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**540.01 General**

Access management is the systematic regulation of the location, spacing, design, and operation of driveway, city street, and county road connections to state highways. This chapter describes the access management process for granting permission to connect to managed access highways within cities and unincorporated areas. For an overview of access control, as well as the references list and definitions of terminology for this chapter, see Chapter 520, Access Control.

In Washington State, managed access highways include all state highways that are not limited access highways. State highways that are planned for or established as limited access, are treated as managed access highways until the limited access rights are acquired. For the list of highways, see the Access Control Tracking System Limited Access and Managed Access Master Plan database:

 [www.wsdot.wa.gov/design/accessandhearings](http://www.wsdot.wa.gov/design/accessandhearings)

Access to managed access highways is regulated by the governmental entity with jurisdiction over a highway's roadsides. Access connection permits are issued on managed access highways. The Washington State Department of Transportation (WSDOT) has access connection permitting authority over all state highways outside incorporated towns and cities. Incorporated towns and cities have access connection permitting authority for city streets that are part of state highways, as specified in Revised Code of Washington (RCW) 47.24.020. When a project is developed on a state highway, state law requires that existing permitted access connections be evaluated to determine whether they are consistent with all current department spacing, location, and design standards (see 540.05).

## 540.02 References

### (1) State Laws and Codes

Chapter 520, Access Control, provides reference to laws and codes

### (2) Design Guidance

Chapter 520, Access Control

Chapter 1100, Design Matrix Procedures

Chapter 1310, Intersections at Grade

Chapter 1340, Road Approaches

Chapter 1600, Roadside Safety

For additional references, see Chapter 520, Access Control.

## 540.03 Definitions

**local roads** For the purposes of this chapter, local roads are nonstate highways that are publicly owned.

**median** Used to separate opposing traffic and control access. Restrictive medians limit left turns to defined locations typically through the use of raised medians or barrier (see Chapter 1140).

**MPO** Metropolitan Planning Organization

**RTPO** Regional Transportation Planning Organization

For additional definitions, see Chapter 520, Access Control.

## 540.04 Design Considerations

Evaluate Access Connections when the Access column on the design matrices (see Chapter 1100) indicates Evaluate Upgrade (EU) or Full Design Level (F). Use the Access Control Tracking System database to identify the route classification and determine access connection requirements:

☞ [www.wsdot.wa.gov/design/accessandhearings](http://www.wsdot.wa.gov/design/accessandhearings)

Review all connections and verify whether they are in the Roadway Access Management Permit System (RAMPS) database. Contact the region Development Services Office or the Headquarters (HQ) Access and Hearings Section for permission to log on to the link through this page:

☞ [www.wsdot.wa.gov/design/accessandhearings](http://www.wsdot.wa.gov/design/accessandhearings)

If a nonconforming connection is identified, consider relocating, modifying, or eliminating the connection. It is not the intent of the managed access program that modifications to the connection will change the general functionality of the property.

Where current department standards cannot be met while providing the same general functionality, classify the connection as nonconforming and process the appropriate documentation as discussed below. This documentation is part of the permit process.

## 540.05 Managed Access Highway Classes

The principal objective of the managed access classification system is to maintain the safety and capacity of existing highways. This is accomplished by establishing access management criteria, which are to be adhered to in the planning and regional approval of access connections to the state highway system.

The classification system for state managed access highways consists of five classes. The classes are organized from Class 1, the most restrictive class for higher speeds and volumes, to Class 5, the least restrictive class for lower speeds and volumes. In general, most state highways outside the incorporated limits of a city or town have been designated as Class 1 or Class 2, with only the most urban and lowest-speed state highways within an incorporated town or city designated as Class 5. Exhibit 540-2 shows the five classes of highways, with a brief description of each class. WSDOT keeps a record of the assigned managed access classifications, by state route and milepost, in the Access Control Tracking System database:

[www.wsdot.wa.gov/design/accessandhearings](http://www.wsdot.wa.gov/design/accessandhearings)

One of the goals of state law is to restrict or keep access connections to a minimum in order to help preserve the safety, operation, and functional integrity of the state highway. On Class 1 highways, mobility is the primary function, while on Class 5 highways, access needs have priority over mobility needs. Class 2 highways also favor mobility, while Class 3 and Class 4 highways generally achieve a balance between mobility and access.

The most notable distinction between the five highway classes is the minimum spacing requirements of access connections. Minimum distances between access points on the same side of the highway are shown in Exhibit 540-2.

In all five highway classes, access connections are to be located and designed to minimize interference with transit facilities and high-occupancy vehicle (HOV) facilities on state highways where such facilities exist or are proposed in state, regional, metropolitan, or local transportation plans. In these cases, if reasonable access is available to the local road/street system, access is to be provided to the local road/street system rather than directly to the state highway. Following are the functional characteristics and the legal requirements for each class.

### (1) Class 1

#### (a) Functional Characteristics

Class 1 highways provide for high-speed and/or high-volume traffic movements for interstate, interregional, and intercity (and some intracity) travel needs. Service to abutting land is subordinate to providing service to major traffic movements.

Highways in Class 1 are typically distinguished by a highly-controlled, limited number of (public and private) access points, restrictive medians with limited median openings on multilane facilities, and infrequent traffic signals.

#### (b) Legal Requirements

1. It is the intent that Class 1 highways be designed to have a posted speed limit of 50 to 65 mph. Intersecting streets, roads, and highways are planned with a minimum spacing of 1 mile. Spacing of ½ mile may be allowed, but only when no reasonable alternative access exists.

2. Private access connections to the state highway are not allowed except where the property has no other reasonable access to the local road/street system. When a private access connection must be provided, the following conditions apply:
  - The access connection continues until such time other reasonable access to a highway with a less restrictive access control class or access to the local road/street system becomes available and is allowed.
  - The minimum distance to another (public or private) access point is 1320 feet along the same side of the highway. Nonconforming access connection permits may be issued to provide access connections to parcels whose highway frontage, topography, or location otherwise precludes issuance of a conforming access connection permit; however, variance permits are not allowed.
  - No more than one access connection may be provided to an individual parcel or to contiguous parcels under the same ownership.
  - All private access connections are for right turns only on multilane facilities. This applies unless special conditions justify the exception and are documented by a traffic analysis in the access connection permit application that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.
  - Additional access connections to the state highway are not allowed for newly created parcels resulting from property divisions. All access for these parcels must be provided by an internal road/street network. Access to the state highway will be at existing permitted locations or revised locations.
3. Restrictive medians are provided on multilane facilities to separate opposing traffic movements and to prevent unauthorized turning movements.

## **(2) Class 2**

### **(a) Functional Characteristics**

Class 2 highways provide for medium-to-high-speed and medium-to-high-volume traffic movements over medium and long distances for interregional, intercity, and intracity travel needs. Direct access service to abutting land is subordinate to providing service to traffic movements.

Highways in Class 2 are typically distinguished by existing or planned restrictive medians on multilane facilities and by large minimum distances between (public and private) access points.

### **(b) Legal Requirements**

1. It is the intent that Class 2 highways be designed to have a posted speed limit of 35 to 50 mph in urbanized areas and 45 to 55 mph in rural areas. Intersecting streets, roads, and highways are planned with a minimum spacing of ½ mile. Less than ½-mile intersection spacing may be allowed, but only when no reasonable alternative access exists.

In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access point be planned

- carefully to ensure adequate signal progression. The addition of all new public or private access points that might require signalization will require an engineering analysis that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.
2. Private access connections to the state highway system are allowed only where the property has no other reasonable access to the local road/street system or where access to the local road/street system will cause unacceptable traffic operational conditions or safety concerns on that system. When a private access connection must be provided, the following conditions apply:
    - The access connection continues until such time other reasonable access to a highway with a less restrictive access control class or acceptable access to the local road/street system becomes available and is allowed.
    - The minimum distance to another (public or private) access point is 660 feet on the same side of the highway. Nonconforming access connection permits may be issued to provide access to parcels whose highway frontage, topography, or location precludes issuance of a conforming access connection permit.
    - Only one access connection is allowed for an individual parcel or to contiguous parcels under the same ownership. This applies unless the highway frontage exceeds 1320 feet and it can be shown that the additional access connection will not adversely affect the desired function of the state highway in accordance with the assigned managed access Class 2 or the safety or operation of the state highway.
    - Variance permits may be allowed if there are special conditions and the exception can be justified to the satisfaction of the department by a traffic analysis in the access connection permit application that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.
    - All private access connections are for right turns only on multilane facilities. This applies unless there are special conditions and the exception can be justified to the satisfaction of the department by a traffic analysis in the access connection permit application that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43 and only if left-turn channelization is provided.
    - Additional access connections to the state highway are not allowed for newly created parcels that result from property divisions. All access for these parcels must be provided by an internal road/street network. Access to the state highway will be at existing permitted locations or at revised locations.
  3. On multilane facilities, restrictive medians are provided to separate opposing traffic movements and to prevent unauthorized turning movements. However, a nonrestrictive median or a two-way left-turn lane may be used where special conditions exist and main line volumes are below 20,000 average daily traffic (ADT).

### (3) Class 3

#### (a) Functional Characteristics

Class 3 highways provide for moderate travel speeds and moderate traffic volumes for medium and short travel distances for intercity, intracity, and intercommunity travel needs. There is a reasonable balance between access and mobility needs for highways in this class. This class is to be used primarily where the existing level of development of the adjoining land is less intensive than maximum buildout and where the probability of significant land use change and increased traffic demand is high.

Highways in Class 3 are typically distinguished by planned restrictive medians on multilane facilities and by meeting minimum distances between (public and private) access points. Two-way left-turn lanes may be used where special conditions justify them and main line traffic volumes are below 25,000 ADT. Development of properties with internal road/street networks and joint access connections is encouraged.

#### (b) Legal Requirements

1. It is the intent that Class 3 highways be designed to have a posted speed limit of 30 to 40 mph in urbanized areas and 45 to 55 mph in rural areas. In rural areas, intersecting streets, roads, and highways are planned with a minimum spacing of  $\frac{1}{2}$  mile. Less than  $\frac{1}{2}$ -mile intersection spacing may be allowed, but only when no reasonable alternative access exists.

In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access point be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that might ultimately require signalization are planned with a minimum of  $\frac{1}{2}$ -mile spacing. The addition of all new public or private access points that may require signalization will require an engineering analysis that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.

2. Private Access Connections
  - No more than one access connection may be provided to an individual parcel or to contiguous parcels under the same ownership. This applies unless it can be shown that additional access connections will not adversely affect the desired function of the state highway in accordance with the assigned managed access Class 3 and will not adversely affect the safety or operation of the state highway.
  - The minimum distance to another (public or private) access point is 330 feet on the same side of the highway. Nonconforming access connection permits may be issued to provide access to parcels whose highway frontage, topography, or location precludes issuance of a conforming access connection permit.
  - Variance permits may be allowed if there are special conditions and the exception can be justified to the satisfaction of the department by a traffic analysis in the access connection permit application that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.

## **(4) Class 4**

### **(a) Functional Characteristics**

Class 4 highways provide for moderate travel speeds and moderate traffic volumes for medium and short travel distances for intercity, intracity, and intercommunity travel needs. There is a reasonable balance between direct access and mobility needs for highways in this class. This class is to be used primarily where the existing level of development of the adjoining land is more intensive and where the probability of major land use changes is less than on Class 3 highway segments.

Highways in Class 4 are typically distinguished by existing or planned nonrestrictive medians. Restrictive medians may be used to mitigate unfavorable operational conditions such as turning, weaving, and crossing conflicts. Minimum access connection spacing requirements apply if adjoining properties are redeveloped.

### **(b) Legal Requirements**

1. It is the intent that Class 4 highways be designed to have a posted speed limit of 30 to 35 mph in urbanized areas and 35 to 45 mph in rural areas. In rural areas, intersecting streets, roads, and highways are planned with a minimum spacing of  $\frac{1}{2}$  mile. Less than  $\frac{1}{2}$ -mile intersection spacing may be allowed, but only when no reasonable alternative access exists.

In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access point be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that might ultimately require signalization are planned with a minimum of  $\frac{1}{2}$ -mile spacing. The addition of all new public or private access points that may require signalization will require an engineering analysis that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.

2. Private Access Connections
  - No more than one access connection may be provided to an individual parcel or to contiguous parcels under the same ownership. This applies unless it can be shown that additional access connections will not adversely affect the desired function of the state highway in accordance with the assigned managed access Class 4 and will not adversely affect the safety or operation of the state highway.
  - The minimum distance to another (public or private) access point is 250 feet on the same side of the highway. Nonconforming access connection permits may be issued to provide access connections to parcels whose highway frontage, topography, or location precludes issuance of a conforming access connection permit.
  - Variance permits may be allowed if there are special conditions and the exception can be justified to the satisfaction of the department by a traffic analysis in the access connection permit application that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.

**(5) Class 5****(a) Functional Characteristics**

Class 5 highways provide for moderate travel speeds and moderate traffic volumes for primarily short travel distances for intracity and intracommunity trips and for access to state highways of a higher class. Access needs generally may be higher than the need for through-traffic mobility without compromising the public's health, welfare, or safety. These highways will normally have nonrestrictive medians.

**(b) Legal Requirements**

1. It is the intent that Class 5 highways be designed to have a posted speed limit of 25 to 35 mph. In rural areas, intersecting streets, roads, and highways are planned with a minimum spacing of  $\frac{1}{4}$  mile. Less than  $\frac{1}{4}$ -mile spacing may be allowed where no reasonable alternative exists. In urban areas and developing areas where higher volumes are present or growth that will require signalization is expected in the foreseeable future, it is imperative that the location of any public access point be planned carefully to ensure adequate signal progression. Where feasible, major intersecting roadways that might ultimately require signalization are planned with a minimum of  $\frac{1}{4}$ -mile spacing. The addition of all new public or private access points that might require signalization will require an engineering analysis that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.
2. Private Access Connections
  - No more than one access connection may be provided to an individual parcel or to contiguous parcels under the same ownership. This applies unless it can be shown that additional access connections will not adversely affect the desired function of the state highway in accordance with the assigned managed access Class 5 and will not adversely affect the safety or operation of the state highway.
  - The minimum distance to another (public or private) access point is 125 feet on the same side of the highway. Nonconforming access connection permits may be issued to provide access to parcels whose highway frontage, topography, or location precludes issuance of a conforming access connection permit.
  - Variance permits may be allowed if there are special conditions and the exception can be justified to the satisfaction of the department by a traffic analysis in the access connection permit application that is signed and sealed by a qualified professional engineer who is registered in accordance with RCW 18.43.

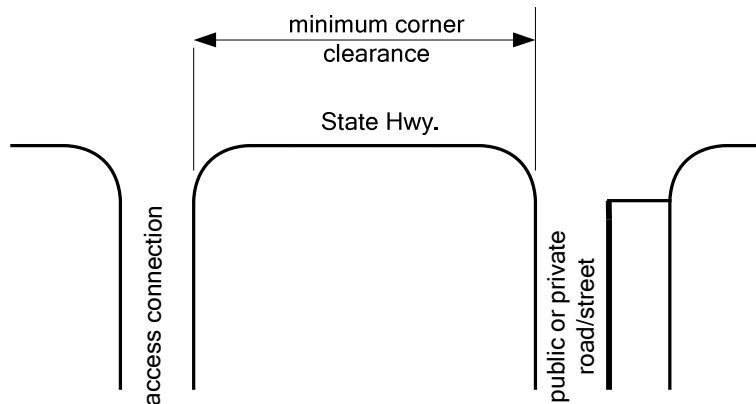
## (6) Changes in Managed Access Classification

WSDOT, RTPOs, MPOs, or other entities such as cities, towns, or counties may initiate a review of managed access classifications per the process identified by Washington Administrative Code (WAC) 468-52. In all cases, WSDOT consults with the RTPOs, MPOs, and local agencies and takes into consideration comments received during the review process. For city streets that are designated as state highways, the department will obtain concurrence in the final classification assignment from the city or town.

The modified highway classification list shall be submitted to Headquarters for approval by the State Design Engineer or designee. WSDOT regions shall notify the RTPOs, MPOs, and local governmental entities in writing of the final determination of the reclassification.

### 540.06 Corner Clearance Criteria

In addition to the five access control classes, there are also corner clearance criteria that must be used for access connections near intersections (see Exhibit 540-1).



With Restrictive Median		
Position	Access Allowed	Minimum (ft)
Approaching Intersection	Right In/Right Out	115
Approaching Intersection	Right In Only	75
Departing Intersection	Right In/Right Out	230*
Departing Intersection	Right Out Only	100
Without Restrictive Median		
Position	Access Allowed	Minimum (ft)
Approaching Intersection	Full Access**	230*
Approaching Intersection	Right In Only	100
Departing Intersection	Full Access	230*
Departing Intersection	Right Out Only	100

\* 125 ft may be used for Class 5 facilities with a posted speed of 35 mph or less.  
 \*\* Full Access = All four movements (Right in/Right out; Left in/Left out)

**Minimum Corner Clearance:  
 Distance From Access Connection to Public Road or Street**  
*Exhibit 540-1*

Corner clearance spacing must meet or exceed the minimum access point spacing requirements of the applicable managed access highway class. A single access connection may be placed closer to the intersection, in compliance with the permit application process specified in WAC 468-51 and in accordance with the following criteria:

- The minimum corner clearance criteria in Exhibit 540-1 may be used where access point spacing cannot be obtained due to property size and where a joint-use access connection cannot be secured or where it is determined by WSDOT not to be feasible because of conflicting land use or conflicting traffic volumes or operational characteristics.
- Some local agencies have adopted corner clearance as a design element in their design standards; these standards are to meet or exceed WSDOT standards. Coordinate with the local agency regarding corner clearance of an access connection on or near an intersecting local road or street.
- When a joint-use access connection or an alternate road/street system access—meeting or exceeding the minimum corner clearance requirements—becomes available, the permit holder must close the permitted access connection unless the permit holder shows to WSDOT's satisfaction that such closure is not feasible.

### **540.07 Access Connection Categories**

Whenever an access connection permit is issued on a managed access state highway, the permit must also specify one of four access connection categories: Category I to Category IV. Categories I through III are based on the maximum vehicular usage of the access connection. Category IV specifies temporary use, usually for less than a year. Access connection permits must specify the category and the maximum vehicular usage of the access connection in the permit.

All access connections are determined by WSDOT to be in one of the following categories (WAC 468-51-040).

#### **(1) Category I**

“Category I – minimum connection” provides connection to the state highway system for up to ten single-family residences, a duplex, or a small multifamily complex of up to ten dwelling units that use a common access connection. This category also applies to permanent access connections to agricultural and forestlands, including field entrances; access connections for the operation, maintenance, and repair of utilities; and access connections serving other low-volume traffic generators expected to have average weekday vehicle trip ends (AWDVTE) of 100 or less.

#### **(2) Category II**

“Category II – minor connection” provides connection to the state highway system for medium-volume traffic generators expected to have an AWDVTE of 1,500 or less, but not included in Category I.

#### **(3) Category III**

“Category III – major connection” provides connection to the state highway system for high-volume traffic generators expected to have an AWDVTE exceeding 1,500.

#### **(4) Category IV**

“Category IV – temporary connection” provides a temporary, time-limited connection to the state highway system for a specific property for a specific use with a specific traffic volume. Such uses include, but are not limited to, logging, forestland clearing, temporary agricultural uses, temporary construction, and temporary emergency access. The department reserves the right to remove any temporary access connection at its sole discretion and at the expense of the property owner after the expiration of the permit. Further, a temporary access connection permit does not bind the department, in any way, to the future issuance of a permanent access connection permit at the temporary access connection location.

#### **540.08 Access Connection Permit**

RCW 47.50 requires all access connections to be permitted. This can be accomplished by the permitting process (see 540.09) or by the connection being “grandfathered” (in place prior to July 1, 1990).

All new access connections to state highways, as well as alterations and improvements to existing access connections, require an access connection permit. Every owner of property that abuts a managed access state highway has the right to reasonable access, but not a particular means of access. This right may be restricted with respect to the highway if reasonable access can be provided by way of another local road/street.

When a new private road or street is to be constructed, approval by the permitting authority is required for intersection design, spacing, and construction work on the right of way. However, if an access connection permit is issued, it will be rendered null and void if and when the road or street is duly established as a local road or street by the local governmental entity.

It is the responsibility of the applicant or permit holder to obtain all necessary local, state, and federal approvals and permits (which includes all environmental permits and documentation). The access connection permit only allows the applicant permission to connect to the state highway. It is also the responsibility of the applicant to acquire any and all property rights necessary to provide continuity from the applicant’s property to the state highway.

The alteration or closure of any existing access connection caused by changes to the character, intensity of development, or use of the property served by the access connection or the construction of any new access connection must not begin before an access connection permit is obtained.

If a property owner or permit holder with a valid access connection permit wishes to change the character, use, or intensity of the property or development served by the access connection, the permitting authority must be contacted to determine whether an upgraded access connection permit will be required.

The applicant must obtain Design Approval as shown in Chapter 300, Exhibit 300-2.

## 540.09 Permitting and Design Documentation

An access connection permit is obtained from the department by submitting the appropriate application form, including the fee, plans, traffic data, and access connection information, to the department for review. All access connection and roadway design documents for Category II and III permits must bear the seal and signature of a professional engineer registered in Washington State.

The permitting process begins with the application. Upon submittal of the application with all the attached requirements, it is reviewed and either denied or accepted. If denied, the department must notify the applicant in writing stating the reasons, and the applicant will have thirty (30) days to submit a revised application. Once the application is approved and the permit is issued, the applicant may begin construction.

The Access Manager in each region keeps a record of all access points, including those that are permitted and those that are grandfathered (see 540.10). A permit for a grandfathered access point is not required but may be issued for record-keeping reasons.

### (1) *Conforming Access Connection Permit*

Conforming access connection permits may be issued for access connections that conform to the functional characteristics and all legal requirements for the designated class of the highway.

### (2) *Nonconforming Access Connection Permit*

Nonconforming access connection permits may be issued for short-term access connections pending the availability of a future joint-use access connection or local road/street system access:

- For location and spacing not meeting requirements.
- For Category I through IV permits.
- After an analysis and determination by the department that a conforming access connection cannot be made at the time of permit application submittal.
- After a finding that the denial of an access connection will leave the property without a reasonable means of access to the local road/street system.

In such instances, the permit is to be noted as being a nonconforming access connection permit and may contain the following specific restrictions and provisions:

- Limits on the maximum vehicular use of the access connection.
- The future availability of alternate means of reasonable access for which a conforming access connection permit can be obtained.
- The removal of the nonconforming access connection at the time the conforming access is available.
- The properties to be served by the access connection.
- Other conditions as necessary to carry out the provisions of RCW 47.50.

### **(3) Variance Access Connection Permit**

Variance access connection is a special nonconforming or additional access connection permit issued for long-term use where future local road/street system access is not foreseeable:

- For location and spacing not meeting requirements or for an access connection that exceeds the number allowed for the class.
- After an engineering study demonstrates, to the satisfaction of the department, that the access connection will not adversely affect the safety, maintenance, or operation of the highway in accordance with its assigned managed access class.

In such instances, the permit is to be noted as being a variance access connection permit and may contain the following specific restrictions and provisions:

- Limits on the maximum vehicular use of the access connection.
- The properties to be served by the access connection.
- Other conditions as necessary to carry out the provisions of RCW 47.50.

This permit will remain valid until modified or revoked by the permitting authority unless an upgraded permit is required due to changes in property site use (see 540.09(1)).

A variance access connection permit must not be issued for an access connection that does not conform to minimum corner clearance requirements (see 540.06).

### **(4) Design Exceptions and Deviations**

#### **(a) Outside Incorporated City Limits**

A deviation request will be required for nonconforming access connections if corner clearance criteria are not met. If a deviation is needed, the HQ Design Office is to be involved early in the process.

A Design Exception (DE) may be allowed for a single-family residence if the corner clearance criteria are not met. Such an access will be outside the corner radius and as close as feasible to the property line farthest away from the intersection. If two or more residences are served by the same driveway not meeting the corner clearance criteria, then a deviation request will be required.

For WSDOT projects, a short memo is retained in the Design Documentation Package (DDP) stating that the approved nonconforming permit satisfies the requirement of the DE. The DE is recorded in the Design Variance Inventory System (DVIS). Any deviations will be included in the DDP as well.

For non-WSDOT projects, the region Development Services Office or Local Programs Office is responsible for entering DEs into the DVIS.

#### **(b) Within Incorporated Cities**

In accordance with RCW 35.78.030 and RCW 47.50, incorporated cities and towns have jurisdiction over access permitting on streets designated as state highways. Accesses located within incorporated cities and towns are regulated by the city or town and no deviation by WSDOT will be required. Document decisions made on these accesses in the DDP.

## 540.10 Other Considerations

### (1) Changes in Property Site Use With Permitted Access Connection

The access connection permit is issued to the permit holder for a particular type of land use generating specific projected traffic volumes at the final stage of proposed development. Any changes made in the use, intensity of development, type of traffic, or traffic flow require the permit holder, an assignee, or the property owner to contact the department to determine whether further analysis is needed because the change is significant and will require a new permit and modifications to the access connection (WAC 468-51-110).

A significant change is one that will cause a change in the category of the access connection permit or one that causes an operational, safety, or maintenance problem on the state highway system based on objective engineering criteria or available accident data. Such data will be provided to the property owner and/or permit holder and tenant upon written request (WAC 468-51-110).

### (2) Existing Access Connections

#### (a) Closure of Grandfathered Access Connections

Any access connections that were in existence and in active use on July 1, 1990, are grandfathered.

The grandfathered access connection may continue unless:

- There are changes from the 1990 AWDVTE.
- There are changes from the 1990 established use.
- The department determines that the access connection does not provide minimum acceptable levels of highway safety and mobility based on accident and/or traffic data or accepted traffic engineering criteria, a copy of which must be provided to the property owner, permit holder, and/or tenant upon written request (WAC 468-51-130).

#### (b) Department Construction Projects

##### 1. Notification

The department must notify affected property owners, permit holders, business owners, and emergency services in writing, when appropriate, whenever the department's work program requires the modification, relocation, or replacement of its access connections. In addition to written notification, the department will facilitate, when appropriate, a process that may include, but is not limited to, public notices, meetings, or hearings, as well as individual meetings.

##### 2. Modification Considerations

When the number, location, or design of existing access connections to the state highway is being modified by a department construction project, the resulting modified access connections must provide the same general functionality for the existing property use as they did before the modification, taking into consideration the existing site design, normal vehicle types, and traffic circulation requirements. These are evaluated on an individual basis.

It is important to remember that the intent is not to damage the property owner by removing nonconforming access connections, but to eliminate access connections that are both nonconforming and not needed.

The permitting authority evaluates each property individually to make a determination about which category of access connection and which design template (see Chapter 1340) will be reasonable. If it is a commercial parcel, determine whether the business can function with one access connection. Each parcel, or contiguous parcels under the same ownership being used for the same purpose, is allowed only one access connection. If the business cannot function properly with only one access connection, a variance permit may be issued for additional access connections. If the property is residential, only one access connection is allowed; however, certain circumstances might require an additional access connection (see 540.09(4)).

### 3. **Costs: Replacement of/Modifications to Existing Access Connections**

The costs of modifying or replacing the access points are borne by the department if the department construction project caused the replacement or modification. Modification of the connection may require a change to the existing permit.

### **(3) Work by Permit Holder's Contractor**

The department requires that work by the owner's contractor be accomplished at the completion of the department's contract or be scheduled so as not to interfere with the department's contractor. The department may require a surety bond prior to construction of the access connection in accordance with WAC 468-51-070.

## **540.11 Preconstruction Conference**

All new access connections, including alterations and improvements to existing access connections to the highway, require an access connection permit. The permitting authority may require a preconstruction conference prior to any work being performed on the access. The preconstruction conference must be attended by those necessary to ensure compliance with the terms and provisions of the permit. Details regarding the individual access connections will be included in the construction permit. This may include access connection widths, drainage requirements, surfacing requirements, mailbox locations, and other information (WAC 468-51-090).

## **540.12 Adjudicative Proceedings**

Any person who can challenge any of the following departmental actions may request an adjudicative proceeding (an appeal to an Administrative Law Judge) within thirty (30) days of the department's written decision (WAC 468-51-150):

- Denial of an access connection permit application pursuant to WAC 468-51-080
- Permit conditions pursuant to WAC 468-51-150
- Permit modifications pursuant to WAC 468-51-120
- Permit revocation pursuant to WAC 468-51-120
- Closure of permitted access connection pursuant to WAC 468-51-120
- Closure of grandfathered access connection pursuant to WAC 468-51-130

An appeal of a decision by the department can be requested only if the administrative fee has been paid. If the fee has not been paid, the permit application is considered incomplete and an adjudicative proceeding cannot be requested.

**(a) Adjudicative Proceedings Process**

Following is a brief summary of the adjudicative proceeding process. For the purpose of this summary, the responsibilities of the department are separated into those actions required of the region and those actions required of Headquarters. The summary is written as if the appealable condition was a denial of an access connection request.

1. The region receives an access connection permit application, with fee.
2. The region processes the application and makes a determination that the access connection request will be denied.
3. The region sends the applicant a written letter denying the access connection. Included in this letter is notification that the applicant has thirty (30) days to request an adjudicative proceeding if the applicant disagrees with the region's denial decision. The region must notify affected property owners, permit holders, business owners, tenants, lessees, and emergency services, as appropriate.
4. The applicant requests, within thirty (30) days, an adjudicative proceeding.
5. The region reviews its initial denial decision and determines whether there is any additional information presented that justifies reversing the original decision.
6. If the region determines that the original denial decision will stand, the region then forwards copies of all applicable permit documentation to the HQ Access and Hearings Manager for review and processing.
7. The AHM reviews the permit application and sends the permit documentation and appeal request to the Office of the Attorney General (AG).
8. If the initial findings of the AG agree with the region's denial decision, the AG's Office sends the applicant a written letter, with the AG's signature, informing the applicant that a hearing will be scheduled for the applicant to appeal in person the department's decision to deny access.
9. The region reserves a location and obtains a court reporter, and Headquarters obtains an Administrative Law Judge (ALJ) to conduct the proceeding. The AG, by written letter, notifies the applicant of the time and place for the hearing. The AG's Office has ninety (90) days from receipt of the applicant's appeal to approve or deny the appeal application, schedule a hearing, or decide not to conduct a hearing. The actual hearing date can be set beyond this ninety-day (90-day) review period.

10. The AG's Office leads the department's presentation and works with the region regarding who will testify and what displays and other information will be presented to the ALJ. The AHM will typically not attend these proceedings.
11. After hearing all the facts, the ALJ issues a decision, usually within a few weeks after the proceedings. However, the ALJ has ninety (90) days in which to serve a written Initial Order stating the decision.
12. The ALJ's decision is final unless the applicant, or the department through the AHM, decides to appeal the ALJ's decision to the State Design Engineer. This second appeal must occur within twenty (20) days of the ALJ's written decision.
13. If appealed to the State Design Engineer, the State Design Engineer has ninety (90) days to review the Initial Order and all the facts and supporting documentation and issue a Final Order. The review by the State Design Engineer does not require the applicable parties to be present and may involve only a review of the material submitted at the adjudicative proceeding.
14. The State Design Engineer's decision is final unless appealed within thirty (30) days to the Washington State Superior Court.

The above represents a general timeline if all appeals are pursued. Based on the noted timelines, it can take nearly a year before a Final Order is issued. If appealed to Superior Court, up to an additional 18 months can be added to the process. In any case, contact the region Development Services Engineer for further guidance and direction if an appeal might be forthcoming.

### 540.13 Documentation

For the list of documents required to be preserved in the Design Documentation Package and the Project File, see the Design Documentation Checklist:

 [www.wsdot.wa.gov/design/projectdev/](http://www.wsdot.wa.gov/design/projectdev/)

Class	Non-Conforming <sup>[1]</sup>	Variance <sup>[2]</sup>	Conforming <sup>[3]</sup>	Access Point Spacing**	Limitations <sup>[4]</sup>
<b>Class 1</b> Mobility is the primary function	Yes*	No	No	1320 ft	<ul style="list-style-type: none"> <li>One access only to contiguous parcels under same ownership</li> <li>Private access connection is not allowed unless no other reasonable access exists (must use local road/street system if possible)</li> </ul>
<b>Class 2</b> Mobility is favored over access	Yes*	Yes*	No	660 ft	<ul style="list-style-type: none"> <li>One access connection only to contiguous parcels under same ownership unless frontage &gt; 1320 ft</li> <li>Private access connection not allowed unless no other reasonable access exists; must use local road/street system if possible</li> </ul>
<b>Class 3</b> Balance between mobility and access in areas with less than maximum buildout	Yes	Yes	Yes	330 ft	<ul style="list-style-type: none"> <li>One access connection only to contiguous parcels under same ownership</li> <li>Joint access connection for subdivisions preferred; private connection allowed, with justification</li> </ul>
<b>Class 4</b> Balance between mobility and access in areas with less than maximum buildout	Yes	Yes	Yes	250 ft	One access connection only to contiguous parcels under same ownership, except with justification
<b>Class 5</b> Access needs may have priority over mobility	Yes	Yes	Yes	125 ft	More than one access connection per ownership, with justification

\* The access connection continues only until such time other reasonable access to a highway with a less restrictive class or acceptable access to the local road/street system becomes available and is allowed.

\*\* Minimum, on the same side of the highway.

[1] See 540.09(2).

[2] See 540.09(3).

[3] See 540.09(1).

[4] Unless grandfathered (see 540.08).

**Managed Access Highway Class Description**  
Exhibit 540-2