" (PDA).

The location of pre-determined accesses will be identified on the plans (typically, each plan & profile sheet will identify the PDA's on the sheet in the upper right hand corner), as well as recorded in the property deed. Because the location is included in the property deed, failure to construct the PDA at the designated location can result in future legal disputes and other difficulties. Therefore, it is imperative that PDA's be constructed at the designated locations, with no adjustment made except with prior approval.

The station of the PDA location, as stated in the deed and noted on the plan, is the centerline of the entrance. PDA locations are defined as a point of stationing at the centerline of the highway with access locations generally authorized both left and right of this point. Construction of these accesses shall remain directly opposite and shall not be offset. The centerline of the PDA may be adjusted slightly. The adjustment shall not exceed $\frac{1}{2}$ of the width of the entrance in order that the designated PDA location is located within the width of the entrance. For example, locating the entrance so that the PDA location "falls" on the foreslope of the entrance is not acceptable.

Adjustment of a PDA location greater than $\frac{1}{2}$ of the width of the entrance that is necessary to be made during construction should be accomplished in accordance with the following procedure:

1. As stated above, the PDA is a location generally authorized to both sides of the highway. If a need occurs to revise the location, the accesses reserved to both sides of the highway must be adjusted to a common point. This requires written approval of all affected property owners. Change in a PDA location may affect adjacent PDA's due to spacing requirements.
2. RCE shall notify the District Engineer or their designee.
3. The District Engineer or their designee should consult with the Access Policy Administrator in the Office of Traffic and Safety (telephone 233-7903) to discuss the change and seek guidance in order to maintain uniformity in applying the rules.
4. The RCE, working with the District Engineer or their designee, shall complete an Agreement for Revision of Access (Form 810123) and obtain notarized signatures of all property owners affected by the change. The District Engineer or their designee shall take final action on the permit application by either approving or denying the request. If the application is approved, contact with the local Engineering Operations Technician should be made to obtain a permit number. After the permit number is

assigned, the document shall be recorded in the local county courthouse. Copies of the recorded document shall be distributed to the following:

- Each applicant
- District Office
- Engineering Operations Technician
- Access Policy Administrator
- Central Files

Highways Where Access Rights Are Not Acquired

1. RCE shall notify the District Engineer or their designee of the need for a revised entrance location.
2. RCE, working with the District Engineer or their designee, shall complete an Entrance Permit (Form 640004). The District staff, shall be responsible for final processing of the application. The permit number shall be obtained from the Engineering Operations Technician, recorded at the county courthouse and copies distributed as previously stated. If the permit is issued on a Priority VI Highway, the permit is not required to be recorded.

Temporary Access for Contractor's Use

Contractors requesting to construct a temporary access to a primary highway for their use, such as a portable paving or crushing plant, shall submit a request for a temporary permit for the entrance. The request should be submitted to the RCE, who in turn consults with the District Engineer or their designee to obtain approval. The location must comply with sight-distance requirements and relative location to existing entrances should be considered. Refer to *Policy No. 730.02.L* for additional information. Permits issued for temporary access shall include a provision that requires the applicant to remove the access location and restore the right of way to its original condition within a specified time frame (i.e. clean-up, finish grading and seeding).

Installation of Locked Gates in Interstate Right-of-Way Fence

All access points to interstate right-of-way require FHWA approval in accordance with PPM 500.15. While the primary focus of the policy addresses proposed interchanges, locked gates within the right-of-way fence are also considered access points.

Locked gates are used primarily to provide access to authorized personnel for highway/bridge maintenance activities and to remote utility facilities.

FHWA Policy on Locked Gate Access Points on the Interstate System states:

Any request for locked gate access should be reviewed to ensure that vehicles can enter the Interstate safely, appropriate sight distance is available to and from the access, and the access is located such that the intended function is served (distance to nearest interchange and/or median crossover). Each new locked gate access approval needs to incorporate the following conditions:

- (1) The gate shall be locked at all times except when opened for passage of the authorized vehicles. The distribution of keys for the lock should be limited.*

(2) The access roadway will be constructed of any inconspicuous natural material to discourage unauthorized use.

(3) The purpose of the access should be specified

When locked access gates, not shown in the contract documents, are requested to be installed in the right-of-way fence on the interstate system (regardless of funding source), the following procedures are to be followed:

- Project engineer should advise the requestor they need to obtain FHWA prior to installation of the gate
- The approved access gate should be documented with an access permit
- The approved gate is added to contract with a Substantial Contract Modification

3.72 RELOCATION OF MAILBOXES

Mailboxes are often times required to be relocated to accommodate both the proposed roadway and construction operations. Relocations include both temporary and permanent locations.

Mailboxes are property of the adjacent property owners and they are responsible for placement and maintenance of the mailbox and post.

Project Engineers are to provide written notification (minimum 30 days) to the affected mailbox owners to relocate their mailbox prior to construction. This notice can also be an opportunity to briefly describe the project concept and work schedule.

If a property owner fails to remove or relocate their mailbox and it is interfering with construction, the contractor should remove the mailbox and post and place near the ROW line.

3.73 INTERIM USE OF PROPERTY BETWEEN ACQUISITION AND CONSTRUCTION

Requests for use of acquired right-of-way should be referred to the Property Management Section of the Office of Right of Way. The RCE should provide a recommendation to Property Management whether a lease is feasible, depending on when the parcel is needed for construction. If a lease is executed, the terms should include a damage clause in case the land is needed before the lease expires.

If the parcel is needed for construction and removal of crops becomes necessary, the RCE should advise the property owner as soon as possible before the crops are destroyed. If a lease had been executed, the damages will be paid as described in the lease.

If a lease is not executed, the property owner should be advised in writing, by the Property Management Section, that the land is needed for construction and is not available for their use. The RCE should clearly stake the property lines as soon as a property owner is advised that the land is not available for their use. This is intended to ensure that the property owner does not inadvertently use ROW needed for construction.

3.74 INVOLVEMENT OF LAW ENFORCEMENT ON CONSTRUCTION PROJECTS

The Director of the Highway Division must be given advance notice of most situations that require law enforcement agencies to intervene on construction projects. The Director's Staff Division will be notified by the Director of the Highway Division. In all cases where a dispute with the public escalates to the point where the DOT staff and contractor cannot proceed with the work because of interference by a citizen, work should be suspended on the operation in question. DOT and contractor personnel should vacate the immediate premises and notify the District Office. The District Office will notify the Director of the Highway Division and the Office of General Counsel. It is only after thorough discussion between the Director of the Highway Division, District Office staff, and Resident Construction Office staff, that law enforcement will be asked to intervene. When it is necessary to request involvement of law enforcement, the request should be made by the local DOT office. In these situations, it is not appropriate to delegate this responsibility to the contractor.

In cases where there are immediate potential risks to the safety of any person, an immediate call should be made to the law enforcement agency by whoever can make the call quickly. In these situations, it is not intended to require notification to the other offices prior to making the call.

In cases where the contractors' equipment, property or personnel are being damaged, vandalized or threatened by the public, the contractor should involve law enforcement at their discretion. There is no intent to have the DOT intervene in those situations.