Access Management Programs in Selected States: Lessons Learned

WILLIAM E. FRAWLEY AND WILLIAM L. EISELE

The authors of this paper are currently investigating the development of access management programs in various states. This investigation is part of a research project to determine the legislative and regulatory requirements for the Texas Department of Transportation (TxDOT) to develop and adopt a comprehensive access management program. Researchers have interviewed officials from state DOTs in Colorado, Montana, Oregon, New Jersey, Michigan, and Wisconsin regarding their access management programs and other related practices, with particular interest in their development and implementation. This paper provides an overview of current access management programs in various states, explaining "lessons learned" during the development and implementation of the programs. Examples of the lessons learned include hiring a large enough staff dedicated to the program, creating a separate bureau/department/division for access management, and including a process to handle waivers. Specific recommendations from state DOT officials are also presented. This paper and presentation will be useful to states, provinces, and cities that are interested in developing or amending an access management program.

INTRODUCTION

As traffic volumes and congestion have increased in recent years, transportation officials have sought ways to protect their investments in arterial streets and freeways. The primary purpose of these facilities is the movement of vehicles. This purpose is in contrast to that of local streets, which are built to provide virtually unlimited direct access to businesses and residences. In order for arterial streets and freeways to operate most efficiently, access to and from those roads must be limited to specific points. This strategy reduces the potential conflict points of vehicles crossing lanes of traffic as they make turning movements into and out of driveways. The solutions to these problems are found in comprehensive access management programs. A comprehensive access management program includes tools such as driveway spacing, median treatments, auxiliary turning lanes, and grade-separated interchanges, as well as the policies for implementing these tools.

Several state DOTs around the country have established comprehensive access management programs. Certain states, such as Colorado, Florida, New Jersey, and Oregon, are well known for the success of their access management programs. These states have already completed the processes of creating, adopting, and implementing access management programs. Other states have begun to develop access management programs and are either proceeding with this work or have interrupted it. In all of these cases, there are valuable lessons to be learned by transpor-

tation agencies that are considering developing comprehensive access management plans. The "lessons learned" presented in this paper represent a variety of experiences and perspectives of transportation planners and engineers from around the country.

RESEARCH METHODOLOGY

While there has been very little research performed of this nature, there is a significant amount of documentation of various states' programs, as well as the processes of and/or attempts to develop access management programs. In addition to conducting literature searches, research team members used professional contacts from previous related experience to gain additional knowledge of access management programs. These contacts provided at least basic background information about programs and the people involved with them.

Using information from the literature review and the original contacts, researchers began to investigate programs around the country, including programs both planned and under development. The research team considered each of the programs and identified several of these programs to develop into case studies. Case studies were developed by three means: personal interviews with state DOT staffs, telephone interviews, and literature review. Five states' programs were targeted for in-depth investigations involving personal interviews with state DOT staffs at their offices.

RECOMMENDATIONS FROM OTHER STATES

Document Production

A common suggestion by DOT officials was to set out a work plan from the beginning. A work plan will help keep all parties involved in developing the access management program focused on the desired end results. DOTs commonly hire consultants to write laws, codes, and regulations as elements of their access management programs. One strong recommendation related to this practice is to also hire a good editor with quality technical expertise. These skills will provide consistency in wording throughout individual documents, as well as consistency among the various documents. Another related comment was to be careful about word choice. For instance, assigning an access management meaning to words if they already have another connotation can lead to confusion of all parties involved. In fact, "access" has been a difficult word for some agencies to technically define.

W. Frawley, Texas Transportation Institute, 110 N. Davis Dr., Suite 101, Arlington, TX 76013. W. Eisele, Texas Transportation Institute, Texas A&M University System, 3135 TAMUS, College Station, TX 77843-3135.

Implementation Timing

The transportation agency, including staff and administration, should not underestimate the amount of time that will be required to implement legislation. All parties need to understand this issue and allow time between the adoption of the legislation and the required implementation date. This interim time allows staff to properly develop the enacting regulations and procedures, as well as all of the detailed aspects, such as application forms and review checklists. The agency must also allow adequate time to hire and train staff.

Administrative Support

If a transportation agency is going to successfully develop and implement an access management program, there must be administrative support. The DOT administration must be patient and understanding of the time and resources required to establish an access management program. The bottom line is that the administration should at least allow, if not push for, the program development.

If the agency administration does not support the idea of an access management program from the outset, there are methods staff can utilize to sell the idea. From the beginning, there needs to be a consistent theme in the access management program that contains all of the necessary perspectives, including safety, design, right-of-way, etc. A consistent theme will provide a solid foundation for making decisions about the program.

At least one state has had success with having experienced people writing papers based on scientific information that provided supporting evidence of why access management is necessary and beneficial. In order to prepare such papers, the authors obtained numbers, such as accident rates and costs attributable to accidents (including property damage, injuries and fatalities). Additional support can be obtained by analyzing accidents related to intersections (including driveways) and by breaking out statistics between urban and rural roads. Such data should be tracked for several years. If possible, the author should compare accident histories of two similar roads built several decades ago—one with some type of median barrier and one without. Another issue to address is the cost of additional relief routes. This information is important when discussing the value of implementing access management techniques, in order to preserve the viability of existing or new roads.

Marketing Access Management

In addition to possibly needing to sell DOT administration on the idea of access management, it is necessary to market the benefits to other stakeholders as well. Marketing access management was a consistent theme among all of the DOTs interviewed in the research project. A long-time coordinator of one access management program stated that after many years he is still selling, still problem solving, and still acting like it's a new program that is always under pressure. This interviewee added that in the early years, the best marketing tool was a set of a few hundred aerial photos, and a few ground photos showing the "good, bad and ugly." Emphasizing the "bad"—this is the problem and access management is the solution—can be very influential when presenting access man-

agement to stakeholders. At the same time, it is important to keep in mind and show what good access management looks like—as if to say, "see, that doesn't look bad, it's not scary." The person marketing access management should explain that it involves better decision-making and better utilization of current and proven engineering and design. Collecting and presenting accident-related statistics will also aid in marketing access management.

There are many opportunities to market access management to groups. However, there are also individuals and groups that may be more effectively targeted with printed materials. It is also constructive to develop a user-friendly document that most people can understand. Such a document needs to clearly explain the intent and contents of the access management program. Producing and distributing the document(s) will make the program development much smoother than it would proceed otherwise; it will help give the stakeholders the best opportunity to know exactly what is being proposed.

Program Operation/Maintenance

An access management program must have a full time specialist committed to it from the very beginning. This type of controversial, political, legal, and complex program will not run on its own. It will be one of the few regulatory programs within a DOT. One interviewee stated this idea very plainly by saying, "the program must have a specialist—unless you simply want a mediocre program with mediocre results." The program needs a coordinator who can serve as the focal point for questions and concerns from everyone involved, as well as to ensure that the program develops and grows in a positive direction.

Once the program is up and running, it is vital to make sure there is cross-communication between project-oriented staff and permit-oriented staff. The coordinator of one well-established program reported having lost such cross-communication. This communication protects the specific interests of both parties. It allows the permit staff to know what is needed for certain road improvement projects, that would normally not be requested or necessary, and visa versa.

POTENTIAL BARRIERS AND OBSTACLES

While there are a myriad of barriers and obstacles that can and do present themselves when developing and implementing an access management program, interviewees in the research project mentioned several specific ones. Most, if not all, of these barriers and obstacles stem from two issues—money and people.

Money

Many officials' experiences have shown that there will likely never be enough money to do everything in the best possible way, and there will always be competition for available funds. Being aware of the need for funding from the outset will stress the importance of proving the value that access management provides to the infrastructure and the motoring public. It is also important to keep in mind that political priorities internal to each agency will have great impacts on how funds are spent.

People

Staff

While the issue of money is relatively simple, there are several barriers and obstacles related to people. The consensus is that you need as many people as you can get. One people issue is similar to the general money issue—you need as many people as you can get. In addition to the dedicated access management program coordinator, there needs to be enough people to handle all of the work involved. People are needed for a variety of tasks, including processing permits and requests, reviewing sites and plans, performing legal work and research, and working with the public. All persons interviewed emphasized the need to have an adequate number of people on staff to handle access management issues.

Politics/Bureaucracy

Developing and implementing an access management program can be a politically sensitive issue, since it potentially affects many stakeholders. DOT officials interviewed stated the need to be aware of this matter so attempts can be made to not upset stakeholders, whether they are internal or external to the transportation agency. This can be accomplished by using appropriate, quality educational materials that explain all aspects of access management, including the benefits and costs. Program developers need to be aware of the specific concerns and lack of knowledge that stakeholders will likely have and be ready to address as many issues as possible. Specially targeted efforts may be required in order to explain information to some people even though it is more easily understood by others.

In order to obtain and/or maintain internal administrative support, proper agency protocol must be respected. In some cases, it may be necessary to go through chains of command to talk to necessary people and make progress. This may occur in the implementation as well as the development of the program. Some examples of where protocol issues may be involved include obtaining authority for the access management coordinator to make decisions and requesting staff time from other divisions, departments, or agencies. More than one interviewee stressed that it is more work than one person can accomplish.

LEGAL ISSUES

There are a myriad of potential legal issues that may arise when developing and implementing an access management program. Decisions have to be made regarding legislation that authorizes and enacts the program. Other issues correspond to property rights, takings, and access rights. This section highlights a few of the concerns that were discussed in the interviews with state DOT officials.

Regulations

Writing clear, accurate and complete regulations in proper regulatory language and voice was suggested as a method to enjoy success related to legal issues. Testing all the ways the rules will be used, as well as running all the various scenarios to test the text and the standards is a way to ensure that this goal is met. One interviewee stated that the weaker the rule is, the faster it will be ignored.

Case Law

A state will not be able to change its case law. However, each state needs to understand its case law in order to write new law and regulation. A new access code/regulation will help change future decisions in case law. Knowing other states' case law helps the state to understand the complexity.

It is important to have one attorney from the Attorney General's office responsible for access management work. That way he or she will be able to learn a great amount about the engineering and planning issues that affect legal cases. Discussions with the Attorney General's office, in order to determine who has authority if the State is going to give cities the right to review access management plans and related requests, are a vital part of the overall program. Clear rules related to these processes must be established and followed.

Waivers

Every access management program must be flexible enough to allow for situations that cannot be predicted and/or are out of the ordinary. It is not possible to create a specific rule or regulation for every potential scenario that may materialize. Therefore, the program must allow for waivers "on both sides of the counter," for the public and for the transportation agency.

One concern that needs to be addressed is consistency among various waiver requests and responses. A suggestion to help provide some consistency it to establish a database in which all waiver requests and answers are entered. This will provide various application reviewers a means of referencing similar previous requests.

While it is necessary to provide flexibility through waivers, one interviewee emphasized the importance of keeping waivers to a minimum by stating that the Code is a tree and every waiver is a whack at the tree with an axe.

Another suggestion regarding the waiver process is to not include drawings, since they are difficult to amend. It was further stated that with such figures you not only bind the property owner, but you also bind the DOT.

"IF I COULD DO IT AGAIN"

One of the questions asked during the interviews was, "if you had it all to do over again, what would you do differently?" Some of these responses repeat points made previously, but are important enough to include in this section as well, since they were reiterated by the interviewees. These points were made more than once, and they may be some of the most important issues related to developing an access management program.

· Have more staff, a better developed program, and more money to

support projects to improve access locations with proven accident records.
· Spend more time on education.
· Start by trying to define what the law means (considering that we started with a law); a lot of issues have come up related to intent of the law.
· Broaden the stakeholders list.
· Establish where urban, suburban and rural standards begin and end. It is difficult to paint a suburban line on the ground.
· Develop the law and the program at the same time. In this way, all constituency groups are involved and laws and regulations are developed more smoothly. It would be beneficial to at least go a good way down the path with the two together.
· Make sure a reasonable time period is allowed for regulations to be adopted.
· Remember that the plan will not be perfect the first time. If you spend too much time trying to perfect it, you will never finish.
· Do not ignore highway projects. Make sure there is wording on how to implement the program other than through permits.

· Have actual legislation, instead of relying on the [State Transportation] Commission for everything.
· Develop an actual access management bureau or section within the state DOT to avoid as much political pressure as possible. Such a group would bring together staff with experience and expertise.

CONCLUSION

This paper has presented the majority of suggestions made by state DOT officials in states where access management programs are being successfully operated and in states where programs are being developed. The authors hope that these "lessons learned" will be useful to officials in cities, counties, states, and provinces where access management programs are being developed or refined. It is important to note that not every suggestion presented is applicable for every agency, but this collection of "lessons learned" provides a menu from which to choose.