

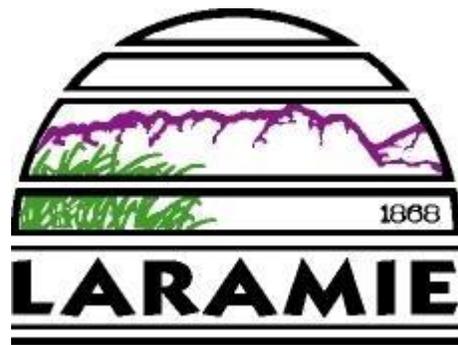
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*CITY OF LARAMIE*

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# **Right-of-Way (ROW)**

## **Access Policy**



February 2021

## **Policy Goal**

Continued growth in and around the City of Laramie and the associated increase in traffic has culminated in ongoing challenges for residents, business owners and developers seeking to do business within Laramie. Efficient and cost-effective management of the street system ensures the safety and welfare of residents and is conducted with the municipality acting in a fiduciary capacity for past, current and future municipal taxpayers.

It is the responsibility of the municipality to plan for current and future transportation needs and safety. The City of Laramie's *Road Access Policy* provides procedures and conditions whereby access to municipal rights-of-ways will be granted.

# 1. Introduction

## 1.1 Purpose

For all City owned and managed rights-of-way, the *Right-of-Way (ROW) Access Policy (Policy)* provides the procedures, conditions and standards necessary to:

- protect the public health, safety, and welfare;
- maintain efficient and effective traffic flow;
- maintain right-of-way drainage, both present and future;
- balance the interests of private property owners;
- provide for cost-effective public infrastructure investments;
- protect the capacity of the public roads while meeting state, regional, local and private transportation needs and interests; and
- protect public infrastructure by ensuring the traffic volumes don't exceed the designed capacities and vehicle loading standards.

Access is defined as a point of ingress/egress to a municipal right-of-way which connects any road, street, alley, driveway to the municipal transportation system. Access management is a means to promote safety, traffic operations, and the assigned functional classification of the road system while considering public and private property access needs.

The municipal transportation system serves three distinct purposes. The first is to provide safe mobility to the traveling public, followed by access to properties and finally the facilitation of orderly and efficient commerce and business activity. These purposes may conflict. Poorly designed and/or spaced access points along a road restrict both speed and capacity of the road and may decrease the safety of the road by increasing potential conflict points.

Proper access management will reduce the number of vehicle and pedestrian conflict points, reducing both the number and severity of crashes. When traffic on the road system can travel safely and efficiently, overall traffic capacity is preserved and maximized. Access management recognizes the interests of both municipal landowners and roadway users by providing a transportation system that best meets the needs of all interested parties.

Sound access management is essential as well to the economic health and vitality of the City. Shoppers will avoid stores and businesses located on congested roads or that have unsafe access points. Proper access management reduces congestion, increases travel speed, maintains traffic flow, reduces travel time, and provides safe access to businesses. Case studies indicated that market areas for business activities increase when travel time is reduced and often result in increased business activity.

## 1.2 Roles and Responsibilities

- A. City of Laramie Public Works shall determine the number, placement, and surface treatment of all accesses consistent with this *Policy*.
- B. City of Laramie Planning is responsible for review and processing of land

development applications for compliance with the *City of Laramie Unified Development Code*.

- C. The Public Works Director may assign roles and responsibilities to accommodate workloads and efficiencies.
- D. The Wyoming Department of Transportation is responsible for permitting access to state and federal highways in Wyoming. Major State/federal highways within the city-limits include Grand Avenue, Third Street and Snowy Range Road.
- E. Albany County is responsible for permitting access to County rights-of-way and roads.
  - 1) Albany County Planning provides legal access for properties located within its jurisdiction. Owners of property within Albany County may petition for access across County roads.
  - 2) Special Road Districts may petition the County for development of roadways to secure permanent access.
- F. Owners of property extraterritorial to the City of Laramie may be eligible for access to municipal rights-of-way under this *Policy* upon execution of the City's *Access & Maintenance Agreement*. Extraterritorial property owners must attempt to establish legal access first through the Albany County Planning Office.
  - 1) Applicants seeking access to municipal rights-of-way are responsible for ensuring that proposals, submittals and applications comply fully with this *Policy*. Non-complaint or incomplete applications will not be considered.

### **1.3 Access to the City Right of Way**

- A. No person, agency, business or entity shall construct or use any access point, public or private, providing vehicular movement to or from any City of Laramie ROW without an approved Access Agreement.
- B. If the policy conflicts with State or Federal regulations or standards, the more restrictive regulations will control.
- C. If the policy conflicts with other City regulations or standards, the more restrictive regulations or standards will control.
- D. Access points to extraterritorial properties located outside of the City of Laramie may be granted across City ROWs when no other options are available. Non-municipal property owners may be required to participate in the cost of maintaining and operating municipal rights of way.
- E. It is not the intent of the policy to interfere with, abrogate, or annul any legally recorded easement, covenant, or deed restriction.

## **1.4 Amendments**

- A. Technical standards pertaining to dimensional requirements, materials, access spacing, etc. may be amended from time to time by the City Engineer.

## **2. Process for Accessing City Rights of Way**

City of Laramie Public Works Department administers the *ROW Access Policy* and will lead the review of all Access Requests. Access Request forms are available from the Engineering Division.

The City Engineer will approve or deny the Access Request and access location based on comments from other City Departments (i.e. Fire, Planning), maps, plans, ROW ownership research and data provided by the Applicant.

Upon approval of City Engineering, an applicant may enter into an Access & Maintenance Agreement with the City. The Applicant is not granted access and may not start construction prior to completion of the Access & Maintenance Agreement. An Access & Maintenance Agreement grants the the property owner the right to build and maintain an access point with municipal ROW in accordance with the conditions of the Agreement.

Construction of the access must be completed within one year of completion of an Agreement. The City Engineer or designee will inspect the construction. If the construction is not completed within the terms, conditions, timeline and standards outlined in the Agreement, the Agreement will be revoked, and access denied.

### **2.1 When an Access Agreement is Required**

- A. When a new or additional access point to the City ROW is proposed from within the city limits, or from outside of the City limits/boundary.
- B. When there is a change to an existing land use that would increase traffic volume (Average Daily Traffic – ADT) from the permitted access point by ten percent (10%) or more.
- C. When there is a change of use that constitutes property subdivision or land development that connects to the City ROW
- D. When modifications or improvements to an existing permitted access are proposed. This includes but is not limited to items such as widening, drainage, modifying curvature or radii, or modifying grades.

### **2.2 Applying for an Access Agreement**

Applications under this Policy must meet the standards and requirements outlined in City of Laramie Municipal Code Chapter 12.36, and include the following information:

- A. Applicants must contact City of Laramie Engineering Division to apply for an Access Agreement. The Applicant may be asked to attend a meeting with City Staff.
- B. The application must include sufficient information for Staff to properly interpret the Applicant's access request and determine how it does or does not meet City of Laramie requirements.
- C. It is the responsibility of the Applicant to provide adequate, detailed and accurate information. At a minimum, the following items shall be included with a completed Access Request form.
  - 1) A written narrative describing the proposed development, zoning/use of the proposed adjoining/accessing property, type of access proposed, proposed use of access, changes to existing access, etc.
  - 2) A site plan showing the existing public road and initial conceptual access point, including:
    - a. Width and surface of the existing roadway;
    - b. Width of dedicated right-of-way;
    - c. Number and location of proposed access points;
    - d. Existing or proposed easements that affect access;
    - e. Existing or proposed buildings;
    - f. Distance from proposed access to the limits of the subject property frontage;
    - g. Distance from the proposed access to the nearest existing accesses on both sides of the City of Laramie roadway.
    - h. Any major topographical features on the property that may affect access location (e.g. major drainages, slopes, etc.).
  - 3) An aerial map of the property and surrounding area showing the proposed access location(s).
  - 4) For access into the city-limits from outside of the city-limits, Applicant must provide official documentation from the Albany County Planning Office describing any and all approved and lawful access ways and alternate routes lying extraterritorial to the City limits and connecting the subject property.
  - 5) Additional relevant items may be included with the application at the Applicant's option or direction of the City Engineer. Such items may include photos that provide a view of the public road in both directions from the proposed access point.

- 6) Applicant's may be required to enlist the services of a Professional Engineer skilled in traffic analysis or plan preparation; any such analysis or plan will be accepted as sufficient to begin review of the application when all required information is presented in a clear and legible form. Most commonly, a Traffic Impact Study may be required at the direction of the City Engineer. The Traffic Impact Study must be prepared by a Professional Engineer licensed in the State of Wyoming who is proficient in transportation analysis and shall be paid for by the applicant.
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- D. Within ten (10) working days after receiving an application, City will review the application and supporting documents for sufficiency and notify Applicant of deficiencies, if any exist. If the Applicant does not provide all required documents within sixty (60) calendar days of receiving notification of deficiency, the application will be considered withdrawn. Once all required documents are received the review period will begin.
  - E. Upon receipt of a complete application, City of Laramie will work with the applicant and attempt to resolve all issues prior to taking action on the request as set forth in this policy. City of Laramie shall provide comments within twenty (20) working days after the completed application is accepted. In rare cases, additional review time may be required and City will notify the Applicant if additional review time is necessary. Once all comments are addressed by the Applicant, the City Engineer will draft an Access Agreement for applicant review within thirty (30) days.
  - F. If safety concerns arise at any point in the process of reviewing the application, City of Laramie will document the safety concerns and will require that the Applicant address them.
  - G. The Access Agreement is not considered approved until it is signed by the property owner and/or Applicant and the City Manager.

## **2.3 Reasons for Denial of Access; Appeal Process**

### **A. Reasons for Denial, Without Appeal**

- 1) **Access to Local Streets.** Access to local streets for business or commercial use, or to serve multiple properties, such as sub-divisions, is not permitted.
- 2) **Access Across Private Property.** Access to City ROW connecting through or across another intervening private property is not permitted.
- 3) **Extraterritorial Property Egress/Ingress.** An access point to municipal right-of-way may not constitute egress-ingress to extraterritorial properties. Extraterritorial property has lawful egress/ingress from outside of the City limits.

- 4) **Untimely Application.** If the Applicant does not act within the time frames noted, the application process will be denied. Any future request for access will need to start with a new application.

B. Reasons for Denial, with Appeal

- 1) **Initial Appeal.** Applicant may appeal denial, or the terms and conditions of an Access Agreement, as recommended by City Engineering Division to the Public Works Director by filing a written appeal with the City of Laramie Public Works Department. Any appeal must be submitted within thirty (30) calendar days of the date of issuance of the denial. A meeting will be held with the Applicant, Public Works Director and City Engineer. A written decision will be made by the Public Works Director within ten (10) business days of this meeting.
- 2) **Administrative Appeal.** Applicant may appeal denial, or the terms and conditions of an Access Agreement, as established by the Public Works Director to the City Manager by filing a written appeal within five (5) calendar days of the date of decision of the initial appeal. City Manager may request a meeting with the Applicant and may include the City's Finance Committee in the meeting. City Manager will provide a written decision within five (5) business days of receipt of the administrative appeal.

## **2.4 Construction of Access**

- A. The Access Agreement holder must notify City of Laramie Engineering at least forty-eight (48) hours prior to any construction.
- B. City of Laramie and the Agreement holder or his representative or engineer of record on the project shall inspect the access during construction and upon completion of the access, to ensure that the access is constructed in accordance with the approved Construction Drawings and Details and that all terms and conditions of the Agreement are met.
- C. It is the responsibility of the Agreement holder to complete the construction of the access in accordance with the approved Construction Drawings and Details and according to the terms and conditions of the Agreement. City may order a halt to any unauthorized construction or use.
- D. The construction of the access and its appurtenances shall be completed at the sole expense of the Agreement holder.
- E. If construction of the access will obstruct traffic on any public roadway, the Agreement holder must submit a Road Closure Permit and Traffic Control Plan to City of Laramie Engineering office.

- F. The hours of work on or immediately adjacent to the roadway may be restricted by City of Laramie due to City Municipal Code, peak hour traffic demands or other pertinent roadway operating restrictions.
- G. A copy of the fully executed Agreement shall be available for review at the construction site. If necessary, minor changes and additions may be required by City of Laramie to meet unanticipated site conditions.

### **3. Use of Access and Renewal**

It is the responsibility of the Agreement holder to ensure that the use of the access to the property is not in violation of the *Policy* or the Agreement terms and conditions. It is the responsibility of the owner to notify the City of any change in use.

- A. Each access Agreement will be reviewed at least every five years.
- B. The City may inspect all accesses at any time to ensure compliance and no change in use.

#### **3.1 Illegal Access – Revocation of Access Agreement**

- A. Failure of the Access Agreement holder to comply with any of the terms and conditions of an Agreement shall be sufficient cause for cancellation of the Agreement and may result in the removal of the access and its appurtenances by the City at the Agreement holder's expense.
- B. If any access is constructed or continually used as an access point across a City of Laramie ROW and does not have a valid Agreement, the City of Laramie will provide written notice to the property owner notifying of the unpermitted access location. The owner will have ten (10) days to notify City of Laramie Engineering in writing of pending actions or remedies. City of Laramie will determine if remedies are acceptable.
  - 1) If the remedies are acceptable, the property owner may apply for an Access Agreement.
  - 2) If remedies are not acceptable, the property owner shall remove the access and restore City of Laramie ROW within 10 days.
  - 3) It is unlawful to construct, reconstruct, pave, alter, or change the use of any existing access point across a City ROW, including movement or removal of barriers, unless an Access Agreement has been fully executed. Any person, firm, corporation violating any provision which will be punishable by the penalties established in Section 6 of this Policy and applicable law.

- 4) Should the Agreement holder or any subsequent property owner fail to abide by the terms of the Agreement or this Policy, the City of Laramie Public Works may revoke the Access Agreement. Such revocation may be subject the applicant or subsequent property owner to the penalties outlined in Section 6 of this policy and applicable law.

### **3.2 Fees**

- A. A non-refundable fee of \$150 shall be paid by the applicant when submitting an Access Application for engineering review.
- B. Additional fees for City ROW maintenance and inspection will be included in the terms and conditions of the Access Agreement.
- C. Failure to pay maintenance or inspection fees will result in immediate denial of access and/or termination of Agreement.

### **3.3 Annual Inspection**

The City may inspect all accesses at least once annually to ensure compliance and no change in use. The Agreement holder shall allow for non-obstructed inspection by City personnel.

## **4. Standards for Road Access**

- A. When standards or other design criteria are not specifically addressed in the City standards or *Specifications*, then the latest editions of the following standards and criteria shall govern the design:

- 1) AASHTO, A Policy on Geometric Design of Highways and Streets
- 2) AASHTO, Guidelines for Geometric Design of Very Low-Volume Roads (ADT<400)

- B. Pedestrians and Bicycles

Access design shall provide for the safe movement of all road right-of-way users, including, but not limited to, pedestrians and bicyclists.

- C. Emergency Vehicles

All accesses shall be designed to readily accommodate emergency vehicles that would ordinarily respond.

- D. Utilities and Lighting

Accesses shall be located to ensure that utility poles, electric boxes, and signs do not interfere with the visibility of the access or available sight distances. The design of site lighting, if required, shall maximize the visibility and location of the access.

- C. Access Surfacing

All accesses shall be paved or hard surfaced with hot mix asphalt or concrete. All surfacing shall comply with the City Pavement Manual, standards and specifications

## **5. Maintenance of City Right-of-way**

Applicant shall be responsible for maintaining and repairing any damages caused to the City ROW as well as any future maintenance as outlined in the terms of the Agreement.

## **6. Penalties**

- A. Any violation of this Policy or Access Agreement and any unauthorized access is subject to a fine up to \$750.00 per day from the day of notice to the day of correction or by imprisonment of not more than (10) days, or by both fine and imprisonment, for each separate violation. Each day during which work, or an illegal access continues shall be deemed a separate offense.
  
- B. If in the opinion of City of Laramie, the health, safety, and welfare of the public is endangered, City of Laramie may act immediately and without notice to eliminate the safety hazards including closing the access and/or a fine of \$750.00 per day until the hazard is mitigated.