

# CHAPTER 27 – Access Control Modification

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# CHAPTER 27 – Access Control Modification

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## ARTICLE 1 Introduction and Definitions

Caltrans is responsible for improving and preserving the State Highway System (SHS) to serve interregional traffic on the State’s transportation corridors; therefore, access control rights are preserved and connection points on freeways and expressways are kept to a minimum. Access control modification is permitted only after careful analysis to determine that no detrimental effect will occur that would impact facility operation. This chapter discusses the laws, policies and essential procedures for access control modification.

### Definitions

Access control – the full or partial restriction of access to owners or occupants of abutting lands to or from a highway. Also see [Highway Design Manual \(HDM\)](#) Topic 104 “Control of Access.”

Access opening – any opening through the right-of-way line that serves abutting land ownerships whose remaining access rights have been acquired by the State (also see the definition for “private road”).

Access point – each entrance or exit point, including locked gate access, to the highway. For example, a diamond interchange configuration has four access points.

Access right – the legal right to access a highway at a specified location from abutting land ownerships, also known as “abutter’s rights” in the [Right of Way Manual](#), Chapter 7 “Appraisals.”

Controlled access highway – an arterial highway with at least partial control of access, which may or may not be divided or have grade separations.

Decertification – the process by which operating right-of-way is determined to be excess and no longer necessary for transportation purposes. For additional

information, see the [Right of Way Manual](#), Chapter 16, “Excess Lands,” Section 16.05.00.00 “Disposal Methods and Procedures.”

Determination of Engineering and Operational Acceptability – a Federal Highway Administration (FHWA) determination that a proposed new or modified access point is acceptable.

Disposal – the selling, or other conveyance, of right-of-way by Caltrans consistent with statutes and regulations. For additional information, see the [Right of Way Manual](#), Chapter 16, “Excess Lands,” Section 16.05.00.00 “Disposal Methods and Procedures.”

Driveway – a paved portion of a public street providing an unobstructed passage from the roadway to an offstreet area used for driving, servicing, parking, or otherwise accommodating motor vehicles. *California Streets and Highways Code*, Section 5870 (b)

Expressway – an arterial highway for through traffic which may have partial control of access, but which may or may not be divided or have grade separations at intersections. *California Streets and Highways Code*, Section 257

Fair market value of access rights – the difference between the fair market value of the benefited parcel or parcels without the access opening and the fair market value of the same property with the access opening.

Freeway – a divided arterial highway for through traffic with full control of access and with grade separations at intersections. *California Streets and Highways Code*, Section 257

Interstate System Access Change Request – the term used to describe the formal request made to the FHWA regarding a proposed new or modified access on the Interstate System.

Interchange spacing – the distance between interchanges, measured from center of interchange to center of interchange. It is measured from the nearest interchange structure in the case of a split diamond interchange or similar situation.

Local agency – the entity ultimately responsible for operations, maintenance, and tort liability of the public road connection to a freeway or controlled access highway, usually a city or county.

Modified access – any modifications to an existing access opening or access point, including any change in the interchange configuration even though the number of actual points of access may not change. Examples would be replacing one of the direct ramps of a diamond interchange with a loop or a hook ramp or relocating exit or entrance points.

New access – any additional access points to the State Highway System (interchanges, intersections, ramps, or locked gates).

New Public Road Connection – the name of the California Transportation Commission (CTC) action necessary for a public road to connect to a freeway or controlled access highway. CTC action is not necessary to connect a State highway to a freeway.

Private road or private driveway – a way or place in private ownership and used for travel by the owner and those having express or implied permission from the owner but not by other members of the public.

Public road – a road that is eligible to receive construction funding from motor vehicle fuel tax revenues under Article XIX of the *California Constitution* or a road that is constructed and maintained by another public agency such as roads on tribal lands and those maintained by the U.S. Department of Agriculture - U.S. Forest Service, the U.S. Department of the Interior - National Park Service, or the California Natural Resources Agency - California Department of Parks and Recreation to serve the general public. City streets, county roads, and public highways are collectively referred to as public roads in this chapter.

Right-of-way – property (land and/or access rights) owned and operated by Caltrans for transportation purposes.

### Additional Definitions

A number of definitions that are relevant to the discussions in this chapter come from *Deputy Directive DD-23-R1 – Roles and Responsibilities for Development*

*of Projects on the State Highway System.* See the directive for additional details.

Implementing agency – is that entity charged with successful completion of each project component as follows:

1. Project initiation document (PID)
2. Completion of all permits and environmental studies
3. Preparation of plans, specifications, and estimate
4. Acquisition of rights-of-way, including, but not limited to, support activities
5. Construction, construction management and engineering, including surveys and inspection

Owner-operator – is that entity ultimately responsible for the operation, maintenance, and tort liability of a facility. *California Government Code*, Section 14520.3 (b) indicates that Caltrans is the owner-operator of the State Highway System.

Project – is that temporary endeavor undertaken to plan, develop and construct an improvement, modification, or addition to the State Highway System.

Project sponsor – secures funding for the project and serves as the project advocate. The project sponsor chooses an implementing agency for each project component and is the customer of the implementing agency. Caltrans is the sponsor for all projects funded solely from the SHOPP and most projects funded from the Interregional Improvement Program.

## **ARTICLE 2 Laws**

### **General**

The State Highway System has been constructed with a large investment of funds to control access in order to ensure the safety and operational integrity of the highways. By way of legislation, the California State Legislature provides Caltrans and the CTC with its expectations for managing access control modifications to ensure complete evaluation of all proposed access control modifications so that current and future traffic safety and operations are not compromised, to protect the investment in any improvements made, and to permit the ultimate development of a full freeway or expressway when traffic

and other conditions require. The United States Code contains the federal expectations regarding national interests on the Interstate System. This article presents key statutes pertaining to access control modification. The laws presented in this article represent the current version available on the internet at the time of publishing. It is the user's responsibility to verify the correctness and applicability of specific laws.

## **Federal Statutes**

### Title 23 United States Code, Section 111(a)

Section 111 (a) states:

In General.—All agreements between the Secretary and the State transportation department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary.

## **California Constitution**

### California Constitution Article XIX, Sections 1 and 2

Article XIX states:

SECTION 1. The Legislature shall not borrow revenue from the Highway Users Tax Account, or its successor, and shall not use these revenues for purposes, or in ways, other than those specifically permitted by this article.

SEC. 2. Revenues from taxes imposed by the State on motor vehicle fuels for use in motor vehicles upon public streets and highways, over and above the costs of collection and any refunds authorized by law, shall be deposited into the Highway Users Tax Account (Section 2100 of the Streets and Highways Code) or its successor, which is hereby declared to be a trust fund, and shall be allocated monthly in accordance with Section 4, and shall be used solely for the following purposes:

(a) The research, planning, construction, improvement, maintenance, and operation of public streets and highways (and their related public facilities for nonmotorized traffic), including the mitigation of their environmental effects, the payment for property taken or damaged for

such purposes, and the administrative costs necessarily incurred in the foregoing purposes.

(b) The research, planning, construction, and improvement of exclusive public mass transit guideways (and their related fixed facilities), including the mitigation of their environmental effects, the payment for property taken or damaged for such purposes, the administrative costs necessarily incurred in the foregoing purposes, and the maintenance of the structures and the immediate right-of-way for the public mass transit guideways, but excluding the maintenance and operating costs for mass transit power systems and mass transit passenger facilities, vehicles, equipment, and services.

## **California Statutes**

### California Code of Civil Procedure, Section 1263.320

Section 1263.320 states:

(a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

(b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

### California Government Code, Section 14520

Section 14520 states:

The commission shall advise and assist the Secretary of Transportation and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state.

### California Streets and Highways Code, Section 23.5

Section 23.5 states:

“Freeway” means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted



right or easement of access. If, in the judgment of the commission or the director, the public interest would be advanced thereby, a freeway, as defined herein, may be denominated a “controlled access highway”. In all other respects, the “controlled access highway” shall be subject to all provisions of this code pertaining to freeways.

California Streets and Highways Code, Section 100.2

Section 100.2 states:

The department is authorized to enter into an agreement with the city council or board of supervisors having jurisdiction over the street or highway and, as may be provided in such agreement, to close any city street or county highway at or near the point of its interception with any freeway or to make provision for carrying such city street or county highway over or under or to a connection with the freeway and may do any and all work on such city street or county highway as is necessary therefore. No city street or county highway shall be closed, either directly or indirectly, by the construction of a freeway except pursuant to such an agreement or while temporarily necessary during construction operations. No city street, county road, or other public highway of any kind shall be opened into or connected with any freeway unless and until the commission adopts a resolution consenting thereto and fixing the terms and conditions on which such connection shall be made and the commission may give or withhold its consent or fix such terms and conditions as, in its opinion, will best subserve the public interest.

California Streets and Highways Code, Section 100.3

Section 100.3 states:

From and after the adoption of a resolution by the commission declaring any section of a state highway to be a freeway, the highway described in such resolution shall have the status of a freeway for all purposes of Section 100.2.

Such declaration shall not affect private property rights of access, and any such rights taken or damaged within the meaning of Section 19 of Article I of the California Constitution for such freeway shall be acquired in a manner provided by law.

No state highway shall be converted into a freeway except with the consent of the owners of abutting lands or the purchase or condemnation of their right of access thereto.

California Streets and Highways Code, Section 118

Section 118 states:

(a) If the department determines that real property or an interest therein, previously or hereafter acquired by the state for highway purposes, is no longer necessary for those purposes, the department may sell, contract to sell, sell by trust deed, or exchange the real property or interest therein in the manner and upon terms, standards, and conditions established by the commission. The payment period in a contract of sale or sale by trust deed shall not extend longer than 10 years from the time the contract of sale or trust deed is executed, and a transaction involving a contract of sale or sale by trust deed to private parties shall require a downpayment of at least 30 percent of the purchase price, except as follows:

(1) For improved and unimproved real property sold or exchanged for the purpose of housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code, the payment period shall not exceed 40 years and the downpayment shall be at least 5 percent of the purchase price. All contracts of sale or sales by trust deed, for the purpose of housing for persons and families of low or moderate income shall bear interest. The rate of interest for the contract or sale shall be computed annually, and shall be the same as the average rate returned by the Pooled Money Investment Board for the past five fiscal years immediately preceding the year in which the payment is made. The contract of sale and sales by trust deeds shall not be utilized if the proposed development or sale qualifies for financing from other sources and if the financing makes feasible the provision of low- and moderate-income housing.

(2) Improved residential property sold to a local public agency pursuant to paragraph (1), if subsequently sold or transferred to a nonprofit housing organization, shall have the endorsement of the city in which the parcels are located, or the county if the parcels are located in an unincorporated area, that the housing shall remain at affordable housing costs to persons and families of low or moderate income and very low income households for the longest feasible time, but for not less than 15 years, as determined by the city or county, as applicable. By endorsing the sale, the city or county accepts the responsibility of ensuring the housing remains affordable. The local public agency shall record in the office of the county recorder covenants or restrictions implementing this subdivision. Notwithstanding any other provision of law, the covenants or restrictions shall run with the land and shall be enforceable against the original purchaser from the department and successors in interest.

(b) A conveyance under this section shall be approved by the commission and shall be executed on behalf of the state by the

director and the purchase price shall be paid into the State Treasury to the credit of any fund, available to the department for highway purposes, which the commission designates.

(c) Any such real property or interest therein may in like manner be exchanged, either as whole or part consideration, for any other real property or interest therein needed for state highway purposes.

California Streets and Highways Code, Section 250

Section 250 states:

It is hereby declared to be essential to the future development of the State of California to establish and construct a statewide system of freeways and expressways and connections thereto without regard to present jurisdiction over the highways, roads, and streets that might be included. It is the intent, further, that the California Freeway and Expressway System be completed with provision for control of access to the extent necessary to preserve the value and utility of the facilities to be constructed.

California Streets and Highways Code, Section 254

Section 254 states:

As specific locations are determined by the commission for portions of state highways included in the California freeway and expressway system, the commission shall designate the particular portion as a part of the California freeway and expressway system and the planning and design of such highways shall include provision for such access control as the department and the commission determine essential to protect the investment of any improvements made and to permit the ultimate development of a full freeway or an expressway when traffic and other conditions require. Such declaration by the commission shall have the effect of declaring the particular portion affected a freeway within the meaning of Section 100.2.

California Streets and Highways Code, Section 257

Section 257 states:

For the purpose of this article only, and to distinguish between the terms “freeway” and “expressway,” the word “freeway” shall mean a divided arterial highway for through traffic with full control of access and with grade separations at intersections, while the word “expressway” shall mean an arterial highway for through traffic which

may have partial control of access, but which may or may not be divided or have grade separations at intersections.

California Streets and Highways Code, Section 5870 (b)

Section 5870 (b) states:

“Driveway” means a paved portion of a public street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

## **ARTICLE 3 Policies**

### **General**

Caltrans manages the State Highway System to maximize the public’s return on investment in California’s transportation infrastructure while at the same time minimizing the system’s impacts on the environment. As owner-operator, Caltrans has the statutory and inherent obligation to ensure that all modifications or additions to the State Highway System, regardless of the project sponsor or funding source, are:

- safe, operational, maintainable, compatible and of good value.
- providing for the efficient multimodal movement of people and goods.
- in the best interest of the general public.
- developed and constructed in compliance with laws and regulations that govern the use of State and federal transportation funds.
- developed and constructed in partnership with vested stakeholders.

### **Stewardship and Delegation of Federal Highway Administration Authority**

Approval of the report that justifies an Interstate System access change has been delegated to Caltrans. However, new or modified access points on the Interstate System still require approval by the FHWA. The types of reports and related procedures along with the steps to obtain Final Approval from FHWA are covered in Article 5 “Interstate System.”

See the latest [Stewardship and Oversight Agreement on Project Assumption and Program Oversight](#) between the FHWA, California Division and Caltrans for the project actions assumed by Caltrans and the project actions where

FHWA has retained their authority as well as the detail associated with the various oversight responsibilities.

## **Access Control**

Direct access to freeways from private property is prohibited without exception. All connections to freeways are by interchanges so the abutting private property is served by frontage roads or streets connected to interchanges.

Partial interchanges on the Interstate System will not be allowed except in extreme circumstances or when a full interchange is to be built in phases and included in the “cost-constrained” 20-year regional transportation plan.

Access openings on expressways are normally for at-grade intersections and interchanges. Access from private property is permitted on expressways, but the size and number of openings are held to a minimum. Parcels that have access to another public road, including frontage roads to the expressway, are not allowed direct access to the expressway.

Private property rights of access shall not be affected by the conversion of a highway to an expressway or expressway to a freeway. All abutting properties must be given access via local roads, frontage roads and/or access openings. If any access rights are taken or damaged, said access rights shall be acquired in a manner provided by law. No State highway shall be converted into a freeway except with the consent of the owners of abutting lands or the purchase or condemnation of their access rights thereto. (See *California Streets and Highways Code*, Section 100.3.)

### Federal Highway Administration National Policy

The FHWA National Policy, issued on August 27, 2009 states:

It is in the national interest to preserve and enhance the Interstate System to meet the needs of the 21st Century by assuring that it provides the highest level of service in terms of safety and mobility. Full control of access along the Interstate mainline and ramps, along with control of access on the crossroad at interchanges, is critical to providing such service. Therefore, FHWA’s decision to approve new or revised access points to the Interstate System must be supported by substantiated information justifying and documenting that decision.

For more information, see [Federal Highway Administration – National Policy](#).

## Conventional Highways

Conventional highways generally do not have access control. Private roads and driveways are allowed through the encroachment permit process.

## Public and Private Road Determinations

A key in analyzing proposals for access control modification is to determine whether a road was a public road or a private road at the time the CTC made the freeway declaration. The fact that a roadway has never become a “county road” or a “city street” would not necessarily prevent it from being a “public road.” The road does not have to be paved to be considered a public road.

Questions can be asked to determine whether or not a road is a “public road.” At the time of freeway declaration, if the answer to any of the following questions is yes, then the road can be considered a public road:

- Was the road maintained at public expense?
- Did the road have dedicated rights-of-way or easements?
- Did the road serve more than one property owner with at least one of the ownerships not abutting the adopted route?
- Is the road eligible to receive construction funding from motor vehicle fuel tax revenues under Article XIX of the *California Constitution*?
- Was the road constructed and is it maintained by another public agency, such as roads on tribal lands and those maintained by the U.S. Forest Service, the National Park Service, or the California Department of Parks and Recreation to serve the general public?

A county road or city street that exists on paper in an approved subdivision map or as part of a master plan is considered to be nonexistent and should not be proposed as a new connection until the road or street is included in an approved general plan and there is a funding commitment. The funding commitment must include a specific schedule for both the connection and a usable segment of the local road that is connected with the general system and network of public roads.

The district project files, project initiation document (PID), draft project report (DPR), and project report (PR) should clearly document the facts used in making a public road determination when the determination is otherwise not found as a public road of record.

## **Value of Change in Access Rights to Private Property**

Project sponsors should be aware that payment will be required by Caltrans when there is an increase in the appraised value of a parcel or parcels as a result of a change in access rights. Caltrans will require payment from private property owners when they are granted access to State highways.

Caltrans purchases the access rights prior to constructing a freeway or expressway. There is a cost to the State to create an opening in the existing access control. Before a new private access to an expressway or freeway may be constructed, the existing operating rights-of-way (typically from right-of-way fence to pavement edge) for said access must be decertified. Once the decertification process has been completed, the access rights can be transferred to the private property owner or developer (see [Chapter 26](#) – Disposal of Rights-of-Way for Public or Private Road Connections).

The value of the property increases once the access rights have been transferred from Caltrans. The private property owner or developer must provide payment to Caltrans based on an appraisal which determines the fair market value of the access rights being transferred. The fair market value of access rights is based on a “before and after” appraisal of the parcel or parcels being benefited.

In addition to the compensation for the access rights, the private property owner or developer is required to pay for the cost of any modification or mitigation measures (such as operational or environmental impacts) to accommodate the proposed new private access.

Caltrans may request that the private property owner or developer construct highway improvements in addition to those required to accommodate the proposed new private access. If Caltrans requests this type of additional highway improvement, a credit that is equal to the cost of those additional improvements will be made against the appraised value of the access rights.

Payment to Caltrans for access rights will be no less than the value of the access rights described in this section, less any credit for Caltrans requested highway improvements.

## Design Practice

Private access openings have specified widths that are incorporated into deed descriptions. However, when the CTC grants an access control modification, it is practice to not specify a width of opening. The width matches the proposed roadway opening or the proposed local road right-of-way. If the local road is subsequently widened, the width is adjusted to fit the new plan without further CTC action.

## Road Maintenance Responsible Party

It is required that all public road connection requests to the CTC be made by a city, county government, or other public agency and for the requesting agency to maintain the public road within the State right-of-way, giving the State a responsible party to enter into a maintenance agreement with. Detailed information about maintenance agreements can be found in the [Maintenance Agreements Manual](#). The public road connection is further formalized by inclusion in the required superseding controlled access highway agreement or freeway agreement.

Exceptions may be allowed in unusual circumstances if the local agency objects to maintaining the public road within the State right-of-way. In such a case, CTC consent would be requested as an “other public highway of any kind” (*California Streets and Highways Code*, Section 100.2) but there would be no freeway or controlled access highway agreement with the affected city or county. The CTC resolution would cover any needed ownership, maintenance, or control provisions that will also be included in the encroachment permit.

## California Transportation Commission Consent

CTC consent is needed for access control modifications on controlled access highways, but not modifications to existing public road connections. The following circumstances discuss the conditions when CTC consent is required for access control modification:

- Access break – when access control has been acquired and the new connection will involve a break in the access control.
- Connection as part of initial construction of freeway or expressway – when an interchange or at-grade connection with a new public road



that was not in existence at the time of the freeway adoption (or not shown as a future road in the route adoption map) is to be included with the construction of a new freeway or expressway.

- New connection to existing freeway or expressway – when any access control modification (interchange or at-grade connection) to an already constructed freeway or expressway is proposed or if ramps are to be added at an existing overcrossing or undercrossing.
- Private access to public road conversion – conversion of an existing private access opening to a public road connection.
- Temporary connection – when there is a temporary connection of a new public road to a freeway or expressway. The CTC resolution of consent may be worded to put the local agency and adjacent property owners on notice that the connection is temporary and that it may be closed at the time of further freeway construction or closed by a specified date.
- Reconnecting a previously closed connection – when reconnecting a previously closed connection to a constructed freeway.
- Private road connection – private road connections to an expressway, or through access control to a road that crosses the freeway. These are handled as right-of-way transactions and are processed through the CTC by way of Director’s Deeds (see [Chapter 26](#) – Disposal of Rights-of-Way for Public and Private Road Connections).

### **California Transportation Commission Consent not Required**

CTC consent is not required for the following conditions:

- Modification – when modifying existing public road connections.
- Existing road as frontage road – when a new local road or street is to be connected to an existing highway that is clearly to remain as a frontage road after construction of the freeway. The connection will be handled by the encroachment permit process. The encroachment permit should note the same conditions (if any) depicted on the freeway agreement or controlled access highway agreement.
- Crossing with separate grade – when the new road will not be “opened into or connected with” the freeway but will merely cross at separate grades. Either the resolution of change procedure must be followed or a superseding freeway agreement must be executed.
- Unconstructed freeways – Unconstructed freeways, or other public roads that are depicted on a route adoption map at the time of the freeway declaration (also referred to as “freeway adoption”) may be approved for connection to a freeway through negotiation between Caltrans and the local agency.

- Closure of a connection – when an existing connection is closed. However, a superseding freeway agreement must be executed.
- Stage construction – when an existing access is closed or relocated temporarily as part of stage construction.
- Adding ramps – when ramps are being added to an existing partial interchange with at least two existing ramps providing access to both directions of the freeway; public access to and from the freeway has already been furnished.

For illustrations of cases that do and do not require CTC consent, see Figures 27-1 through 27-5.

### **Request to California Transportation Commission**

After project approval, the district submits the draft CTC consent request for access control modification (new public road connection book item) with a location map to the Headquarters' Division of Design, Office of Project Support. If applicable, FHWA Final Approval of the proposed new or modified access should also be submitted. The Office of Project Support will finalize the consent request and location map for submittal to the CTC. At this stage, the local agency has executed a freeway or controlled access highway agreement, with provision for the access control modification. Execution of the agreement by the State is withheld until after CTC consent.

The CTC may require that construction of the public road start at the time Caltrans grants a permit for its connection to the State highway. The CTC may also impose the condition that the authorization is voided if construction of the public road is not undertaken within a specified time period.

If a proposed project includes a future connection, CTC consent is not required at this time; however the local agency must still make a formal request to Caltrans. The following notification procedure should be followed.

#### Formal Notice to Local Agency

Upon receipt of a formal resolution requesting approval to construct a road across an adopted freeway alignment, a formal notice must be given by the district to the local agency. The formal notice covers the following points and considerations:

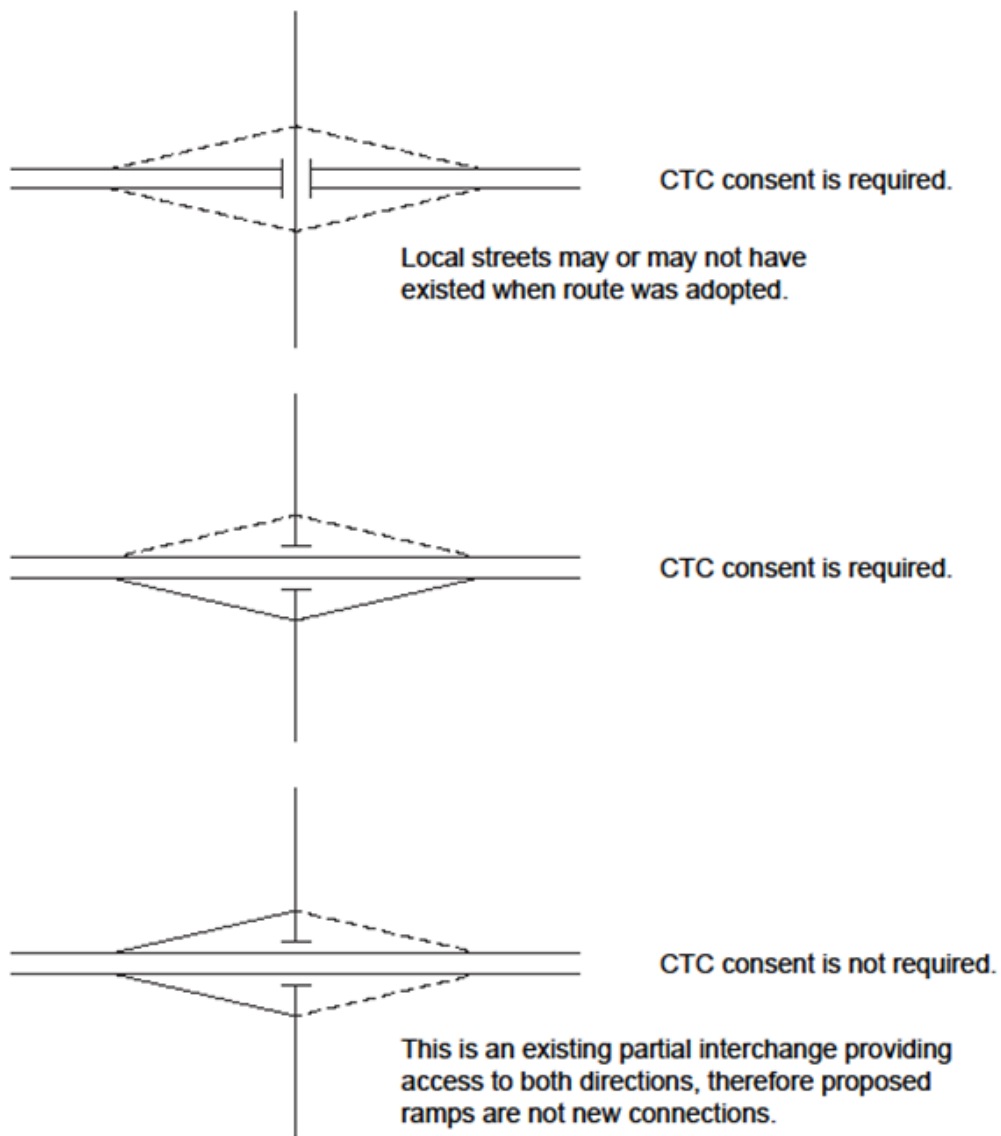
- State the name of the street and the location by post mile.

- State the date on which the CTC adopted the freeway route and that the construction of the local road prior to freeway construction does not create any special obligation on the State's part to later carry this road across the freeway, connect it with the freeway or to make provisions for the traffic that will be carried on the local road.
- State that there can be no physical connection of the local road with the freeway unless the CTC formally consents to the connection first.
- State that Caltrans cannot execute a freeway agreement showing a connection of the local road with the freeway without first obtaining CTC consent of the connection.

### **Right-of-Way Changes**

Interchange projects usually involve changes in right-of-way and access control. Refer to [Chapter 26](#) – Disposal of Rights-of-Way for Public or Private Road Connections for required FHWA approval for disposal of right-of-way.

**Figure 27-1 Existing Separations**

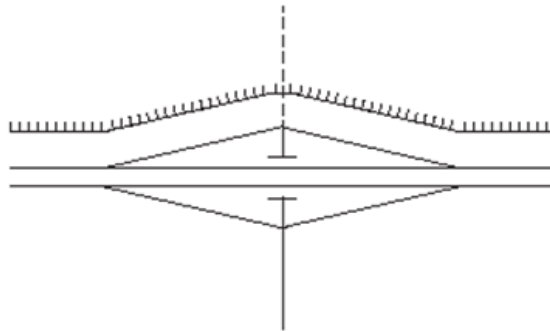


**Legend**  
----- Proposed  
———— Existing

**Figure 27-2A Existing Interchange – Add Crossroad**

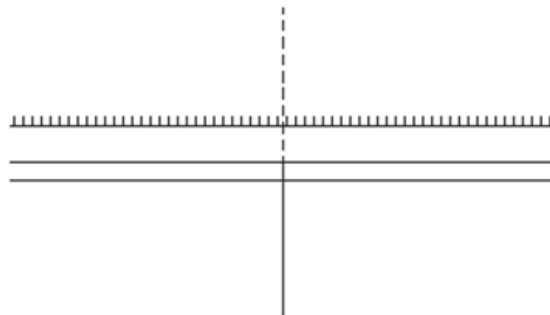
**Figure 27-2B Existing T-Intersection at Grade – Modifications**

Figure 27-2A



CTC consent is required if access control has been acquired and the new road involves a break in the access control.

Figure 27-2B



CTC consent is required if access control has been acquired and the new road involves a break in the access control or if a private access opening is being converted to a public road.

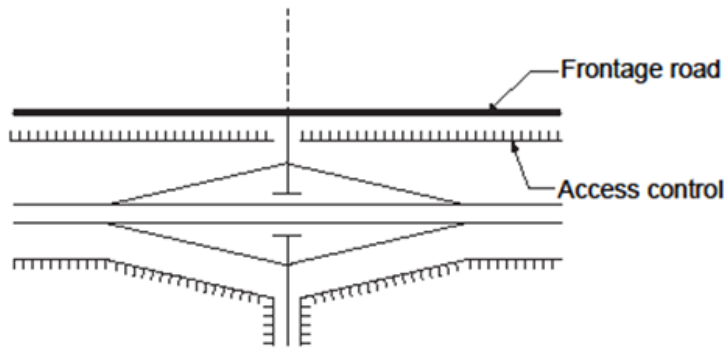
**Legend**

- Proposed
- Existing
- ▄▄▄▄▄ Access control

**Figure 27-3A Existing Interchange – Add Crossroad to Frontage Road Outside Access Control**

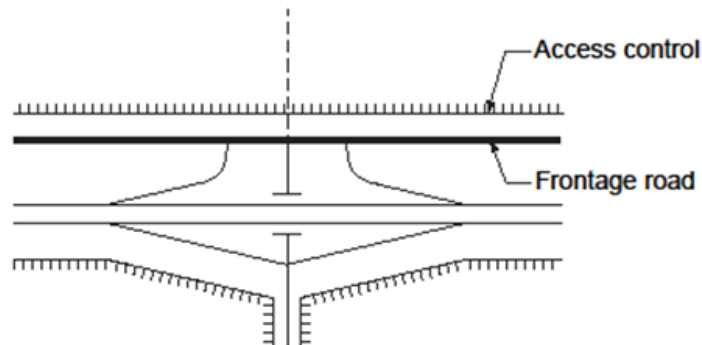
**Figure 27-3B Existing Interchange – Extend Crossroad to Frontage Road Inside Access Control**

Figure 27-3A



CTC consent is not required, since the new road does not involve break in the access control.

Figure 27-3B

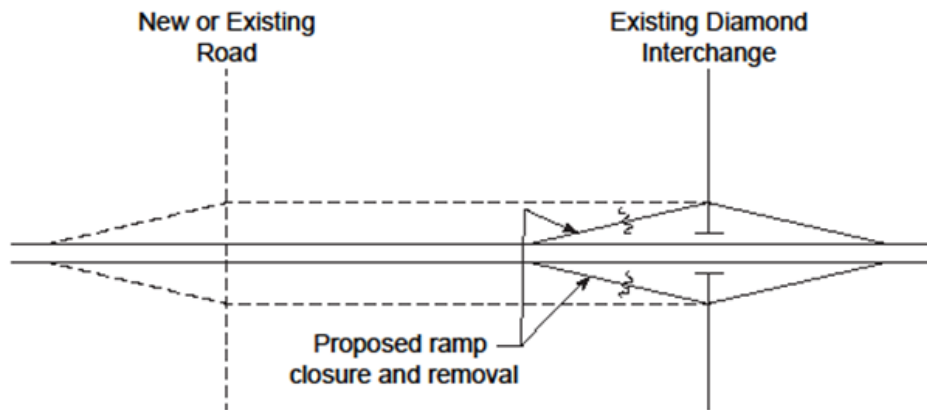


CTC consent is required since the new road involves a break in the access control.

**Legend**

- Proposed
- Existing
- ▨▨▨▨ Access control

**Figure 27-4 Existing Diamond Interchange – Modify to Split Diamond Interchange**

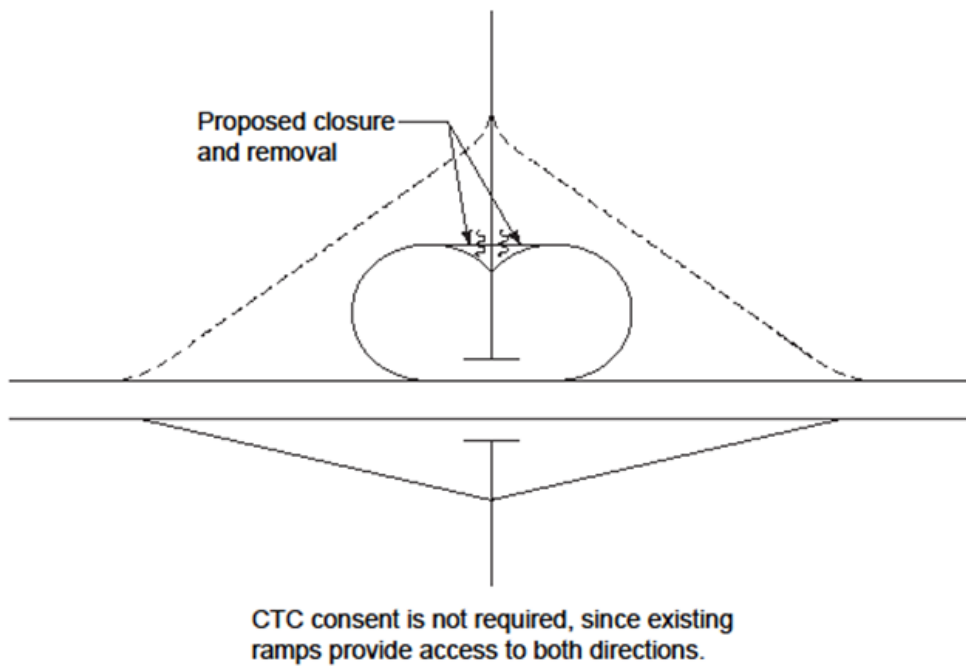


CTC consent is required, since an additional new road or existing road is being connected to the freeway.

**Legend**

- Proposed
- Existing
- ~~~~~ Road or ramp closure

**Figure 27-5 Existing Interchange – Ramp Modification Without New Access**



**Legend**

- Proposed
- Existing
- ~~~~~ Road or ramp closure



## **ARTICLE 4 Essential Procedures**

### **General**

This article discusses the essential procedures required for the approval of access control modifications.

### **Roles and Responsibilities**

#### Project Sponsor

The project sponsor selects an implementing agency for each project component and is the customer of the implementing agency. It is imperative for the project sponsor to have early and continual discussions with Caltrans to establish the viability of the proposal, the procedural requirements, and the schedule for various project deliverables.

The project sponsor is responsible for securing approval of access control modifications and should fully understand the requirements to obtain CTC consent.

The project sponsor is responsible for ensuring that affected local agencies have a complete understanding of State requirements and engineering standards at an early stage of project planning to ensure the safety and operational performance of the State Highway System are not hindered.

#### Local Agency

The local agency must support the proposed access control modification and must serve as the project sponsor when an access control modification is funded by a developer.

The local agency must request the access control modification and make a firm funding commitment on a specific schedule by formal resolution, which typically takes place during the PID phase. In cases where funding specifics are not available during the PID phase, the formal resolution may be deferred to a later stage. However, the CTC cannot act on an access control modification request until the formal resolution requirement has been met.

The local agency should be aware that the CTC action in granting an access control modification will set terms and conditions for the modification. This usually consists of specifying local and State responsibilities for right-of-way, construction costs, and the time frame for completion of construction.

### Caltrans

Because Caltrans is responsible for protecting the public's investment in the State Highway System, Caltrans must review all proposed highway improvements that are funded-by-others.

After the project sponsor submits a PID for proposing an access control modification, Caltrans should give the project sponsor either a written reason why the proposal is unacceptable or a written confirmation in the form of a signed PID that the proposal is worthy of further evaluation as an access control modification.

## **Relevant Project Development Processes**

The project development process for an access control modification is the same as for other projects, with information justifying the access control modification to be included in the PID, DPR, and PR (See [Chapter 8](#) – Overview of Project Development).

The project sponsor, local agency, and developer should meet with Caltrans at the beginning of the project development process to determine engineering feasibility and to discuss the proposed construction financing. The initial discussions should confirm that there are no obvious engineering or financial conditions that would prevent continuation of the study or inhibit CTC consent for the access control modification.

Current policy requires that all PIDs developed for the State Transportation Improvement Program (STIP) and special funded projects must use the project study report-project development support (PSR-PDS) process, unless use of a project study report (PSR) is approved by the District Director. The PSR-PDS is a streamlined PID document that does not require the same level of engineering detail as a PSR. See [Chapter 9](#) – Project Initiation and [Appendix S](#) – Preparation Guidelines for Project Study Report-Project Development Support Project Initiation Document.

The PSR-PDS does not provide enough detailed information for Caltrans to determine if the proposed access control modification is conceptually acceptable.

When the PSR-PDS is used as the PID for a proposed access control modification, it is essential that the DPR includes all information necessary for conceptual approval in addition to the instructions in [Appendix K](#) – Preparation Guidelines for Project Report. Due to the extent of the studies required, the complexity of these projects, and the amount of analysis required to adequately evaluate an access control modification, the DPR must also include information normally included in a PSR and as further described in the following sub-article. Also see [Chapter 9](#) – Project Initiation and [Appendix L](#) – Preparation Guidelines for Project Study Report.

The DPR must include information regarding the access control modification and necessary mitigation strategies needed to implement the access control modification for competing alternatives; it must also have an approved draft environmental document under the California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA), as appropriate.

Should the project sponsor desire to utilize the PSR process instead of the PSR-PDS process, an exception request from the project sponsor must be submitted to and authorized by the District Director.

Due to the requirements for CTC consent and because of Caltrans' responsibility for maintenance and tort liability, an encroachment permit by itself is not suitable for submitting a request for an access control modification. A project engineering evaluation report (PEER) is not detailed enough to support an access control modification due to the complexity and the significant amount of analysis required for these projects. However, an encroachment permit is necessary for construction of the project.

For access control modification, Caltrans will negotiate directly with public agencies that constructed and maintained public roads, such as roads on tribal lands and those maintained by the U.S. Forest Service, the National Park Service, or the California Department of Parks and Recreation.

If the access control modification is on the Interstate System, see Article 5 “Interstate System.”

## Conceptual Approval

The project sponsor is responsible for obtaining Caltrans' conceptual approval of the proposed access control modification. The following conditions must be satisfied where applicable before access control modifications are considered for conceptual approval. Since this information is not normally included in a PSR-PDS, the DPR must satisfy these conditions even if CTC consent for an access control modification is not required.

- Description – The proposal must describe:
  - Existing and proposed public road connections
  - Configuration of existing and proposed interchanges (including adjacent interchanges)
  - Distances to adjacent public road connections
  - Projected impacts on adjacent public road connections
  - Freeway or expressway mainline, including at least the first adjacent existing or proposed interchange on both sides of the proposed change in access, and crossroad traffic volumes (average daily traffic and design hourly volume) including turning movements for current year, implementation year, and design year (20 years from implementation year)
  - Number of mainline and crossroad lanes, including auxiliary lanes and collector-distributor roads
- Justification – It must be demonstrated that the existing connections (at-grade or interchange) and/or local roads and streets in the corridor can neither provide the necessary traffic capacity nor be improved to satisfactorily accommodate the design-year traffic demands.
- Transportation system management – It must be demonstrated that reasonable transportation system management components (such as ramp metering, mass transit, and high-occupancy vehicle facilities), geometric design, and alternative improvements to the highway cannot provide the necessary traffic capacity to satisfactorily accommodate the design-year traffic demands without the proposed access control modification.
- Consideration of Alternatives – It must be shown that all reasonable alternatives for design options and locations have been assessed.
- Future transportation system management – Future transportation system management components should be provided for in all alternatives if a future need is identified.
- Interchange Spacing – The proposal must meet the interchange spacing and weaving design standards contained in the [HDM](#).

- No Significant Adverse Impact – The proposal must not have a significant adverse impact on the safety and operation of the highway facility based on an analysis of current and future traffic.
- Connection to Public Road – The proposal must only connect to a public road and provide for all traffic movements.
- Local Planning – The proposal must consider and be consistent with local and regional land use and transportation plans.
- Coordination with Development – The proposal must take into consideration new or expanded development and demonstrate appropriate coordination between the development and related local circulation elements or otherwise required transportation system improvements.

Prior to proposing nonstandard design features all of the conditions for conceptual approval must be addressed and documented. Any proposed deviation from design standards must be approved prior to Caltrans granting conceptual approval.

The environmental studies and documentation for an access control modification must include traffic impacts on the State highway resulting from the access control modification. The environmental studies and documentation must also document all mitigation measures necessary to mitigate the effect of the access control modification. The features of the proposed access control modification to the State highway, and the proposed environmental document under CEQA and/or NEPA, must be acceptable to Caltrans.

The items to be addressed in the PSR or DPR should be determined in consultation with the Headquarters Project Delivery Coordinator.

For projects utilizing the PSR-PDS, Caltrans grants conceptual approval of access control modifications with the approval of the DPR. Caltrans grants conceptual approval of access control modifications for projects utilizing the PSR with the approval of the PSR.

For access control modifications on the Interstate System, see Article 5 “Interstate System.”

### **Deviation from Design Standards**

Requests for deviation from design standards must be made in accordance with [Chapter 21](#) – Design Standard Decisions.

### Access Openings on Expressways

Access openings on expressways must meet the standards covered in [HDM](#) Index 205.1 – Access Openings on Expressways.

### Interchange Spacing Requirements

Interchange spacing must meet the standards covered in [HDM](#) Index 501.3 – Spacing.

All of the conditions listed in the Sub-article “Conceptual Approval” must be addressed and incorporated into the design decision document for nonstandard design features, preferably as an attachment. It is also preferred to cover all other nonstandard features in the same design decision document. Questions on the content and format of the design decision document, along with any necessary variations to accommodate the unique information required to justify deviation from interchange spacing design standards, should be discussed with the Headquarters Project Delivery Coordinator.

Prior to requesting any deviation from design standards for interchange spacing on the Interstate System, all of the FHWA policy requirements referenced in the Sub-article “Federal Highway Administration New or Modified Access Approval Process” must be addressed and documented.

### Weaving Requirements

Weaving lengths must meet the standards covered in [HDM](#) Index 504.7 – Weaving.

## **ARTICLE 5 Interstate System**

New or modified access points on the Interstate System require approval by the FHWA in addition to the Caltrans approval previously described. Since FHWA’s approval constitutes a federal action, the NEPA process is required regardless of the funding source. Coordination with the FHWA transportation engineer who oversees the district projects to refine the scope of the analysis and to make an initial determination if the proposed access control modification is reasonable, is strongly recommended. This will assist the project analysis in being performed in a cost-effective manner and provide for a more effective review of the access control modification request by the FHWA.

## **Access Control Modifications Requiring Federal Highway Administration Review and Action**

It is vital that the proponent discuss the proposal with FHWA since some of the listed access changes may not necessarily need detailed analysis to address the FHWA policy requirements referenced in the Sub-article “Federal Highway Administration New or Modified Access Approval Process.”

The following access changes to Interstate System facilities require FHWA approval:

- New freeway-to-freeway interchange
- New service interchanges providing access between a non-freeway local roadway network (arterial, collector, or local road) and the Interstate
- Modification of freeway-to-freeway interchange configuration (for example, adding new ramps or abandoning/removing ramps)
- New partial interchanges or new ramps to-from continuous frontage roads that create a partial interchange
- Modification of existing interchange configuration, such as adding a loop to a diamond interchange
- Completion of basic movements at partial interchange (for example, completing a partial diamond interchange by adding a ramp)
- Locked gate access
- Abandonment of ramps or interchanges
- Access to special use lanes such as high-occupancy vehicle, high-occupancy toll (HOT) or truck only lanes (from the street network) within the Interstate System
- Relocation of a terminal of a ramp to a different local road
- Changes in operation of managed-lane access to general-purpose access to the Interstate

Generally, a change in the interchange configuration is considered a change in access even though the number of access points may not change. For example, replacing one of the direct ramps of a diamond interchange with a loop, or changing a cloverleaf interchange into a fully directional interchange is considered modified access for the purpose of applying FHWA policy.

## **Projects that may not Require Federal Highway Administration Review and Action**

Although approval may not be needed, coordination with the FHWA California Division Office is recommended to determine if any analysis is required based on the context of the project. If it is determined that these changes may require an analysis of the planning, environmental, design, safety, and operations of the proposed improvements, the project manager and project engineer should coordinate with the FHWA California Division Office to determine the type and extent of analysis required. The following access control modifications to Interstate System facilities may not require approval under FHWA policy:

- Shift of a ramp's location within the same interchange configuration, which results in ramp spacing that meets the design standards contained in the [HDM](#). If the interchange is reconfigured in such a way that the travel patterns change with the same number of access points, coordination of the project should be performed with the FHWA.
- Addition of lanes to an on-ramp. However, based on coordination with the FHWA, analysis of the potential consequences of this change on the safety and operational performance of the Interstate may be required.
- Addition of left-turn storage lanes, right-turn storage lanes, and through travel lanes at the terminus of existing ramps.
- Relocation or shifting of the existing on-ramp or off-ramp termini (such as moving the ramp end that connects with the local road) along the same roadway.
- Addition of a single auxiliary lane between two adjacent interchange ramps where the single auxiliary lane does not function as a mainline travel lane.
- Modification of the length of acceleration or deceleration lanes involved with any ramp.
- Improvements or changes to intersection control at ramp termini with local roads should be reviewed to ensure that the changes in the signalization do not result in queue spillback on to the mainline lanes of the Interstate and that sufficient storage is provided.
- Implementation of ramp metering or other active control of vehicles entering the Interstate System.
- Construction of new signing, striping, and/or resurfacing of an Interstate on-ramp or off-ramp, where geometric features are not changed.
- Installation of roadside guardrail and concrete barriers (such as for resurfacing and safety projects).



- Construction of overpasses or grade separation structures without ramps along Interstate facilities. The approval of air-rights over Interstate facilities is addressed as part of the location and design concept acceptance with the NEPA process and approval of plans, specifications, and estimate.
- Changes in access between managed lanes and general purpose lanes on the Interstate.
- Temporary modification to an interchange required for stage construction.

Coordination with the FHWA California Division Office is strongly recommended.

### **Federal Highway Administration New or Modified Access Approval Process**

FHWA approval is a two-step process to help manage risk and provide flexibility. The two-step process helps identify fatal flaws and ensure the investment in subsequent phases of the project is not wasted. See the FHWA [Interstate System Access Informational Guide](#) for details. Note that the eight policy requirements in the guide have been superseded by the two policy requirements (previously points 3 and 4, now 1 and 2), located at the FHWA [Policy on Access to the Interstate System](#) website.

#### **Step 1 – Determination of Engineering and Operational Acceptability**

Determination of Engineering and Operational Acceptability in accordance with FHWA policy requirements is referenced in the heading “Federal Highway Administration Policy Requirements” near the end of this article. An Interstate System Access Change Request that addresses FHWA’s two policy requirements is submitted to the FHWA California Division Office. An approved PID with the required information and a cover letter requesting the Determination of Engineering and Operational Acceptability for the access control modification serves as the Interstate System Access Change Request. Once the FHWA is satisfied that the proposed access change meets policy requirements, the FHWA will send a Determination of Engineering and Operational Acceptability.

Current policy requires that all PIDs developed for the STIP and special funded projects must use the PSR-PDS process, unless use of a PSR is approved by

the District Director. However, the PSR-PDS does not typically provide enough detailed information for Caltrans or the FHWA to determine if the proposed access control modification is conceptually acceptable.

When the PSR-PDS is used as the PID, the project sponsor has two choices:

1. Prepare a separate report that addresses the FHWA's two policy requirements. This report may be called a Determination of Engineering and Operational Acceptability Report, Interstate Modified Access Report, Interstate New Interchange Report or any title that is descriptive of the proposed access control modification. This report may follow the PSR outline (See [Chapter 9](#) – Project Initiation and [Appendix L](#) – Preparation Guidelines for Project Study Report) or follow the outline provided in the FHWA [Interstate System Access Informational Guide](#) only with information from policy requirements (previously points 3 and 4, now 1 and 2), included. This separate report when approved and combined with a cover letter requesting the Determination of Engineering and Operational Acceptability for the access control modification serves as the Interstate System Access Change Request. Once the FHWA is satisfied that the proposed access change meets policy requirements, the FHWA will send a Determination of Engineering and Operational Acceptability.

This separate report must be summarized in the DPR, and not attached to the DPR or draft environmental document.

Or

2. Ensure that the DPR addresses all of the FHWA policy requirements in addition to the information normally included in the DPR. See [Chapter 10](#) – Formal Project Studies and [Appendix K](#) – Preparation Guidelines for Project Report. The DPR must include information regarding the access control modification for each competing alternative and document the impacts and necessary mitigation strategies needed to implement each competing alternative; it must also have an approved draft environmental document under NEPA. The DPR when approved and combined with a cover letter requesting the Determination of Engineering and Operational Acceptability of the access control modification serves as the Interstate System Access Change Request. Once the FHWA is satisfied that the proposed access change meets policy requirements, the FHWA will send a Determination of Engineering and Operational Acceptability.

Since this is later in the project development process, project sponsors must be aware that completed design and environmental studies would be at risk if a Determination of Engineering and Operational Acceptability cannot be made. The FHWA may not be satisfied that

the proposed access control modification meets FHWA's two policy requirements, and may require the submittal of additional information.

If the project sponsor uses the PSR process instead of the PSR-PDS process, the PSR must contain all the required information for both Caltrans' conceptual approval and the FHWA to evaluate the proposed access modification on the Interstate System.

Due to unforeseen circumstances, there may be instances where a Determination of Engineering and Operational Acceptability request must be submitted to the FHWA after completion of the environmental process. Project sponsors must be aware that completed design and environmental studies would be at risk if a Determination of Engineering and Operational Acceptability cannot be made. Furthermore, additional environmental documentation may be required to address any substantive changes in the project scope as a result of the Determination of Engineering and Operational Acceptability review.

The time frame for a Determination of Engineering and Operational Acceptability needs to be taken into account when the project's schedule is established. At least 60 days should be allowed for the FHWA to review and respond; however, it is strongly suggested to establish a reasonable turnaround timeline that is agreed upon with the FHWA prior to each submittal. Once the FHWA determines that the proposal is acceptable in regard to engineering and operations, a formal letter will be sent to the District Director.

### Step 2 – Final Approval

An Interstate System Access Change Request for Final Approval in the form of a letter is submitted to the FHWA California Division Office. The request should reference the previous Determination of Engineering and Operational Acceptability, detail any changes that have occurred since the determination was granted, and include a copy of the final environmental document with a copy of the record of decision. Once the Final Approval is granted, the FHWA will send a formal letter to the District Director.

Approval of an access control modification request will be given only after a finding of engineering and operational acceptability and completion of the environmental process. The request for FHWA Final Approval of the proposed access control modification can be submitted only after the appropriate planning, air quality conformity, and environmental processes under NEPA

have been completed, and are determined to be complete and correct by Caltrans. The NEPA process must be followed regardless of the funding source since FHWA Final Approval of the proposed access control modification constitutes a federal action.

The proposal should also be included in the Transportation Improvement Program (TIP)/State Transportation Improvement Program (STIP) and long-range transportation plan (LRTP) prior to Final Approval. Furthermore, any commitments to be completed by Caltrans, a local agency or private entity should also be included in the Transportation Improvement Program/State Transportation Improvement Program and long-range transportation plan and may be made conditions for Final Approval.

If there are changes after the engineering and operational acceptability has been given and documented with a formal letter, the Final Approval request must include supporting documentation detailing any changes in the scope from the information submitted when the Determination of Engineering and Operational Acceptability was originally requested. The explanation for the changes should include any relevant technical information that would have been needed for the original Determination of Engineering and Operational Acceptability request.

### Federal Highway Administration Policy Requirements

Interstate System Access Change Requests need to address the appropriate issues and provide the information necessary to allow the FHWA to make an informed decision considering the potential consequences of a change in access. The current policy requirements are located at the FHWA [Policy on Access to the Interstate System](#) website. These two current policy requirements, previously policy requirements 3 and 4, supersede the eight policy requirements in Section 2.7 of the FHWA [Interstate System Access Informational Guide](#). While the policies have been updated, the procedures in the guide are still applicable, although the guide has not been updated at the time of this chapter update. It is the user's responsibility to apply the most up to date procedures and references. For related updates to the environmental Annotated Outlines guidance, see the Caltrans Environmental website located at: [Annotated Outlines/Re-Validation Forms](#)

### Approval Duration and Re-evaluation

Proposals may be re-evaluated if the project has not progressed to construction within three years of receiving an affirmative determination of engineering and operational acceptability. If the project has not started construction within the three-year time period, FHWA may determine whether an updated justification report based on current and projected future conditions is needed to receive either an affirmative determination of safety, operational, and engineering acceptability, or final approval if all other requirements have been satisfied. Consult with FHWA to determine if a re-evaluation is required.

An approved access control modification on the Interstate System requires a re-evaluation whenever there is a significant change in conditions, and/or design.

If a project that previously received Final Approval from the FHWA is significantly changed (such as changes to the design, land use, traffic volumes, roadway configuration or design, and environmental commitments), then an access re-evaluation is required. The scope of the changes and the factors justifying the change will determine the level of analysis required. The NEPA re-evaluation period is different from the Interstate System access re-evaluation. A written evaluation of the final environmental impact statement (EIS) must be prepared if major steps to advance the action have not occurred within three years of the approval, see *Title 23 Code of Federal Regulations*, Section 771.129 for details.

The process for determining the nature and scope of the access re-evaluation needed should consider the changes to the project since the Final Approval from the FHWA that would affect the safety, operations, or design criteria that were used in the prior approval.

