

Manual on

Use of Public Right-of-Way Standard Approach Policy



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PREFACE

This document is one of several produced by the Local Highway Technical Assistance Council, (LHTAC) in an attempt to assist the Local Highway Jurisdictions in controlling the use of their public rights-of-way. It is the intent that the document be applicable to city, county, and highway district jurisdictions equally, regardless of size.

It is hoped that the Local Highway Jurisdictions will officially adopt this document and incorporate it into their city, county, or highway district operational activities. If your present standards exceed those presented in this document, it may be appropriate to adopt the more restrictive of the two. These standards are a suggested standard and may be modified to meet the needs of each Local Highway Jurisdiction.

LHTAC welcomes any comments, questions, and suggestions you may have concerning this manual.

Additional copies of the manual can be obtained by sending a check or money order for \$5 to LHTAC.

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You can also view or download this manual on our website www.lhtac.org.

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APPLICATION AND PERMIT TO USE PUBLIC RIGHT-OF-WAY

1. GENERAL REQUIREMENTS

A. INTRODUCTION

The efficiency and safety of modern streets and highways are directly related to the number of approaches, the design of approaches, the character of roadside interference and roadside obstacles. Uncontrolled approaches nullify carefully planned safety and maintenance features of highways.

Highway frontage property owners have certain rights of access to and use of public right-of-way. The traveling public has a right to safety, freedom of movement, and the efficient expenditure of highway funds.

The Local Highway Jurisdiction, (LHJ) is responsible for reviewing each application for an approach to see that operational efficiency and safety of the highway are not unduly compromised when granting access to the property owner. Operationally unsafe approaches should not be granted. Alternate means of access should be developed.

The number of approaches should be kept to the minimum required to handle the anticipated volume of vehicles.

B. PERMIT REQUIRED

To help preserve the highways as constructed and provide responsible growth where allowed, any applicant planning to construct an approach to access the public right-of-way for any purpose shall obtain an approved "Application and Permit to Use Right-of-Way (Approaches)." See Exhibit 3a and Exhibit 3b.

NO WORK OF ANY NATURE SHALL BE PERFORMED ON PUBLIC RIGHT-OF-WAY UNTIL AN APPROVED PERMIT HAS BEEN ISSUED. In an emergency, approval may be given in advance of processing the permit.

The permit process should be discussed with the applicant regarding the type of permit application and the type of access control in effect for the roadway segment where the permit is requested.

Applicant shall be informed of local policies and rules concerning approaches and shall pay for any changes or adjustments of highway features or fixtures brought about by actions, operations or requirements caused by the applicant.

The authority to regulate the use of the public right-of-way of Local Highway Jurisdictions (LHJ) is cited as follows:

1. Section 50-314, Idaho Code, gives the cities authority over the streets and alleys within their jurisdiction.

2. Section 31-805, Idaho Code, gives counties authority over the public streets and highways within their jurisdiction.
3. Section 40-1310, Idaho Code, gives highway districts supervisory authority over access to the public right-of-way under their jurisdiction.
4. Section 50-1330, Idaho Code, gives highway districts authority over the public streets and public right-of-way under their jurisdiction.

C. RESPONSIBILITY FOR ISSUING PERMITS

The issuing of permits may be delegated to a staff member of the governing authority. Otherwise, all permits will be issued by the elected officials of the governing authority.

D. §49-221, IDAHO CODE

49-221. Removal of traffic hazards.

(1) It shall be the responsibility of the owner of real property to remove from his property any hedge, shrubbery, fence, wall or other sight obstructions of any nature, except public traffic or highway signs, buildings and trees, where these sight obstructions constitute a potential traffic hazard. The above sight obstructions shall not extend more than three (3) feet, or less than ten (10) feet, in height above the existing center line highway elevation within the vision triangle of vehicle operators. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent highways forty (40) feet along each highway and connecting the two (2) points with a straight line. The sight distance obstruction restriction is also applicable to railroad-highway grade crossings with vision triangle defined by measuring forty (40) feet along the railroad property line when intersecting with a highway.

(2) When the department or any local authority determines that a traffic hazard exists, it may notify the owner and order that the hazard be removed within an appropriate time as determined by the department or local authority, considering the circumstances and conditions involved. The appropriate time may be specified in the notice. Such notice shall not obligate the department or local authorities to pursue removal or abatement until all legal remedies are exhausted.

(3) The failure of the owner to remove the traffic hazard within the appropriate specified time shall constitute a misdemeanor and every day the owner shall fail to remove the obstruction may be considered a separate and distinct offense. Civil action may also be initiated by state or local officials to enforce vision triangle restrictions.

(4) Local officials may, by resolution or ordinance, establish standards and procedures for protecting vision triangles at the intersections of local streets and roads. Such locally adopted standards or procedures, which may be more or less restrictive than the provisions hereof, shall not modify the standards established by this section concerning intersections with state-maintained highways and intersections with railroads.

2. DEFINITION OF TERMS

See Exhibits 1 and 2 - Figures II,A,A and II,A,B

A. TERMS

ACTUAL COSTS - As used in Section III,B and III,F of this manual, these costs are those incurred by the Local Highway Jurisdiction, (LHJ) for inspection personnel, (public or private) and for contractual services to have plans reviewed when these reviews are beyond the capability of the LHJ. LHJ costs would include wages, (loaded rate) travel, subsistence, and other expenses incurred. Other fees would be for personal services invoices. The intent is to recover LHJ costs only.

APPLICANT - Any person, persons, corporation, partnership, or other singular or plural individuals making application to the LHJ for an approach.

APPROACH - The section of the public right-of-way between the outside edge of the roadway shoulder and the public right-of-way line which is designed as an approved roadway for the movement of vehicles between the public roadway and the abutting property.

APPROACH FLARE - The curve radius connecting the approach to the outside edge of the roadway shoulder. Sometimes referred to as the fillet.

APPROACH SKEW ANGLE - The acute angle between the highway centerline and the extended approach centerline.

APPROACH TRANSITION - The area from the edge of an urban approach sloped to match the curb and border area elevations.

APPROACH WIDTH - Width of the approach excluding flares or transitions measured along the curb line or outside edge of shoulder in urban sections and perpendicular to approach roadway in rural sections.

BORDER AREA - The area outside the roadway, auxiliary lanes and shoulders, constructed and maintained as wide, flat, rounded, and as free from physical obstructions as practical.

CONTROLLED ACCESS HIGHWAY - A highway where rights of abutting landowners or others to access, light, air or view – in connection to a highway – are partially or fully controlled by public authority.

CORNER CLEARANCE - At an intersecting street or highway, the distance measured along the outside edge of shoulder or curb line, between the beginning or end of the intersecting street or road approach flare and extension of the nearest private approach edge, excluding flares or transitions.

DISTANCE BETWEEN APPROACHES - The distance measured along the curb line or outside edge of shoulder between the extensions of the near edges of adjacent approaches, excluding the flares or transitions.

FLARE TANGENT DISTANCE OR TRANSITION TANGENT DISTANCE - The distance, measured along the curb line or outside edge of shoulder, from the extension of the approach edge to the end of the approach flare or transition.

FRONTAGE - The distance for which a separate property is contiguous to public right-of-way measured along the curb line or outside edge of shoulder, between frontage boundary lines of the property.

FRONTAGE BOUNDARY LINE - A line perpendicular to the highway centerline that passes through the point of intersection of the property line and the public right-of-way line.

HIGHWAY - The entire width between the boundary lines of every way publicly maintained when any part is open to the use of the public for vehicular travel, with jurisdiction extending to the adjacent property line –including sidewalks, shoulders, berms, and rights-of-way not intended for motorized traffic. The terms “public street” and “public right-of-way” are interchangeable with highway.

JOINT USE APPROACH - An approach shared by two adjacent property owners for service and connecting both properties.

LOCAL HIGHWAY JURISDICTION (LHJ) - The city, county, or highway district having authority over the public right-of-way.

PERFORMANCE BOND - A document issued by a bonding company authorized to do business in the state of Idaho. The LHJ may allow substitution for the bond by an irrevocable Letter of Credit issued by a financial institution, or a cash deposit.

PRIVATE APPROACH - An approach used for access to a private residential property.

PROPERTY LINE CLEARANCE - The distance measured along the curb line or outside edge of shoulder between the frontage boundary line and the extension of the nearest edge of the approach, excluding flares or transitions.

PUBLIC APPROACH - An approach used by the public for access to a public, commercial, or industrial facility.

PUBLIC RIGHT-OF-WAY - A right-of-way open to the public and under the jurisdiction of an LHJ, where the LHJ has no obligation to construct or maintain said right-of-way for vehicular traffic. A term used to define a specific space.

ROADSIDE - A general term denoting the area adjoining the outer edge of the shoulder.

ROADWAY - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and rights-of-way. A divided highway has two (2) or more roadways.

SETBACK - The horizontal distance measured at right angles to the highway centerline between the right-of-way line and permanent fixtures, i.e., fuel-pump islands, signs, display stands, buildings, etc.

STANDARD APPROACH HIGHWAY - All highways within the local jurisdictions not having controlled access restrictions.

STOPPING SIGHT DISTANCE - Distance along a roadway that an object of specified height is continuously visible to the driver. For approaches the driver's height is 3.5' from roadway surface and the object height is 1.5' from the roadway surface.

STREET - Interchangeable with definition for **HIGHWAY** as described above.

TEMPORARY APPROACH - A temporary approach will require a permit in conformance with this Manual. The permit will contain a time certain for removal of the approach. In general, it should be for not more than a three (3) month period.

TRAVELED WAY - The portion of the roadway for the movement of vehicles, exclusive of ditches and roadside areas.

B. MEANINGS OF "SHALL," "SHOULD," "MAY," AND "WILL"

SHALL - A mandatory condition. Where certain requirements in the design or application of the device are described with the "shall" stipulation, it is mandatory when an installation is made that these requirements be met.

SHOULD - An advisory condition. Where the word "should" is used, it is considered to be advisable usage, recommended but not mandatory.

MAY - A permissive condition. No requirement for design or application is intended.

WILL - A mandatory condition. Can be used interchangeably with the term shall and connoting the same meaning.

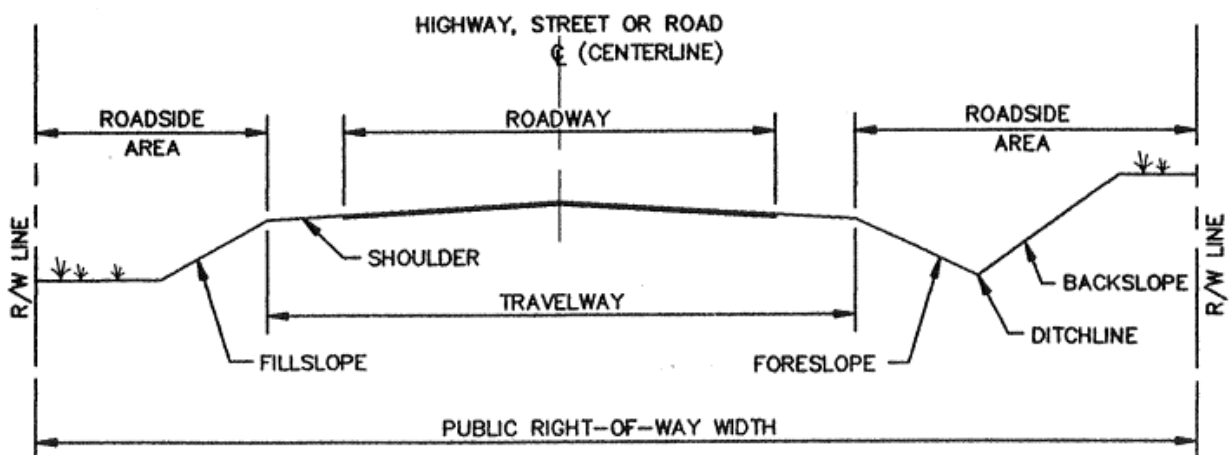


ILLUSTRATION OF DEFINITIONS APPLYING TO SECTIONS WITHOUT CURB AND GUTTER

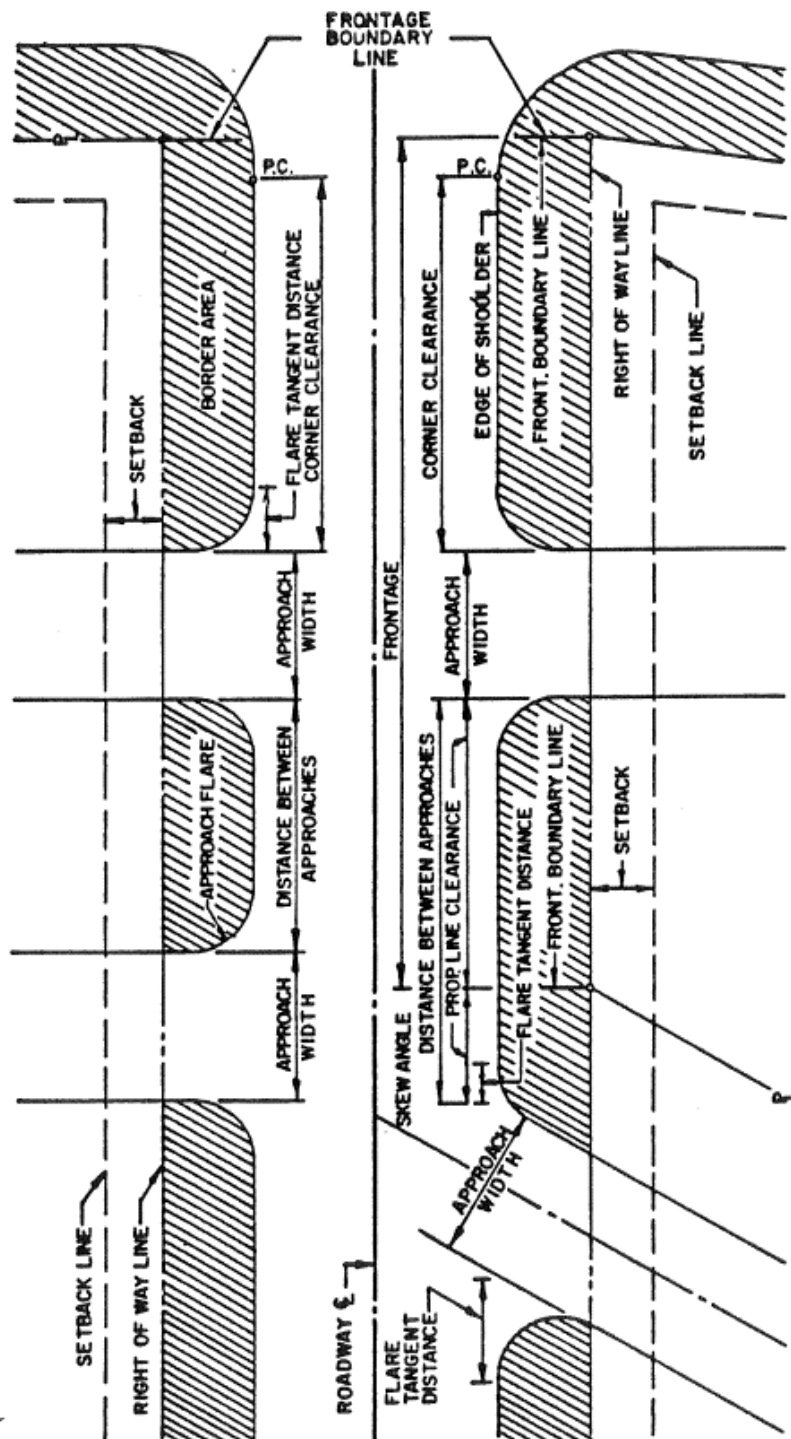


FIGURE II,A,A

3. PERMITS

A. GENERAL RULES FOR APPROACHES

General requirements are listed on Exhibit 3, Application and Permit to Use Public Right-of-Way, Approaches. Additional requirements are as follows:

1. The location, design, construction, and operation of all approaches should comply with the design principles and geometric restrictions established in this manual. The approach should be designed for the actual and future property access requirements.
2. Alleys should generally conform to approach standards, maintaining sidewalk continuity across the approach.
3. Urban and rural approaches shall conform to standard drawings.
4. The LHJ should encourage the construction of joint-use approaches for the access to adjoining properties – if not prohibited by local ordinance, and providing the application for a joint-use approach is signed by both property owners. Permittees may record the joint-use approach permit signed by both parties with the County Recorder after final permit approval by the LHJ. This would ensure that both parties would continue to have use of the approach until the agreement is modified.
5. The LHJ reserves the right to require the Permittee, its successors or assigns, to make any changes, additions, repairs or relocations to any approach or its appurtenances within the public right-of-way for necessary relocation, reconstruction, widening, or maintenance of the highway and/or to provide proper protection of life and property on, or adjacent to, the roadway.
6. Generally, no part of the public right-of-way shall be used for:
 - a) the parking of vehicles except in authorized parking areas.
 - b) the servicing, refueling, repairing of vehicles except for emergencies.
 - c) displays, sales, exhibits, business signs, etc.

APPLICATION AND PERMIT TO USE PUBLIC RIGHT-OF-WAY APPROACHES

COPY OF PERMIT MUST BE PRESENT AT WORK SITE DURING CONSTRUCTION

PUBLIC ROAD SURFACE TYPE: (DIRT) (GRAVEL) (PAVEMENT)

Start Date: _____

Est. Completion Date: _____

Road Name: _____

Location: _____

Sight Distance: _____

Posted Speed: _____

NOTICE

This permit shall not be valid for excavation until, or unless, the provision of Idaho code, Title 55, Chapter 22 have been complied with.

PRIOR TO EXCAVATION, CALL ONE NUMBER LOCATION SERVICE

Telephone No. _____

<p>APPROACH</p> <p>_____ Single Residence</p> <p>_____ Multiple Residence _____ No. Served</p> <p>_____ Business type _____</p> <p>_____ Agriculture</p> <p>Other _____ Explain: _____</p>	<p>WIDTH _____ SURFACE TYPE _____</p> <p>ESTIMATED ADT _____ (VEHICLE COUNT)</p> <p>Must meet the requirements of Local Highway Technical Assistance Council, (LHTAC) Standard Approach Policy and §49-221, Idaho Code.</p>
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**ATTACH SKETCH OF PROPOSED WORK AND TRAFFIC CONTROL PLANS:
SPECIAL PROVISIONS:**

See reverse side for General Provisions.

I CERTIFY THAT I AM THE OWNER OR AUTHORIZED REPRESENTATIVE OF THE PROPOSED PROPERTY TO BE SERVED AND AGREE TO DO THE WORK REQUESTED HEREON IN ACCORDANCE WITH THE GENERAL REQUIREMENTS PRINTED ON THE REVERSE SIDE, THE SPECIAL PROVISIONS AND THE PLANS MADE A PART OF THIS PERMIT.

NAME OF PERMITTEE	APPLICANT-PLEASE TYPE OR PRINT
ADDRESS	SIGNATURE OWNER/ AUTHORIZED REPRESENTATIVE
CITY STATE ZIP	DATE

SUBJECT TO ALL TERMS, CONDITIONS, AND PROVISIONS SHOWN ON THIS FORM OR ATTACHMENTS, PERMISSION IS HEREBY GRANTED TO THE ABOVE-NAMED APPLICANT TO PERFORM THE WORK DESCRIBED ABOVE.

FOR LOCAL HIGHWAY JURISDICTION USE	
<p style="text-align: center;">TEMPORARY PERMIT</p> <p>Tentative approval subject to inspection of installation.</p> <p>Date: _____</p> <p>By: _____ LHJ Authorized Representative</p>	<p style="text-align: center;">FINAL PERMIT</p> <p>Approved <input type="checkbox"/> Date: _____ Rejected <input type="checkbox"/> Date: _____</p> <p>Corrections Required: _____</p> <p>Approved by: _____ LHJ Authorized Representative</p>

This form may be reproduced for use in making multiple applications.

GENERAL PROVISIONS

1. A deposit in an amount to be determined by the Local Highway Jurisdiction, (LHJ) (minimum \$200.00) shall accompany this application. If proper construction or repair is made and accepted within ten (10) days, the deposit will be refunded. If proper construction or repair is not completed within ten (10) days, the LHJ may make repairs and assess the deposit. A \$25.00 administrative fee is non-refundable.
2. The LHJ may change, amend or terminate this permit or any of the conditions herein enumerated if permittee fails to comply with its provisions or requirements as set forth herein.
3. Approaches shall be for the bona fide purpose of securing access and not for the purpose of parking, conducting business, or servicing vehicles on the public right-of-way.
4. No revisions or additions shall be made to an approach or its appurtenances on the public right-of-way without the written permission of the LHJ.
5. The permittee shall furnish all material, labor and equipment involved in the construction of the approach and its appurtenances. This shall include furnishing approved drainage pipe of a size specified on permit (12 inch minimum) curb and gutter, concrete sidewalk, etc., where required. Materials and workmanship shall be good quality and are subject to inspection and approval by the LHJ.
6. The LHJ reserves the right to require the permittee, its successors and assigns, at any time, to make such changes, additions, repairs and relocations to any approach or its appurtenances within the public right-of-way as may be necessary to permit the relocation, reconstruction, widening, drainage, and maintenance of the roadway and/or to provide proper protection to life and property on or adjacent to the roadway.
7. Approaches shall conform to the plans made a part of this permit. Adequate drawings or sketches shall be included showing the design, materials, construction requirements and proposed location of the approach. All approaches shall be in accordance with Exhibits 9,10,11 & 13 of the Manual for Use of Public Right of Way - Standard Approach Policy.
8. During the construction of the approach(es), such barricades, signs and other traffic control devices shall be erected and maintained by the permittee, as may be deemed necessary by the LHJ. Said devices shall conform to the current issue of the Manual on Uniform Traffic Control Devices. Parked equipment and stored materials shall be as far from the traveled way as feasible. Items stored within 30 feet of the traveled way shall be marked and protected. The LHJ may provide barricades (when available) upon request.
9. In accepting this permit, the permittee, its successors and assigns, agrees to hold the LHJ harmless from any liability caused by the installation, construction, maintenance or operation of the approach(es).
10. If the work done under this permit interferes in any way with the drainage of the roadway, the permittee shall wholly and at his own expense make such provision as the LHJ may direct to take care of said drainage problem.
11. Upon completion of said work herein contemplated, all rubbish and debris shall be immediately removed, and the roadway and roadside shall be left neat and presentable and to the satisfaction of the LHJ.
12. The permittee shall maintain at his or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the LHJ.
13. Neither the acceptance of this permit nor anything herein contained shall be construed as a waiver by the permittee of any rights given it by the constitution or laws of the state of Idaho or of the United States.
14. No work shall be started until an authorized representative of the LHJ has given written notice to the permittee to proceed, except in case of an emergency when verbal authorization may be given with a written permit and fee required within five (5) working days.
15. This permit shall be void unless the work herein contemplated shall have been completed before _____

B. INSTRUCTIONS FOR ISSUING PERMITS

The Application and Permit to Use Public Right-of-Way should be completed by the issuing agency rather than the applicant.

Only the original copy of the application is needed. Copies for LHJ use may be duplicated as required. The applicant receives a copy of the temporary permit during construction, then is give the original of the final permit after approval by the LHJ.

The LHJ may request additional information for some specific approaches prior to or during processing of the applications. This request normally involves traffic operations and plans for some commercial approaches.

Applications shall be signed by the owner or his authorized representative.

A sketch should be provided by the applicant showing the locations (by highway station or other local means) of existing and proposed approach changes, location of other proposed work to be done within the public right-of-way, and highway signs in the area of the approach, i.e., a copy of reduced project plan sheets is sufficient. Two copies of the prints, drawings or sketches are required. Cost of relocating any highway signs shall be borne by the permittee.

A **special provision** should be added to permits for inspection reimbursement for permits requiring large amounts of work on the right-of-way; those which severely impact traffic; or those using sizable amounts of inspection time.

The following **special provision** could be used:

“The _____ shall be reimbursed for inspection including actual costs.”
(LOCAL HIGHWAY JURISDICTION)

The “temporary permit” portion should be signed by the authorized representative of the LHJ when issuing. After the facility is completed, the “final permit” portion should be signed by the LHJ – if acceptable.

1. Assignment of Numbers to Permits and Receipts

Permits should be numbered by the fiscal year and the sequence numbers started over each year with 001.

Example of Assigning Numbers:

The first permit issued in fiscal year 2020 (FY20) would be **20-001**. A single numbering sequence should be used for both the Application and Permit to Use Public Right-of-Way (Approaches) and (Utilities) forms.

C. TRAFFIC CONTROL FOR PERMITS TO USE PUBLIC RIGHT-OF-WAY

The safe, efficient passage and protection of vehicles and pedestrians during any work within the public right-of-way covered by permit is very important and shall be the responsibility of the permittee. During the progress of the work, barricades, signs and other traffic control devices shall be erected and maintained by the permittee in conformance with the current Manual on Uniform Traffic Control Devices, Part VI, latest edition. See Exhibits 4, 5, and 6 - Figures III,C. – A, B, and C.

D. OBTAINING RIGHT-OF-WAY VIA THE LOCAL PLANNING ACT OF 1975

Planning and zoning authorities may require that additional land needed to accommodate acceleration/deceleration lanes, corner radii, etc., be granted to the applicable LHJ by appropriate instrument as a condition for approving any rezoning, special use permit, or subdivision request.

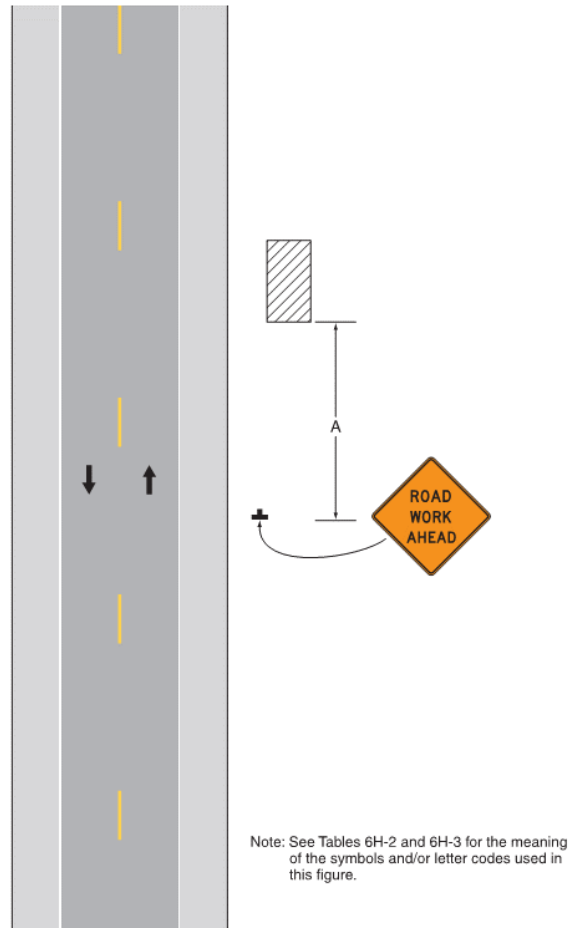
The following are needed to accomplish granting of property:

1. A comprehensive plan for the city/county must be in effect. (§67-6508, I.C.)
2. The transportation component of the plan should have the location and widths of the major thoroughfares identified. (§67-6508, I.C.)
3. When platting a subdivision, §50-1309, Idaho Code, provides for dedication of public right-of-way.

In special cases, a permanent easement (least desirable) can be granted when building setback or other problems preclude other forms of dedication. Instruments conveying land for public right-of-way use should be granted to and accepted by the appropriate city, county, or highway district and recorded with the County Recorder.

2-LANE ROADWAY – OFF TRAVELWAY OPERATIONS (BASIC TRAFFIC CONTROL PLAN)

Figure 6H-1. Work Beyond the Shoulder (TA-1)



Typical Application 1

Option:

2. The ROAD WORK AHEAD sign may be replaced with other appropriate signs such as the SHOULDER WORK sign. The SHOULDER WORK sign may be used for work adjacent to the shoulder.
3. The ROAD WORK AHEAD sign may be omitted where the work space is behind a barrier, more than 24 inches behind the curb, or 15 feet or more from the edge of any roadway.
4. For short-term, short duration or mobile operation, all signs and channelizing devices may be eliminated if a vehicle with activated high-intensity rotating, flashing, oscillating, or strobe lights is used.
5. Vehicle hazard warning signals may be used to supplement high-intensity rotating, flashing, oscillating, or strobe lights.

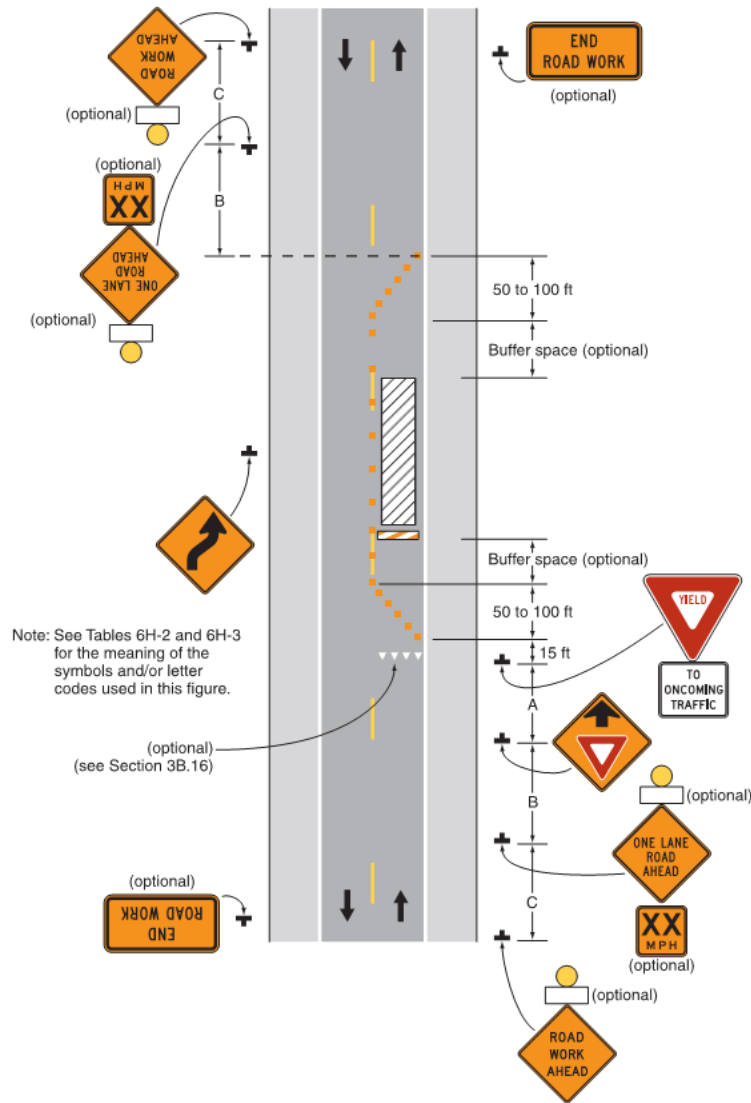
Standard:

6. Vehicle hazard warning signals shall not be used instead of the vehicle's high-intensity rotating, flashing, oscillating, or strobe lights.

FIGURE III,C,A

2-LANE ROADWAY – ONE LANE CLOSED-SHORT SECTION (BASIC TRAFFIC CONTROL PLAN)

Figure 6H-11. Lane Closure on a Two-Lane Road with Low Traffic Volumes (TA-11)



Typical Application 11

**Notes for Figure 6H-11—Typical Application 11
Lane Closure on a Two-Lane Road with Low Traffic Volumes**

- Option:
1. This TTC zone application may be used as an alternate to the TTC application shown in Figure 6H-10 (using flaggers) when the following conditions exist:
 - a. Vehicular traffic volume is such that sufficient gaps exist for vehicular traffic that must yield.
 - b. Road users from both directions are able to see approaching vehicular traffic through and beyond the worksite and have sufficient visibility of approaching vehicles.
 2. The Type B flashing warning lights may be placed on the ROAD WORK AHEAD and the ONE LANE ROAD AHEAD signs whenever a night lane closure is necessary.

Table 6H-2. Meaning of Symbols on Typical Application Diagrams
























	Arrow board		Shadow vehicle
	Arrow board support or trailer (shown facing down)		Sign (shown facing left)
	Changeable message sign or support trailer		Surveyor
	Channelizing device		Temporary barrier
	Crash cushion		Temporary barrier with warning light
	Direction of temporary traffic detour		Traffic or pedestrian signal
	Direction of traffic		Truck-mounted attenuator
	Flagger		Type 3 barricade
	High-level warning device (Flag tree)		Warning light
	Longitudinal channelizing device		Work space
	Luminaire		Work vehicle
	Pavement markings that should be removed for a long-term project		

Table 6H-3. Meaning of Letter Codes on Typical Application Diagrams

Road Type	Distance Between Signs**		
	A	B	C
Urban (low speed)*	100 feet	100 feet	100 feet
Urban (high speed)*	350 feet	350 feet	350 feet
Rural	500 feet	500 feet	500 feet
Expressway / Freeway	1,000 feet	1,500 feet	2,640 feet

* Speed category to be determined by highway agency

** The column headings A, B, and C are the dimensions shown in Figures 6H-1 through 6H-46. The A dimension is the distance from the transition or point of restriction to the first sign. The B dimension is the distance between the first and second signs. The C dimension is the distance between the second and third signs. (The "first sign" is the sign in a three-sign series that is closest to the TTC zone. The "third sign" is the sign that is furthest upstream from the TTC zone.)

FIGURE III,C,C

Reference: MUTCD, Part VI, 2009 ed.

Exhibit 6

E. APPROACHES FOR NEW DEVELOPMENTS

Before an approach permit is granted, a traffic-impact study may be required of all new developments which will generate over 100 cars per hour (total two-way) during the peak hour, or a lesser volume if requested by the LHJ.

1. The study should include data on the following:
 - a) Existing peak hour traffic volumes and conditions.
 - b) Directional distribution estimates of added traffic.
 - c) Projections of added traffic volumes for all appropriate critical hours.
 - d) Determination of needed improvements, traffic controls, approach locations and their design and the impact on nearby traffic control.
 - e) Identification of any additional highway right-of-way which might be required.
2. The results of the impact study should enable the responsible agencies having jurisdiction to:
 - a) Verify the need for capacity improvements along access streets and critical intersections.
 - b) Consider the effects on the local transportation system.
 - c) Enable the LHJ to check the access design.
 - d) Determine a fair and equitable means of cost-sharing between the developer and the public agencies for needed intersection or access improvements, including added traffic lanes and traffic control devices.

The developer is required to coordinate the study with both the LHJ and the local planning agency and/or building department which controls issuance of building permits for the development if they are separate agencies.

The developer shall provide and pay for the study and the LHJ, or its agent, should review the study. See Section III,F, Application Fees, for details on the Special Traffic Studies Fee.

F. APPLICATION FEES

Application fees for the various types of public right-of-way use permits issued by the LHJ shall be as follows:

- | | | |
|----|--|--|
| 1. | Approach Applications | |
| | a) Standard Approach Policy | \$25.00 |
| | b) Partial and Full Control Access | \$40.00 |
| 2. | Agricultural Use and Other Non-Permanent Use | \$20.00 |
| 3. | Special Traffic Studies or Appraisal Fee | Actual Cost |
| 4. | Inspector Fee | Actual Cost |
| 5. | Performance Bond | (Furnished by Applicant when required) |

In addition to the application fee, the LHJ may require payment of the estimated cost of any studies or appraisals when large development plans must be reviewed and/or extensive LHJ time is expended on a traffic study or review. These fees may be charged at the discretion of the LHJ. Estimated costs would include wages, travel, subsistence and other expenses incurred. The intent is to recover LHJ actual costs only.

Applications may not be processed before payment of the non-refundable application fee.

Application fees may be waived for the following (waiver of the fee does not waive the need for a permit)

- Government Agencies
- Approaches resulting from right-of-way negotiations.
 - Future approaches shown on plan – if installed according to plan.
 - Agricultural use of right-of-way as part of right-of-way agreement.
- Approach width changes on standard approach sections, if safety and drainage are not adversely affected.
- Those instances where a direct benefit to the LHJ is gained. An explanation justifying the waiver of fee shall be made on the application or attached to it. Examples would be: Allowing an adjacent landowner to level the public right-of-way along with adjacent property to remove earth obstructions and improve safety; plant and maintain grass; and non-obstruction landscaping on the right-of-way.

Inspection fees may be charged at the discretion of the LHJ when substantial inspection time will be required. The fee would include wages, (loaded rate) travel, subsistence and other expenses incurred. The intent is to only recover LHJ costs. When the inspection fee is to be assessed it shall be stipulated under the application special provision.

A performance bond may be required of an applicant at the discretion of the LHJ. The purpose of this bond is to guarantee completion of the work in accordance with the requirements of the permit. The bond amount should be large enough to cover costs to correct potential damage to the highway system the permittee might cause. The bond must be executed by a surety company authorized to conduct business in Idaho. The bond must be executed and incorporated into the permit file before the permittee is authorized to commence work.

The Performance Bond will be returned to the Permittee following the final approval of the facility by the LHJ.

G. SUBSTANDARD APPROACHES

If a substandard approach is constructed, the permittee shall be given ten (10) days to upgrade the approach to the prescribed standards on the permit, or have a plan of action approved by the LHJ with a completion date. Permits shall be revoked for approaches which are not upgraded to the prescribed standards and action taken to remove the approaches.

Exhibit 7 - Figure III,G, "Notice" may be used to post an illegal approach if the owner or the owner's representative cannot be found at the site. If the owner does not respond to notifications, the LHJ may send a certified letter (with a return receipt requested from the post office) to the owner advising of the illegal approach or encroachment and give ten (10) days to obtain the permit. In case of an illegal approach jeopardizing the safety of the traveling public, the LHJ may install appropriate temporary traffic control devices at their discretion.

NOTICE

THIS APPROACH DOES NOT HAVE A PERMIT AS
REQUIRED BY THE _____.

PLEASE CALL _____ FOR INFORMATION WITHIN
10 DAYS OR APPROACH MAY BE REMOVED.

DATE: _____

CONTACT: _____

FIGURE III,G

Un-approved approaches may be removed by the LHJ and legal action initiated to collect the removal cost, §40-2319, Idaho Code. The above ten (10) day requirement may be reduced if a hazardous situation is created by permittee or party and immediate corrective work is ordered by the LHJ when time is of the essence.

H. MAINTENANCE RESPONSIBILITY

Once the approach has been constructed and approved, the LHJ will maintain the approach as follows, unless otherwise provided:

- **Paved Public Approach** - Maintained to the public right-of-way line.
- **Paved Private Approach** - Maintain to end of radii, permittee maintains beyond radii.
- **Gravel Public Approach to Paved Highway** - Permittee installs an asphalt wedge sufficient to protect the roadway pavement edge (three (3) to six (6) feet back from the edge of road for the width of the approach). It is desirable to pave the approach to the right-of-way line when the road is reconstructed. The LHJ maintains to the right-of-way line.
- **Gravel Public Approach to Gravel Highway** - Maintained to the right-of-way line.
- **Gravel Private Approach to Paved Highway** - Permittee installs an asphalt wedge sufficient to protect the roadway pavement edge (three (3) to six (6) feet back from the edge of road for the width of the approach). The permittee maintains beyond the wedge.

I. APPEAL PROCESS

Applicants denied an approach permit or final approval by the authorized staff member may appeal to the appropriate city council, county commissioners, or highway district commissioners. The decision of the LHJ shall be final.

4. DESIGN PRINCIPLES

Design principles for the border area, setbacks, approach locations, base and surfacing, and drainage must meet minimum standards set by the Local Highway Jurisdictions or as shown in this manual.

A. BORDER AREA

The border area may require re-grading and/or landscaping when adjacent property and approaches are developed. Border area work shall ensure that adequate sight distance, proper drainage, desirable slopes for maintenance operations and a pleasing appearance are present. (See Exhibit 8 - Figure IV,A.)

The border area shall be free of encroachments and treated as necessary to prevent vehicular use by ditching, special grading, use of concrete or bituminous curbs, fencing, guard rail, guide posts, etc., as long as the devices do not impair adequate sight distance or constitute a hazard to pedestrians or vehicles.

B. SETBACK

Businesses that are located adjacent to the highway cannot lawfully serve patrons in vehicles that are parked or standing on the public right-of-way. Improvements on private property adjacent to the public right-of-way to serve patrons shall be setback from the roadway so that stopping, standing or maneuvering of vehicles on the public right-of-way is not necessary. A minimum setback of fourteen (14) feet from the public right-of-way line is required. When a certain number of parking spaces per square footage of building are required, the parking spaces cannot be included within the public right-of-way.

Sufficient parking and or storage area to prevent the stopping of vehicles on the approach or the backing up of traffic onto the traveled way, especially for parking lots, garages, drive-in cafes/theaters, truck terminals, etc., should be provided off the public right-of-way. Business traffic flow should be designed to exit the main highway onto a local road or street before entering the business and then exit the business onto the main highway whenever possible.

Poles, signs, displays, etc., that restrict the sight distance of a vehicle entering or leaving the property should not be installed.

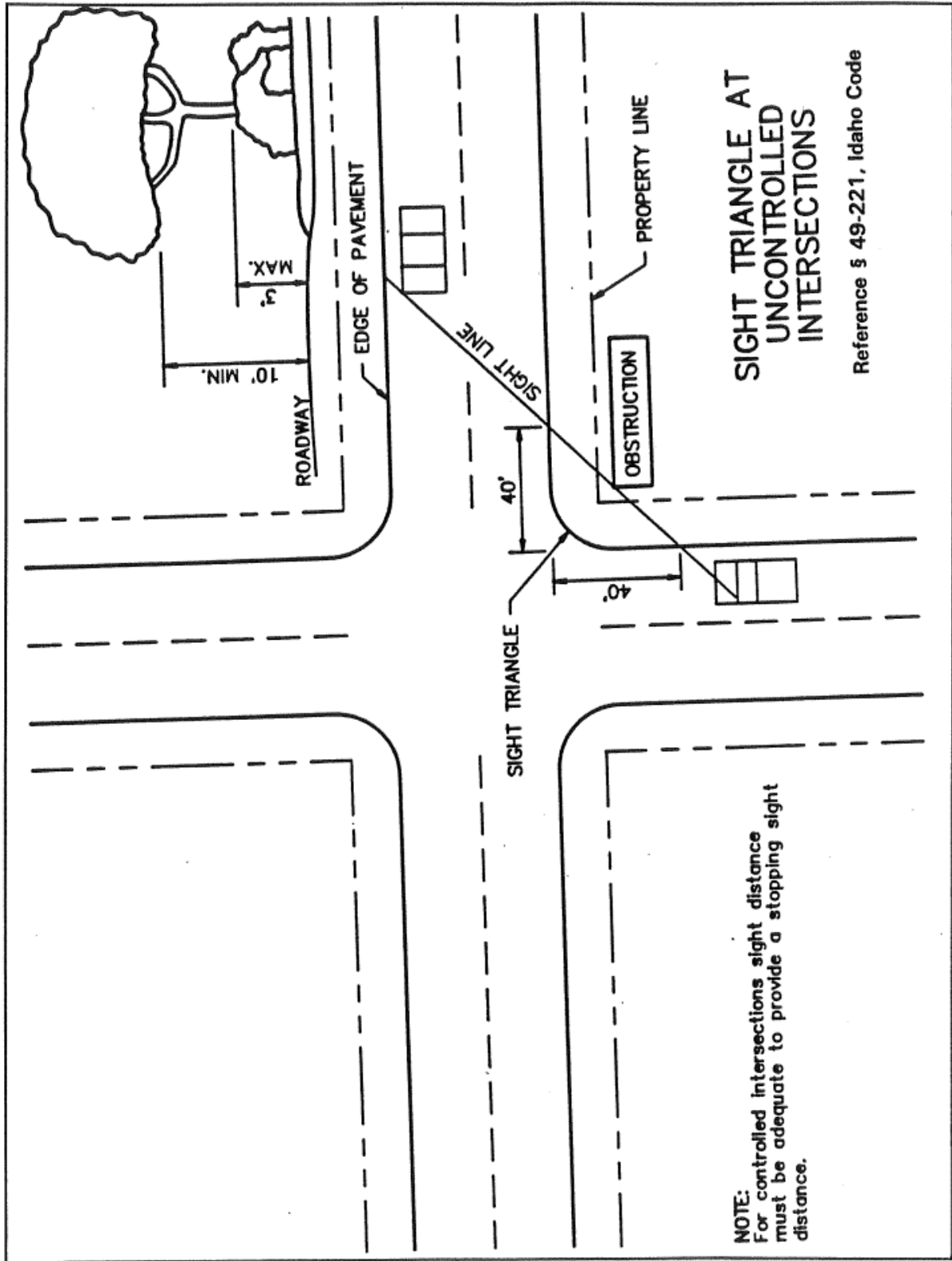


FIGURE IV,A

C. APPROACH LOCATIONS

Approaches shall be located so as not to create undue interference with, or hazard to, the free movement of normal roadway or pedestrian traffic, or cause areas of congestion. Approaches must be located where the roadway alignment and profile are favorable, i.e., away from sharp curves, steep grades, and/or where the sight distance would not be adequate for safe traffic operations. Approach locations that restrict or interfere with the placement and proper functioning of traffic control signs, signals, lighting, or other devices must also be avoided.

At all approaches the sight triangle depicted in Exhibit 8 - Figure IV,A., shall be protected.

Minimum sight distances for approaches should not be lower than the stopping sight distance on wet pavement (155 feet at 25 mph, 200 feet at 30 mph, 250 feet at 35 mph, 360 feet at 45 mph, 425 feet at 50 mph, and 495 feet at 55 mph). Recommended sight distances are 720 feet at 35 mph, 930 feet at 45 mph and 1135 feet at 55 mph. A downgrade prior to the approach increases the sight distance requirement.

All approaches serving primarily truck traffic shall use a curb return approach in accordance with Exhibit 9 - Figure IV,C. The radius shall be adequate to accommodate the truck turning movements, and the approach width shall be in accordance with Exhibit 9 – Figure IV,C..

Private approaches onto arterial highway and collector highways should be designed and constructed to provide forward vehicular movement for ingress and egress to the adjacent properties. Approaches should be limited such that a minimum separation of three hundred thirty (330) feet center to center of approach is achieved. If unusual conditions prevent approach locations as specified above, the Applicant may request special consideration by the LHJ. All approaches should conform to the requirements in this policy.

Failure to comply with minimum requirements and/or recommendations may be sufficient cause for the LHJ to deny an approach location, prohibit specific approach usage, or revoke an existing approach permit.

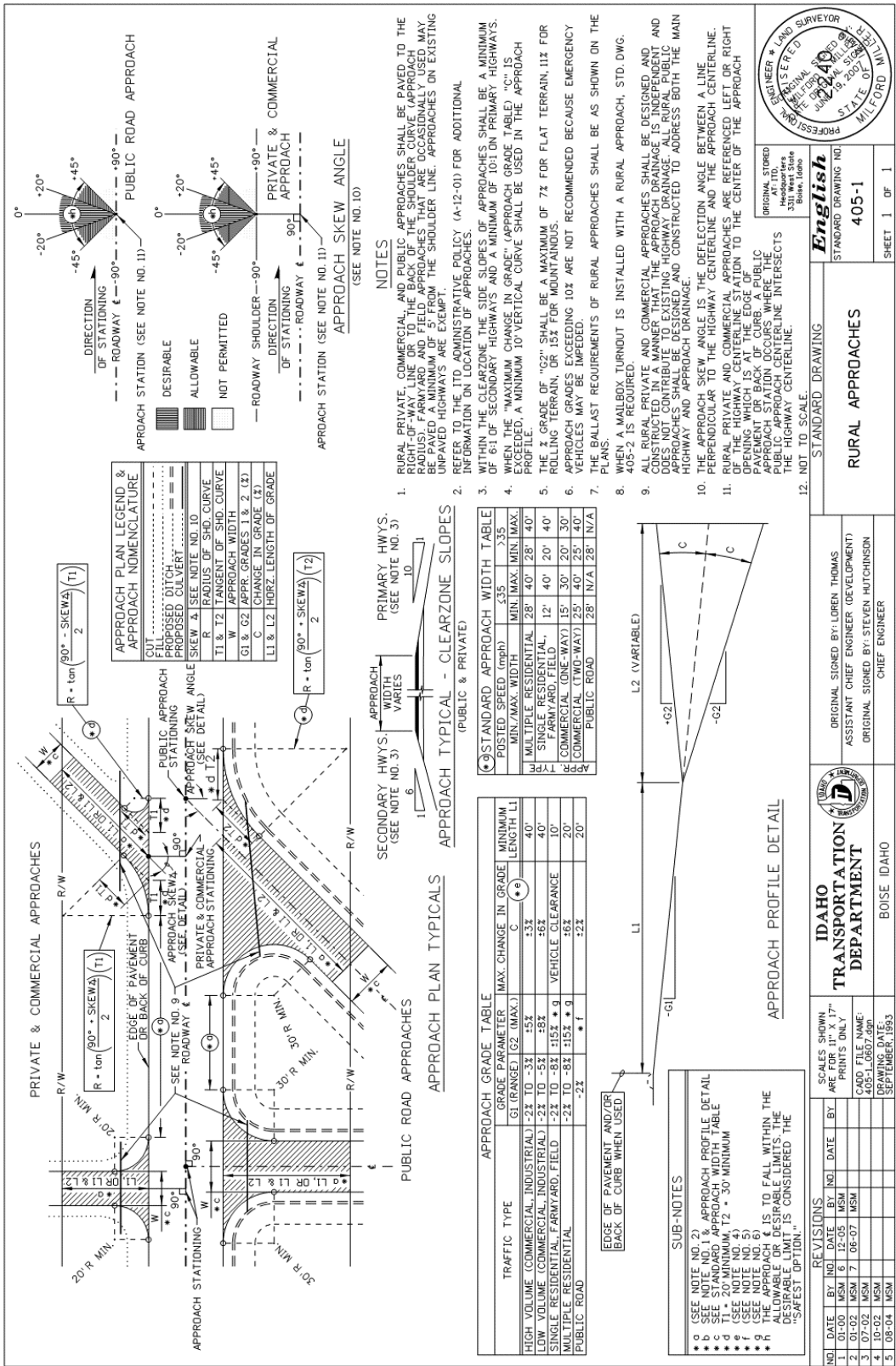


FIGURE IV,C

D. BASE AND SURFACING

The applicant must supply, place, and properly compact the approach fill and base material. All base material should consist of crushed sand-gravel, or crushed sand and rock mixtures containing sufficient granular fines to fill the voids between the larger gravel and stone, and to permit compaction.

In curb and gutter areas, approaches should be paved to the back edge of the sidewalk or right-of-way line, whichever is the least. (See Exhibits 10 and 11 - Figures IV,D – A and B.)

In areas without curb and gutter, the approach base and surfacing should consist of an adequate depth of granular material to protect the roadway edge. The LHJ may require the property owner to furnish and place asphalt surfacing when necessary for maintenance or operational purposes. The surfacing should normally extend a minimum distance of twenty (20) feet from the outside shoulder line, or to the public right-of-way line, whichever is the least. Casually used field approaches may extend a lesser distance; a five (5) foot minimum is recommended. Commercial approaches are normally required to be surfaced.

E. DRAINAGE

All approaches should drain away from the roadway – except in areas having curb and gutter. Generally, approaches in areas having curb and gutter should be graded so that adjacent properties do not drain to the roadway unless existing storm drain system capacity is demonstrated to be adequate within current design criteria. Approaches should also be constructed so they do not impair the drainage within the public right-of-way, alter the stability of the roadway subgrade, or materially alter the drainage of the areas adjacent to the public right-of-way.

Culverts and drop inlets should be installed where required and should be the type and size specified by the LHJ. Where the border area is re-graded and/or landscaped, the border area should have sufficient slope, culverts, and drop inlets for adequate drainage. Slopes, where practical, should be a 4:1 maximum.

Culverts should be installed in accordance with Exhibit 12 - Figure IV,E.

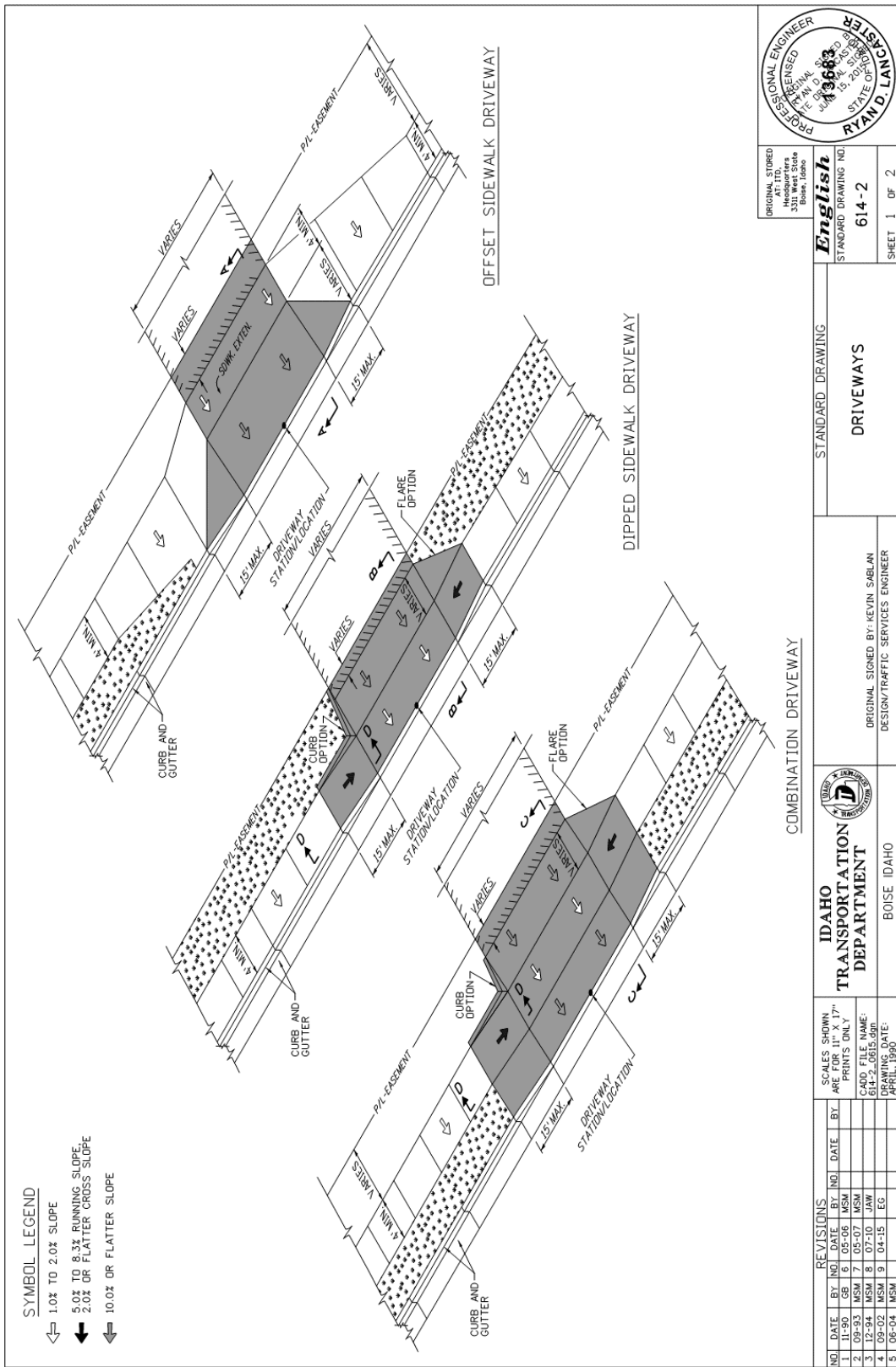


FIGURE IV,D,A

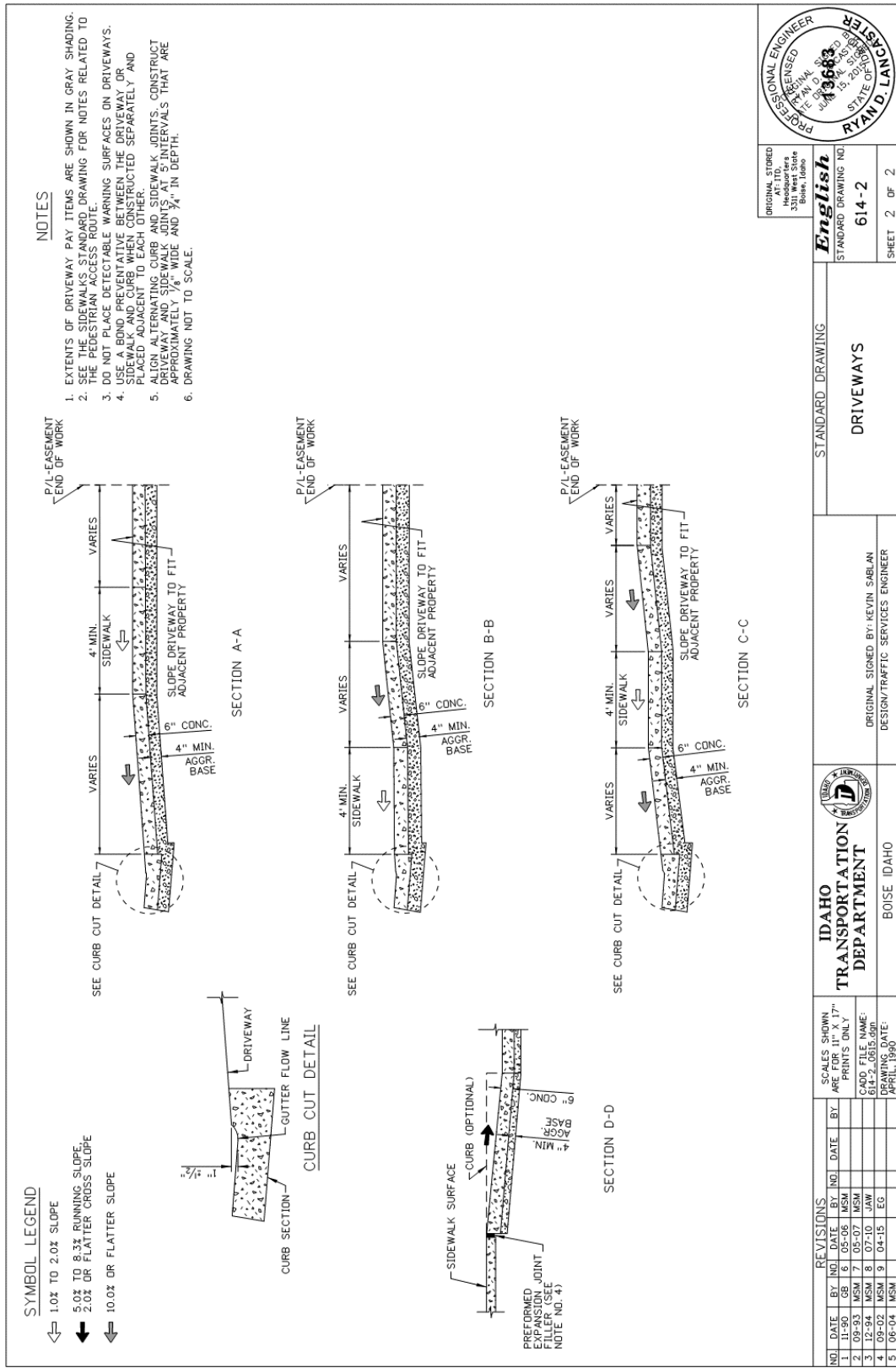
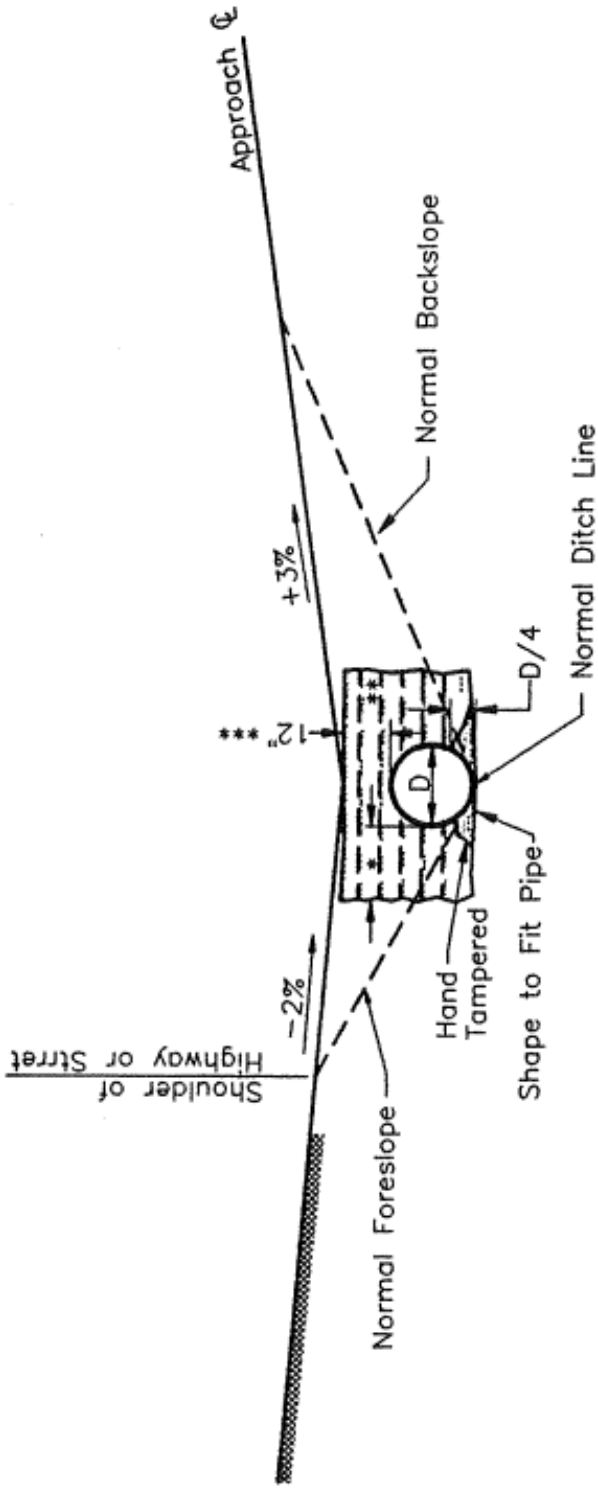


FIGURE IV,D,B



- NOTE: * D or 12" whichever is greater.
 ** Mechanical compacted backfill. Place in 6" layers. LHM to specify type of material acceptable for backfill.
 *** May be reduced to 6" on Residential Approaches.

TYPICAL CULVERT INSTALLATION
 N.T.S.

FIGURE IV,E

F. CATTLE GUARDS - (See LHTAC Manual for Highway and Street Standards)

Section 40-2310, Idaho Code, regulates the installation of cattle guards on local highways and should be referenced when the question arises. LHJ's are encouraged to place them on private property when necessary on private approaches.

Section 40-2319, Idaho Code, speaks to encroachments of the public right-of-way.

5. GEOMETRIC RESTRICTIONS

A. GENERAL

The following geometric restrictions shall be considered on each Application and Permit to Use Public Right-of-Way Approaches:

- a) Approach Width
- b) Corner Clearance
- c) Property Line Clearance
- d) Distance Between Approaches
- e) Approach Transitions and Flares
- f) Approach Grades
- g) Volume of Traffic Using Approach

B. NUMBER OF APPROACHES

The number of approaches should be the minimum number required to adequately serve the needs of the property. The Standard Approach Policy should be that not more than two approaches be allowed for any single property tract or business establishment frontage. Traffic circulation on the property, parking and access to other streets shall be reviewed and adjusted to provide a minimum number of approaches. The LHJ shall evaluate each case on an individual merit and allow or disallow additional approaches based on the evaluation.

C. APPROACH ALIGNMENT

Single approaches should intersect as closely as possible at right angles to the roadway. When two approaches are used on one frontage for access to both directions of travel on the travel-way, each approach may be placed at skew angles between 70° and 90° (desirable). (See Exhibit 14, Figure V,H)

D. APPROACH WIDTH

An approach shall be wide enough to properly serve the anticipated type and volume of traffic. Minimum widths should be used only when space limitations must be considered.

Standard Approach Widths:

	Minimum	Maximum
Residential	Twelve feet (12')	Forty feet (40')
Agricultural	Twelve feet (12')	Forty feet (40')
Commercial (one-way)	Fifteen feet (15')	Thirty feet (30')
Commercial (two-way)	Twenty-five feet (25')	Forty feet (40')
Street/Highway	Twenty-eight feet (28')	N/A

A design speed of 10 mph minimum and a recommended 15 mph is desirable. The width shall be within the specified limits, except that **approaches in speed zones that are over 35 mph shall be at least a twenty (20) feet wide minimum.**

A joint-use approach should use the maximum dimensions of a single approach. An approach that is adjacent to a public alley may include the alley, if approved by the LHJ; however, the width of the combined approach shall not exceed forty (40) feet.

Commercial approaches in urban areas with volumes exceeding fifty (50) vehicles per hour during a total of any four (4) hours per day should be designed to public highway standards using a curb radius or fillet radius of twenty (20) feet minimum, and a recommended thirty (30) feet on high volume approaches. An approach divider is recommended for a commercial approach to improve operation of the approach. Special approaches serving shopping centers or other major traffic generators shall not be restricted to the width requirements, but shall be designed to serve the traffic; i.e., both a right turn and a left turn lane, divider and entrance lane. These special approaches shall be designed by a professional engineer licensed in the state of Idaho.

E. CORNER CLEARANCE (See Exhibit 13 - Figure V,E.)

1. Approaches should be located as far as possible from intersections to:
 - a) Preserve visibility at the intersection.
 - b) Allow a vehicle that is leaving the approach to enter the desired traffic lane before entering the intersection.
 - c) Permit a vehicle crossing the intersection to enter the approach in an orderly, safe manner with a minimum of interference to through traffic.

CORNER CLEARANCE DIAGRAM

WITHOUT CURB AND GUTTER

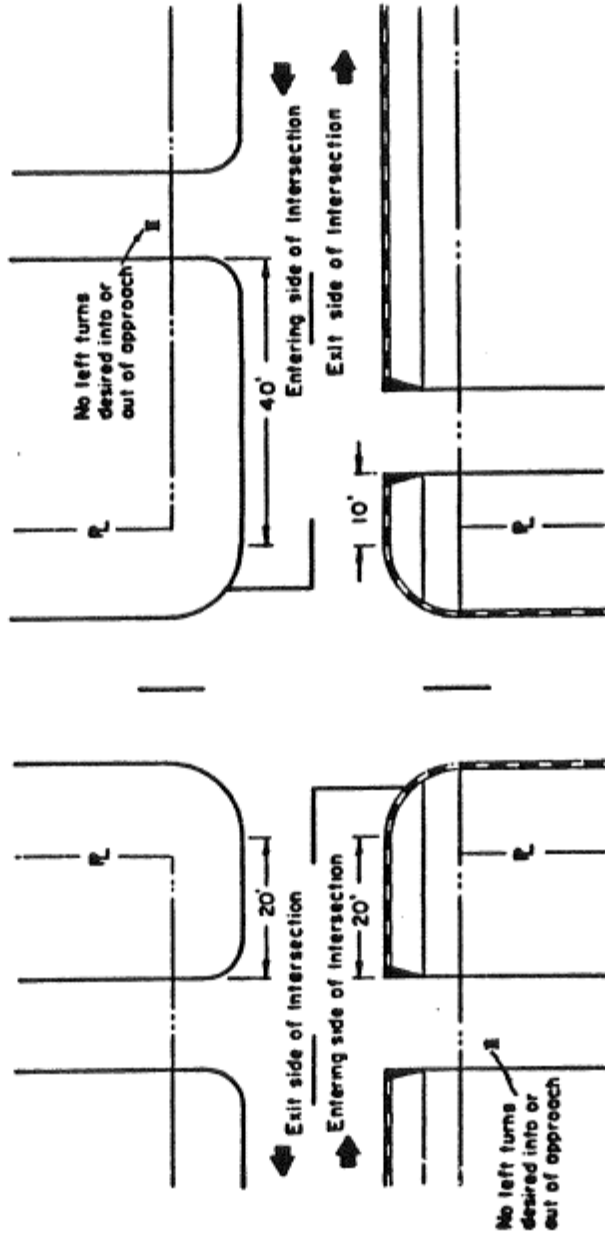


FIGURE V,E

WITH CURB AND GUTTER

Exhibit 13

- d) Facilitate the installation of traffic signs, signals, and lighting where required.

If traffic volumes exceed 250 vehicles per hour, or if the intersection is signalized, the corner clearance shall be at least twice the minimum requirement. Any approach within a limited left or right turn may also be restricted to a right turn in and a right turn out, in addition to the minimum corner clearance requirements.

Less than the minimum distance may be permitted by special circumstances; however, the approach transition or curb flare shall not encroach upon the curb or pavement edge forming the corner radii of the intersection.

Corner clearances are as follows:

With Curb and Gutter	Minimum	Recommended
Entering Side of Intersection	Corner Radius + 20 ft.	Corner Radius + 40 to 60 ft.
Exit Side of Intersection	Corner Radius + 10 ft.	
Without Curb and Gutter	Minimum	Recommended
Entering Side of Intersection	Corner Radius + 40 ft.	Corner Radius + 20 to 40 ft.
Exit Side of Intersection	Corner Radius + 20 ft.	

See Exhibit 13 - Figure V,E., Corner Clearance Diagram for further details.

F. PROPERTY LINE CLEARANCE

Minimum property line clearance should be five (5) feet for curbed or urban approaches and equal to the approach radius. A minimum of twenty (20) feet for all other highways is recommended, unless a joint-use approach is installed. The approach shall not extend within the clearance distance except when existing physical features such as a house or garage, etc., require that the approach be located closer to the property line. Field approaches may be allowed adjacent to the property line when required for proper utilization of the field; however, joint-use approaches are recommended whenever the property line allowance is made.

G. DISTANCE BETWEEN APPROACHES

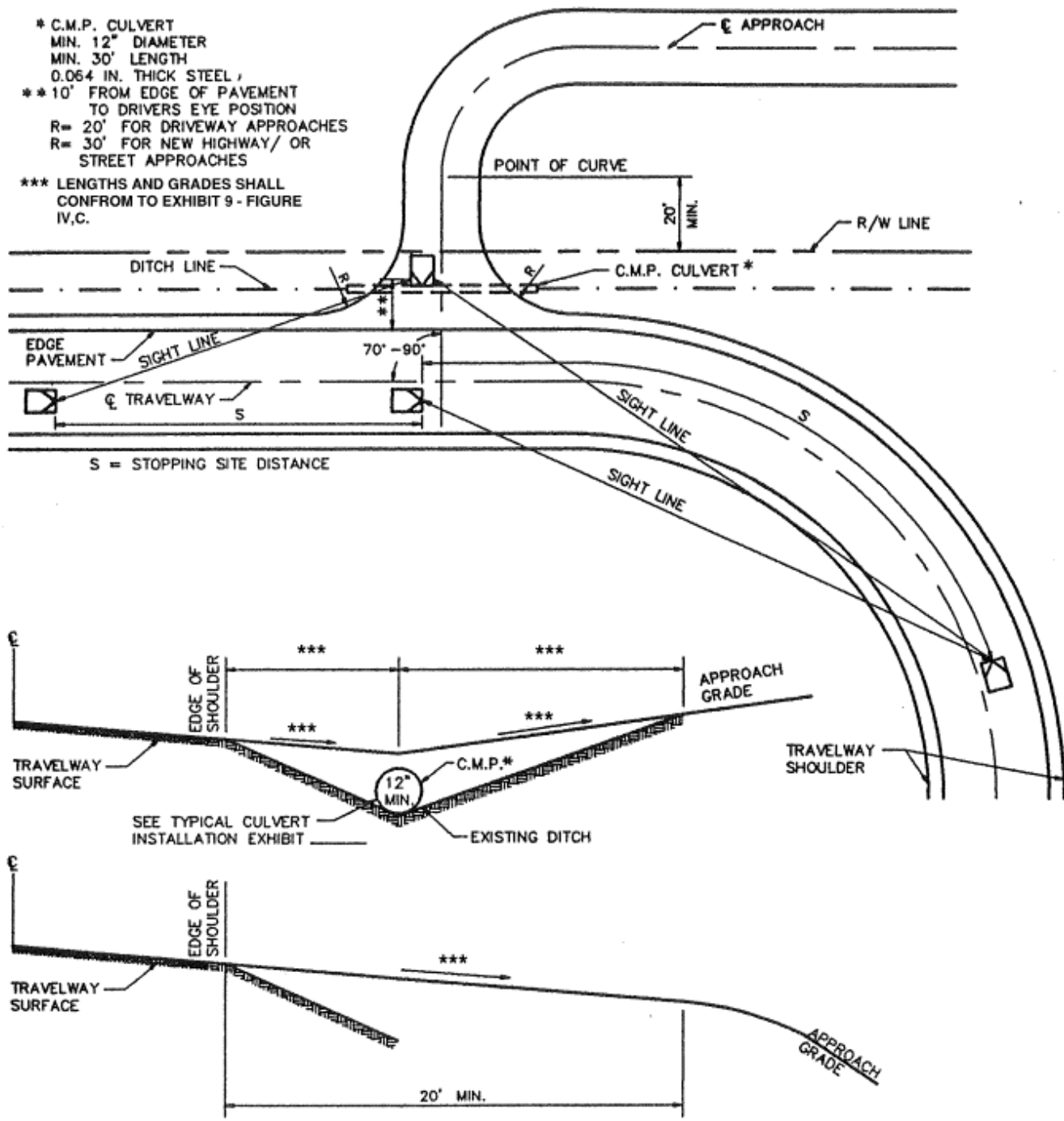
The minimum distance between approaches shall be ten (10) feet for curb and gutter sections and for developed urban areas where curb and gutter do not exist, but are warranted. The minimum distance between approaches for other areas is forty (40) feet except as stated in the following paragraph. In curb and gutter areas with sidewalks, a minimum sidewalk distance between approaches of eight (8) feet at back of sidewalk shall be provided for pedestrian refuge. Where parking is allowed along the highway, the distance between approaches shall be short enough to discourage parking or long enough to provide multiples of parking spaces.

All approaches serving primarily truck traffic shall use a curb return approach in accordance with Exhibit 9 - Figure IV,C. The radius shall be adequate to accommodate the truck turning movements, and the approach width shall be forty (40) feet. Private approaches onto arterial or collector classified highways shall be designed and constructed to provide forward vehicular movement for ingress and egress to the adjacent properties. Approaches shall be limited such that a minimum separation of 330 feet center to center of approach is achieved. If unusual conditions prevent approach locations as specified above, the applicant may request special consideration by the LHJ.

H. APPROACH TRANSITIONS AND FLARES

In curb and gutter sections, the transition connecting the edge of the approach to the curb shall be as specified in Exhibit 10 - Figure IV,D,A.

In sections not having a curb and gutter, the circular arcs or approach flares should connect the outside edge of the approach to the outside edge of the roadway shoulders, as specified in Exhibit 14 - Figure V,H. The approach flare tangent distance should not exceed twenty (20) feet.



STANDARD APPROACH POLICY

N.T.S.

FIGURE V,H

I. APPROACH GRADES

On curbed sections, the approach grade should conform to Exhibits 10 and 11 – Figures IV,D,A and IV,D,B.. If the maximum allowable slope is not great enough to bring the approach to the level of the sidewalk, a depressed sidewalk should be installed. The connection between the original sidewalk and the depressed sidewalk shall be made through a warped section, the slope of which shall not vary more than six percent (6%) from the longitudinal grade of the original sidewalk. All new curbs or sidewalks should be constructed to the line and grade of the existing curb or sidewalk with every effort to construct a sidewalk that is uniformly graded and free of dips. The maximum gradient limits beyond the outer edge of the sidewalk shall be the same as for uncurbed approaches.

On uncurbed sections, the approach grade should conform to Exhibit 9 – Figure IV,C.

J. MAILBOX TURNOUTS

Mailbox turnouts may be combined with or may be independent of approaches in rural areas. It is desired to have the mail carrier stop out of the travel-way whenever possible for safety reasons. The approach applicant should be required to construct a mailbox turnout at the same time if a mail box will be installed. See Exhibit 15 - Figure V,J, for recommended turnout width, or refer to the Manual for the Location, Support and Mounting of Mailboxes, published by LHTAC April, 1997. Mailbox supports should not be larger than 4-inch by 4-inch wood posts, 1½-inch metal pipe or 1½-inch angles (2.3 pounds per foot) for safety reasons. The box-to-post attachment should be strong enough to resist separation when hit. No massive metal, concrete, stone or other hazardous support should be allowed. Deficient installations should be corrected.

