

Highway Access

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What is Access?

Access is the connection from a private property, across the public right-of way, to the edge of traveled roadway.

Two Basic Legal Premises Underlying Access Decisions

- **Public's right to the safe and efficient movement of traffic on the roadway**
- **The property owners right of reasonable access to the roadway system**

Property Owner's Legal Access Rights

- **Abutting properties in Nova Scotia have a common law right of access to the public roadway system based on case law and court decisions**
- **Access rights are limited to reasonable access required to serve the intended land use**

What is Reasonable Access?

- **Not precisely defined, typically decided by the courts on a case by case basis**
- **May vary by individual property and function of abutting highway**
- **Somewhat circuitous, indirect access via local roads may be reasonable and suitable**
- **Permitting authority may limit the size, number and location of driveways serving an individual property**

Government Authority To Manage Access

- **The police power of government can be used to manage access in the interest of public health, safety and welfare**
- **Police power may be directly delegated to the through legislation or implied through general authority delegated to to various levels of government**
- **Written policies and guidelines carry some weight, however duly adopted regulations are much stronger**

What is a Taking?

- Compensation to landowners is typically not required when Gov't regulates access in the interest of public safety
- Compensation may be required if access regulation becomes too intrusive such that it becomes a “taking” of property rights.
- Complete denial of access is always a taking
- Loss of most convenient access or indirect access is

2/8/2006 **not usually compensable**

Permitting

- **The Minister's Consent For Building and Access to Property is required for:**
 - ◆ **Any new accesses**
 - ◆ **Existing accesses with a substantial change of use**
 - ◆ **Any new structure within 100m of the roadway centreline**
- **A Permit for breaking Soil of Highways is required for all new accesses**

Requirements for Access Approval

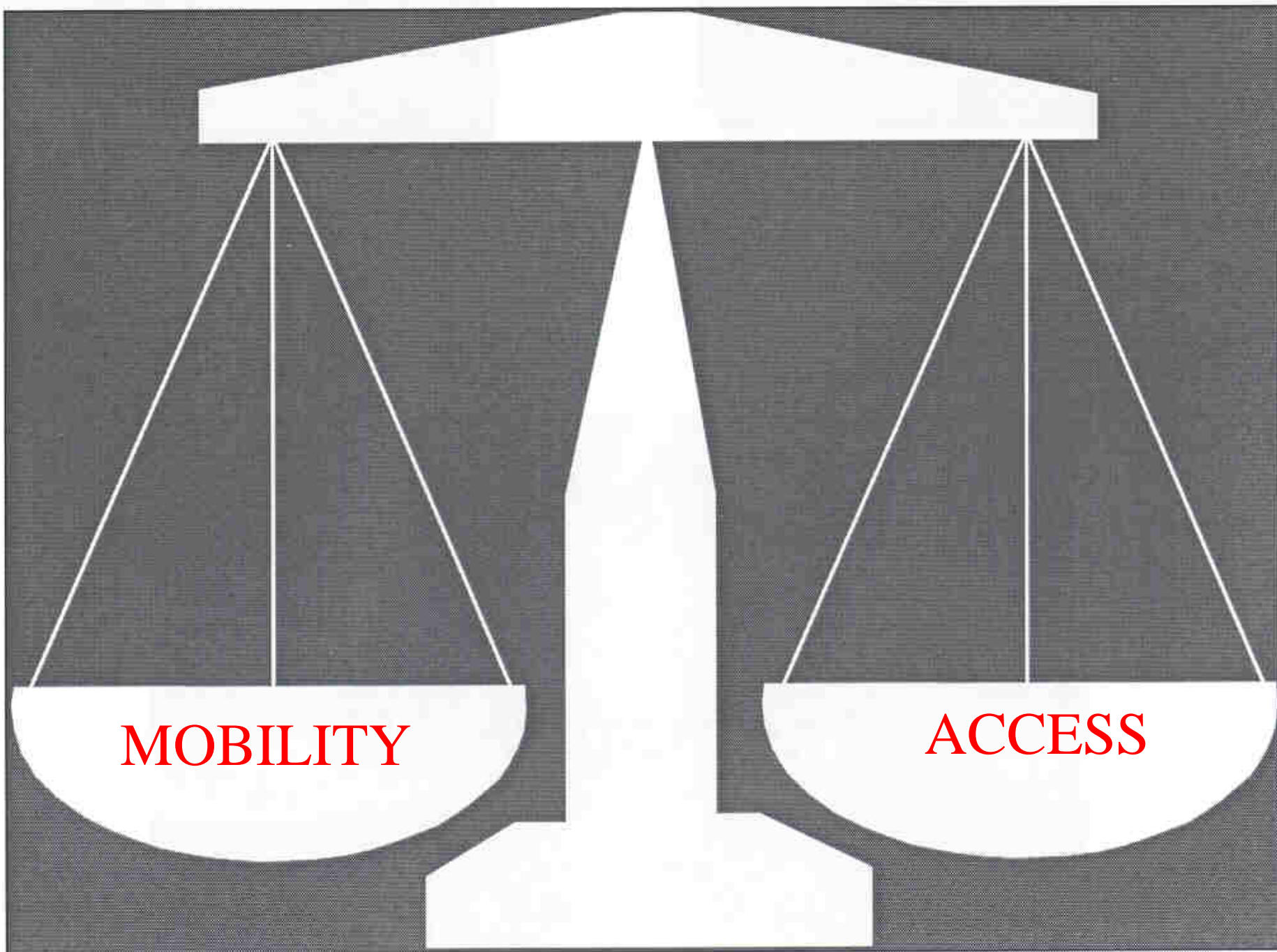
- **Accesses must meet minimum stopping sight distance requirements**
- **Larger developments may be required to undertake a traffic impact study. The purpose of this study is to analyze future traffic conditions, identify mitigation requirements, and determine developer contributions.**

Future Direction

- **TPW recognizes that existing access standards are not adequate to protect the functional integrity of the provincial highway system**
- **To address this problem TPW is currently in the process of developing a comprehensive access management program**

What is Access Management?

Access Management is the careful control of the location, design, and operation of all driveway and street connections to a roadway in order to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system.

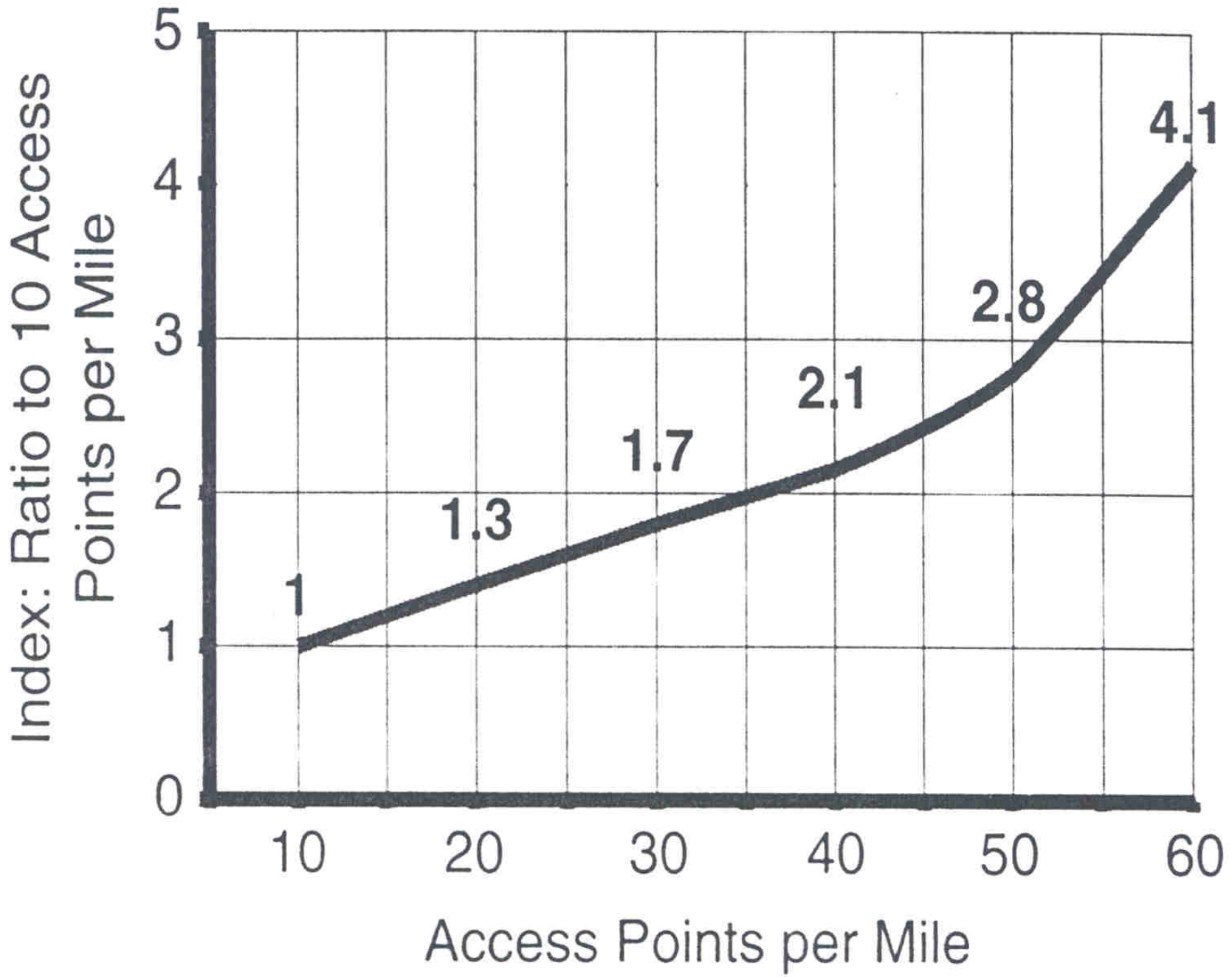


MOBILITY

ACCESS

Effective Access Management Can....

- Reduce collisions by as much as 50%
- Increase capacity 25-45%
- Reduce travel times 40-60%
- Decrease fuel consumption 35%
- Extend the life of the highway
- Reduce the need for capital improvements
- Preserve long term property values
- Improve community appearance



POOR ACCESS MANAGEMENT

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POOR ACCESS MANAGEMENT

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POOR ACCESS MANAGEMENT

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GOOD ACCESS MANAGEMENT

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GOOD ACCESS MANAGEMENT

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Impacts of Access Management on Business

- “Destination Businesses” not affected
- “Pass-by” Businesses” may be impacted
- In general studies show AM does not negatively impact businesses
- AM can increase long term property values
 - ◆ More efficient traffic flow
 - ◆ Increased exposure
 - ◆ Improved safety

Businesses are hurt by congested, high collision roadways near their entrance.

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