

# **Etowah County Road Department**

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## **Access Management Policy**

The Etowah County Commission adopts the following access management policy. This policy is deemed necessary in order to accomplish the following objectives:

1. Etowah County Commission, acting through its County Engineer and Road Department, is charged with the responsibility to protect the traveling public in Etowah County and maintain the public right-of-ways therein; The County Commission is also charged to protect the general welfare, health and safety of its citizens and the traveling public using the public highways, roads, rights-of-ways and highway system within Etowah County; and

2. It is the responsibility of the Etowah County Commission to ensure proper design, construction, maintenance and operation of its streets, road, utilities, driveways, highways, bridges, points of access thereto, and other associated user activities connecting to, using, and/or occurring within these public rights-of-ways; and

3. The Etowah County Commission has and does hereby find that in order to protect and provide for the general welfare and safety of the traveling public and to protect the public highway and road system within Etowah County, it is necessary to provide criteria and conditions which must be met by any person, firm, corporation, or entity seeking to access or connect roads, streets, highways, or any part thereof, and to prohibit any access or connection to the Etowah County highways, streets, roads or the highway system, which do not meet with and conform to proper engineering design and which do not have approval of the Etowah County Engineer or his designee:

**The following guidelines are hereby set forth and adopted by the Etowah County Commission to serve as the Etowah County Access Management policy. This policy shall be administered and interpreted by the Etowah County Engineer or his/her designee. The policy is as follows:**

1. No person, form, corporation, or other entity, public or private, shall construct or cause to be constructed or allow any driveway, highway, road, alley, street, other roadway, or any aspect or part thereof, to connect to or otherwise access or allow motor vehicle traffic on or onto any part of the Etowah County

public road system including the Etowah County rights-of-ways, without first applying for and obtaining an access permit from the Etowah County Commission, acting by and through the Etowah County Engineer or his designee;

2. All access and access permits to Etowah County maintained roads shall be subject to the approval by the Etowah County Engineer. No access permit will be granted or approved which does not properly address drainage, sight distance, and other safety criteria including, but not limited to proper lane widths, guardrail, front and back slopes, right-of-way encroachments, or pavement buildup to support anticipated future traffic on the public highway and highway system at affected points, as established and determined to be appropriate by the Etowah County Engineer;

3. Compliance with all requirements of the access permit is the responsibility of the property owner, developer, or entity applying for the access. Construction and material requirements shall be consistent with the Etowah County Subdivision Regulations. Driveways for individual residences as well as larger developments must comply with these access procedures and requirements;

4. All subdivisions of real property and all developments, along, adjacent to, or accessing existing paved or unpaved Etowah County public roads, and any person or entity seeking to connect a highway, street, alley, road, or other public or private way, thereto, shall be required to improve and upgrade such existing public road and connected roads, and associated drainage facilities, to the extent required by the Etowah County Engineer. These improvements may include, but are not limited to, the construction of additional lanes to increase capacity, turn lanes, acceleration and/or deceleration lanes, traffic signals, guardrail, clear zones, or other improvements deemed necessary by the Etowah County Engineer or his designee. The existing road system may be required to be upgraded in order to provide for future anticipated traffic demand and/or traffic volume increases. In addition to these requirements, subdivisions located on highways or roads classified as a minor collector or higher (as shown on ALDOT Highway Functional Classification Maps and includes major collectors, arterials, etc.) shall include at as minimum turn lanes to enter into the proposed subdivision and shall have the following limitations to include frontage lots on this type of facility:

a. Residential lots fronting a major or minor collector with an average daily traffic volume (ADT) of 1000 vehicles per day (vpd) or greater shall be limited to one(1) access point and shall be subject to stopping sight distance requirements based on the design speed or posted speed of the road (whichever is greater) and site conditions. These lot access points shall also be required to be

spaced at intervals equal to the stopping sight distance required above with a tolerance of +/- 5 mph for spacing;

b. Residential lots which are proposed denser than the requirements in 4(a) shall be limited to one (1) access point for subdivisions with two (2) lots or less and/or limited to two (2) access points for subdivisions with three (3) or more lots. These access points must still comply with all sight distance requirements and all roads/drives shall be constructed in accordance with the Etowah County Subdivision Regulations;

c. Residential lots on routes classified above a major collector (i.e. arterials) shall have limited access through service roads or equivalents.

d. Existing lots (as of the dates of the adoption of this policy) shall be grandfathered or exempt from spacing requirement of 4(a) provided the lot configuration does not change. If a subdivision of the existing lot occurs or is proposed, the new lot (s) must meet the criteria set out herein.

e. Turn lane requirements shall apply to residential and commercial developments. The guidelines for these turn lanes are as follows:

f. Turn lane requirements

Rt lane required\*    Lt turn lane required

**Local Road**

Development generating < 500 vpd	NO	NO
Development generating >500 vpd	Yes	*Depending on Location

**Major or Minor Collector w/ADT < 1000 vpd**

Residential Development generating <250 vpd	No	No
250 vpd < Development generating <500 vpd	Yes	No*
Development generating .500 vpd	Yes	Yes

**Major, Minor Collector or higher classification w/ ADT > 1000 vpd**

Residential Development generating <250 vpd	No	No
Commercial Development generating <250 vpd	Yes	No*
Development generating >250 vpd	Yes	Yes

See driveway location requirements in 4(a) which applies to spacing & locations.

\*If in the opinion of the County Engineer a left turn lane serves a more direct function, a left turn lane may be required or allowed in lieu of a right turn lane.

5. Existing drainage structures including culverts, bridges, and ditches, may be required to be upgraded or replaced as determined by the Etowah County Engineer;

6. Any utility installation that is required to serve the subdivision or development that must be relocated as a result of the required roadway or drainage improvement is the responsibility of the owner or developer thereof. Utility installation or relocation must be performed in accordance with the requirements of the Etowah County Engineer. All costs associated with the installation or relocation of utilities must be borne by the developer or owner;

7. Additional right-of-way may be required by Etowah County in order to be able to properly construct the required roadway and drainage improvements or utilities. The developer, traffic generator or applicant for an access permit is not necessarily entitled to exclusive use of any excess capacity of the existing roadway or any right-of-way that may be available and suitable for construction or any right-of-way in excess of that which is necessary to construct improvements required by the Etowah County Engineer. The developer, owner, or applicant for an access permit is responsible for all costs associated with acquiring additional right-of-way.

8. Design and construction plans which show all the proposed access and improvements must be submitted to the Etowah County Engineer for review and approval. All such plans shall bear the signature and seal of a professional engineer licensed to practice in the State of Alabama;

9. Prior to approval, an estimate of all costs of the proposed improvements shall be submitted by the applicant to the Etowah County Road Department for review and approval. Upon approval by the Etowah County Engineer, a bond in form and substance as approved by the Etowah County Commission, with an acceptable surety, in the amount not less than 150% of the approved cost, must be made and posted by the access permit applicant with the Etowah County Road Department to assure proper and timely completion of the improvements specified. Construction of any public improvement or any construction in the right-of-way must not commence until written approval has been granted by the Etowah County Engineer. Construction notification and inspection requirements shall be in accordance and consistent with the Etowah County Subdivision Regulations;

10. If construction is not substantially commenced within one (1) year from the date of the issuance of an access permit, or if commenced applicant fails to continuously and satisfactorily work toward completion of the project

according to the approved construction plans, the application and approval thereof will be void and application for an access permit must be resubmitted. Any resubmitted application for an access permit and approval or rejection thereof would take into consideration any additional improvements or change in construction or design based on conditions which the County Engineer deems necessary;

11. No building permits or development permits will be issued by Etowah County without access approval from the Etowah County Road Department in cases where the driveway or roadway providing ingress and egress accesses or connects to an Etowah County maintained road;

12. Regardless of any provisions contained herein to the contrary, an individual seeking access for the purpose of ingress and egress to only one (1) single family residence shall be required to obtain an access permit to be issued by the County Engineer allowing same, but shall not be required to present engineering studies and detailed construction plans unless the County Engineer determines that such is necessary due to particular safety, engineering, or other concerns associated with that specific point of intended access;

13. In the event any person or entity shall gain, establish, allow access to or otherwise connect or allow connection of any public or private highway, street, alley or road or other public or private way/facility to any part of the Etowah County maintained road system, in violation of any part of this resolution or without first obtaining an access permit as herein provided, and without the express written permission of the Etowah County Engineer. The Etowah County Engineer, acting on behalf of the Etowah County Commission, shall have the additional right to place impassable barricades between the traveled portion of the county road or right-of-way and the point of unpermitted access, thus preventing entry onto the Etowah County Road System and ingress and egress thereto. The Etowah County Commission also realizes that the County Engineer may in some cases be required to remove items placed on the right-of-way without permission that pose a safety threat to the traveling public;

14. Any person, firm, corporation or entity who or which violates any part or portion of this resolution or otherwise connects or allows the connection to any Etowah County public road or right-of-way of any portion of the Etowah County Road System in violation of the aforementioned requirements, or any portion, section or aspect thereof without first obtaining a written access permit to access the same as provided herein, shall in addition to all other remedies available to Etowah County, including but not limited to injunction and assessment of damages, be subject to and liable for the payment of civil penalties and reimbursement to Etowah County in an amount equal to all costs or damages incurred by Etowah County, The Etowah County Road Department or the Etowah County Engineer in order to bring said access point and use of the Etowah County public road system into compliance with the provisions hereof and the

cost, including, but not limited to, the cost of design, construction and installation of all necessary improvements to comply with the requirements herein, and for the cost of physically preventing ingress and egress to and from the Etowah County Road System. Nothing contained herein shall, however, be interpreted to limit Etowah County to any one or more available legal remedies, and the provisions herein providing for remedies shall be cumulative to all other remedies available now or in the future;

15. The requirements hereof shall be cumulative to any other legally imposed conditions or requirements provided by law or by Etowah County and/or the Etowah County Engineer;

16. The provisions of this resolution are severable. If any portion hereof shall be declared invalid by any court of competent jurisdiction, such declaration shall not effect the remaining portions hereof;

17. The provisions hereof shall become effective immediately upon the adoption by the Etowah County Commission, and all municipalities in Etowah County shall be advised of the adoption hereof and be requested to withhold any and all permits for developments accessing Etowah County public highway and roads until such Access permits have been adopted and issued by Etowah County acting by and through Etowah County Engineer or other designee of the Etowah County Commission.