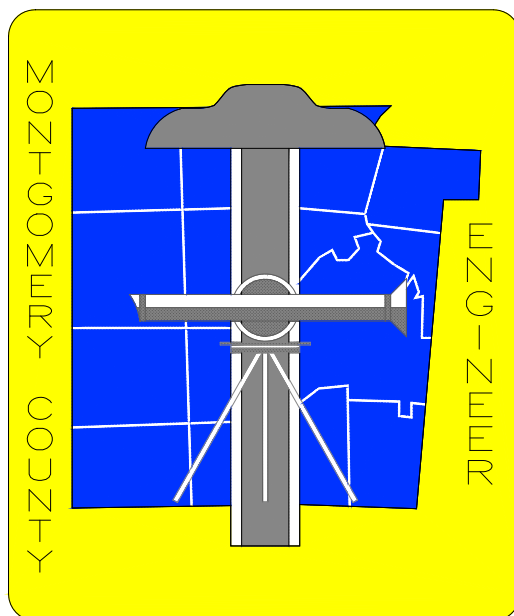


Access Management Regulations

Montgomery County, Ohio



Montgomery County Board of Commissioners

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1. INTRODUCTION

1.1 Authority

These regulations are adopted pursuant to the authority granted to the Boards of County Commissioners by Chapter 5552 of the Ohio Revised Code (hereinafter “ORC”) and the Montgomery County Planning Board Commission by Chapter 711 of the ORC for regulating county and township roadways.

1.2 Purpose

The access management regulations promote traffic safety, efficiency, capacity, and the minimizing of the future expenditure of public revenues on county and township roadways. Specific goals of the regulations are as follows:

- 1.2.1 Provide necessary and reasonable ingress and egress to properties located along county and township roads.
- 1.2.2 Promote traffic safety through better access design and by managing conflict points along roadways to minimize conflict points and potential conflicting movements.
- 1.2.3 Develop a lot split (minor subdivision or otherwise) system that considers access concerns (as well as, promoting traffic safety and efficiency) prior to the actual lot split.
- 1.2.4 Promote a roadway system whereby the primary function of the major collector and arterial streets is to move traffic and provide reasonable access to individual lots along these street classifications.
- 1.2.5 Preserve the functional area of intersections and interchanges.
- 1.2.6 Address potential drainage concerns that may result with the construction or modification of a driveway.
- 1.2.7 Preserve the operational and functional integrity of roads.

1.3 Implementation and Administration

The effective date of these regulations is May 20, 2011. The Montgomery County Engineer is responsible for implementing and administering these regulations. After the effective date, no new driveway or existing driveway modification, as defined in Paragraph 1.6.5, to a county or township road shall occur without an access permit or exemption from the Montgomery County Engineer’s Office.

1.4 Applicability

- 1.4.1 These regulations shall apply to all access connections designed for county or township roads, which are constructed on or after the effective date of these regulations. Regulations shall also apply to existing access drives as discussed in Paragraph 4.10, whenever the land use changes or the existing access is upgraded by reconstruction, relocation, modification, or expansion.
- 1.4.2 These regulations do not apply to state and/or federal roads or highways. Access to these roads is regulated by the Ohio Department of Transportation and subject to their requirements.
- 1.4.3 These regulations do not apply to municipal roads or highways located in a municipal corporation. Access to these roads is regulated by the respective municipality in which the roads are located.
- 1.4.4 Urban townships may adopt their own regulations for township roads per ORC 5552.02 (D). If an urban township adopts their own regulations after adoption of these regulations, township regulations shall only apply to township roads, and not county roads located within the township. Upon the adoption date of the urban township regulations, the regulations presented in this document will no longer be applicable for township roads.
- 1.4.5 Corridor access management plans and studies may be developed for specific areas that shall take precedence over these access management regulations. Corridor access management plans shall be approved by the Montgomery County Engineer's Office and approved by the designated appellate board.
- 1.4.6 Agricultural access drives used only for agriculture purposes are exempt from these regulations. The County and Townships may or may not require a separate right-of-way permit to perform work within the right-of-way. The County and individual Townships need to be contacted directly to determine the need for a right-of-way permit.
- 1.4.7 Very low volume drives, as defined per Paragraph 1.6.1, do not require an access regulation permit if the work on the driveway is limited to reconstruction of the existing driveway. Regulations shall apply to existing access drives as discussed in Paragraph 4.10, whenever the land use change or the existing access drive is upgraded by reconstruction, relocation, modification or expansion.
- 1.4.8 A significant change in use of the property or driveway may require that the property owner reconstruct, relocate, redesign or modify an existing access driveway to satisfy access management regulations. Significant changes in land use shall be determined

by the Montgomery County Engineer and include. But are not limited to, the following:

- a. A change in existing use or zoning of the property that results in a land use that will generate an additional projected traffic volume increase of twenty (20) percent based on the Institute of Transportation Engineer's Trip Generation Manual (most current version).
- 1.4.9 A traffic impact study shall be required for any development or land use that will generate or has the potential to generate traffic volumes equal to or exceeding 200 vehicle trip ends (total of entering and existing vehicles for the proposed development at full 20-year build out and occupancy) during the highest peak hour of the development or requests a traffic signal. Appendix A states the requirements for a traffic impact study.
- 1.4.10 It is recommended that applicants, prior to submitting plans, meet with the Montgomery County Engineer's Office to determine access management requirements for proposed developments and other access proposals. It is also recommended that an access permit be obtained from the Montgomery County Engineer's Office prior to submitting applications for a zoning permit, a building permit or a lot split to expedite the issuance of zoning and building permits.
- 1.4.11 It is possible that the lot dimensions and building locations on an existing parcel prevent the access management regulations stated in this document from being implemented. If this occurs, the applicant shall meet with the Montgomery County Engineer's Office to determine the best solution to provide access to the parcel. Under no circumstances shall the Montgomery County Engineer's Office restrict all access to a parcel.

1.5 References and Resources

The standards and specifications applied in the Montgomery County Access Management Regulations are based on engineering judgment and the following standard engineering references used by the Montgomery County Engineer's Office. The citation of standard, engineering reference works always refers to the latest publication or edition of the work as amended.

- 1.5.1 A Policy on Geometric Design of Highways and Streets, American Association of State Highway and Transportation Officials, Washington, D.C.
- 1.5.2 Traffic Engineering Handbook, Institute of Transportation Engineers, Washington, D.C.

- 1.5.3 Manual of Uniform Traffic Control Devices for Streets and Highways, (MUTCD), U.S. Department of Transportation and Federal Highway Administration, Washington, D.C.
- 1.5.4 Ohio Manual of Uniform Traffic Control Devices,(OMUTCD), Ohio Department of Transportation, Columbus, Ohio.
- 1.5.5 ODOT Construction and Materials Specifications, Ohio Department of Transportation, Columbus, Ohio.
- 1.5.6 Location and Design Manual, Volumes 1 to 3, Ohio Department of Transportation, Columbus, Ohio.
- 1.5.7 Access Management Manual, Ohio Department of Transportation, Columbus, Ohio, Issued December 2001, Version 8-15-03.
- 1.5.8 Impacts of Access Management Techniques, NCHRP Report 420, TRB, 1999.
- 1.5.9 Standard Construction Drawings, Ohio Department of Transportation, Columbus, Ohio.
- 1.5.10 Trip Generation, Institute of Transportation Engineers, Washington, D.C.
- 1.5.11 Roadside Design Guide, American Associations of State Highway and Transportation Officials, Washington, D.C.
- 1.5.12 Highway Capacity Manual, Transportation Research Board, Washington, D.C.
- 1.5.13 Impacts of Access Management Techniques, NCHRP Report 420, Transportation Research Board, Washington, D.C.
- 1.5.14 Subdivision Regulations for Montgomery County, Montgomery County Planning Commission, Montgomery County, Ohio.

1.6 Definitions and Abbreviations

These definitions are provided and adopted to explain technical words, phrases, and abbreviations used in this document.

- 1.6.1 “Driveway Classification” A categorical system that defines driveways according to their purpose and use:

Very Low Volume (VLV) driveway

- Less than 10 trip ends in the peak hour

May include:

- Farm drive
- Single family residence drive
- Single family common drive serving five or fewer residences
- Multi-family residence drive serving five or fewer residential units
- Walking, jogging, biking or equestrian trails

Low Volume (LV) driveway

- 10 trip ends, but less than 100 trip ends in the peak hour

May include:

- Multi-family residence drive
- General Office Building with less than 100 employees
- Car Dealership
- Daycare center

Medium Volumes (MV) driveway

- 100 or more, but less than 200 trip ends in the peak hour

May include:

- Convenience Market with gas pumps
- Drive-through bank

High Volume (HV) Driveway

- 200 or more trip ends in the peak hour

May include:

- Fast-food restaurant with drive-through
- Discount Retail Store

1.6.2 “Access Connection” is any driveway or other point of entry and/or exit such as street, road or highway that connects to the general street system. Where two public roadways intersect, the lower classification roadway shall be considered the access.

1.6.3 “Corner Clearance” is the distance from an intersection of a public or private road to the nearest access connection measured from the closest edge of pavement of the intersecting road or drive to the closest edge of pavement to the proposed connection.

1.6.4 “Cross Access” is an easement or service drive providing vehicular access between two or more contiguous sites, so that the driver does not need to reenter the public street system.

- 1.6.5 “Driveway” is an access connection to the road. The terms driveway and access connection mean the same and may be used interchangeably. The driveway includes the driveway base, surface, shoulders, curbs, culvert underneath the driveway, etc.
- 1.6.6 “Driveway Spacing” refers to the desired distance between adjacent driveways on the same side of the road, as measured from the closest edge of pavement of the intersecting driveway or road to the closest edge of pavement of the adjacent driveway or road.
- 1.6.7 “Frontage Road” means a public street or road auxiliary to and normally alongside and parallel to the main highway a major public roadway constructed for the purposes of maintaining local road continuity and the controlling of direct access to the main highway.
- 1.6.8 “Intersection Sight Distance” is the distance at which a motorist attempting to enter or cross a highway should be able to observe traffic in order to make their desired movement. The required distance varies with the speed of the traffic on the main highway. Intersection Sight Distance shall be as defined in the most recent edition of the Location and Design Manual of the Ohio Department of Transportation and the AASHTO (Green Book).
- 1.6.9 “Joint Access” is a single access point connecting two or more contiguous sites to a public roadway that serves more than one property or developments including those in different ownership.
- 1.6.10 “Level of Service” (LOS) is a qualitative measure describing a range of traffic operating conditions such as travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels are defined from A to F, with A representing the best range of conditions and F the worst.
- 1.6.11 “Peak Hour Volume” typically refers to the highest traffic volume in 60 consecutive minutes in one (or both) of the two traditional peak periods of traffic, the morning period from 7 a.m. to 9 a.m. and/or the evening period from 4 p.m. to 6 p.m. This volume is generally based on 60-minute, 30-minute, or 15-minute periods. While traffic may peak near the noon hour, trip generation rates do not usually exist for this period. Unique land uses, such as a church or school, may have non-traditional peak hours.
- 1.6.12 “Road” refers to any public roadway. The terms “street,” “roadway,” “highway,” and “road” are interchangeable and the same.
- 1.6.13 “Stopping sight distance” is the distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the roadway becomes visible. It includes the distance traveled during driver perception and reaction times and the vehicle braking distance. Stopping Sight Distance shall be as defined in the most recent edition of the Location and Design Manual of the Ohio Department of Transportation.

- 1.6.14 “Subdivision Regulations” refers to the Subdivision Regulations for Montgomery County as enacted and amended by the Montgomery County Regional Planning Commission.
- 1.6.15 “Thoroughfare Plan” refers to the Montgomery County Thoroughfare Plan as adopted by the Montgomery County Planning Commission. The Thoroughfare Plan shows the required full right-of-way for roads located in Montgomery County.
- 1.6.16 “Traffic Impact Study (TIS)” is a report analyzing anticipated roadway conditions with and without the applicant’s development and includes an analysis of existing and future storage lengths, traffic volumes and distribution, and mitigation measures required to offset the traffic impacts of a proposed development. Appendix A states the requirements for a traffic impact study.
- 1.6.17 “Trip end” means a single or one-direction vehicle movement with either the origin or the destination inside a study area. A vehicle leaving the highway and entering a property is one trip end and later leaving the property and entering the highway is another trip end.
- 1.6.18 “Vehicles per Hour (vph)” means the number of vehicles per hour, usually referring to the peak hour.

2. LOT SPLIT ADMINISTRATION

2.1 Preliminary Access Approval For Lot Splits

- 2.1.1 Preliminary Access approval shall be obtained from the Montgomery County Engineer's Office prior to any lot split approval. The preliminary access approval will indicate the locations along the proposed lots for which access is acceptable and in conformance with the regulations.
- 2.1.2 The Montgomery County Engineer may require that any or all of the following information be shown by a registered engineer or surveyor on either a survey plat or other accurate drawing:
 - a. Distances from the side property lines to the nearest adjacent driveways and their use.
 - b. Location of any driveways across from the property and their use.
 - c. Locations of any driveways on the property and their use.
 - d. Available intersection and stopping sight distances for each access permit.
 - e. Location of proposed driveways, if known.
 - f. Traffic Impact Study (TIS) per the requirements of this manual.
 - g. Other information as required by the Montgomery County Engineer.
- 2.1.3 Lot splits resulting in landlocked parcels shall not be approved without a recorded perpetual easement acceptable to the Montgomery County Engineer. The easement shall be located and of sufficient width to accommodate a driveway or road design that is in conformance with the access management regulations contained within this document and the applicable regulations and design standards of the Montgomery County Subdivision Regulations, if applicable.
- 2.1.4 Upon receipt of a request for preliminary access approval, the County Engineer shall conduct a review of the site, including a preliminary sight distance check for the proposed access location and with any other items that may need to be addressed, such as drainage. The preliminary review shall be completed within ten business days of the receipt of the initial request to determine if any or what items of Paragraph 2.1.2 shall be submitted. The County Engineer shall review subsequent submittals that contain the required information within the timeframes shown in Paragraph 2.3.

2.2 Access Permits

- 2.2.1 The Montgomery County Engineer shall issue an access permit prior to the issuance of a building permit or prior to the construction of a driveway for those conditions in which a building permit is not required.
- 2.2.2 New permits are required per Paragraph 1.4.7 when the existing land use significantly changes or when the existing driveways are modified.

- 2.2.3 Upon receipt of a request for an access permit, the County Engineer shall conduct a review of the site, including a preliminary sight distance check for the proposed access location along with any other items that may need to be addressed, such as drainage. The site review shall be completed within ten business days of the receipt of the initial request and determine what information is required per Paragraph 2.1. The County Engineer shall review subsequent submittals that contain the required information within the timeframes shown in Paragraph 2.3.
- 2.2.4 An access permit fee of fifty dollars (\$50.00) as established by the Board of County Commissioners shall be required for properties accessed by medium and high volumes driveways. If Planning Commission fees are required for these properties, the access permit fee shall be waived. Access permit fees for properties access by very low volume and low volume driveways shall also be waived. Fees are necessary to cover the cost of administering these regulations and shall be submitted in conjunction with access permit applications. Access permits shall expire if the driveway is not constructed within one (1) year of permit approval. Driveway construction shall be defined as complete construction of the proposed driveway work as shown in the access permit application.
- 2.2.5 New permit applications may be submitted for access locations for where the permit has expired; however, additional information per Paragraph 2.1.2 may be required per the judgment of the County Engineer.

2.3 Time Limitations

- 2.3.1 For lots proposed to contribute less than 100 vehicles per peak hour, access permit submittals shall be reviewed within ten (10) business days following submission of all the information required by these regulations.
- 2.3.2 For lots proposed to contribute 100 or more vehicles per peak hour, access permit submittals shall be reviewed within fifteen (15) business days following submission of all the information required by these regulations.
- 2.3.3 Failure to respond (e-mail, phone call, or letter, in whole or in part), to any request for an access permit within the time period outlined in Paragraph 2.3.1 and 2.3.2, as applicable to the permit request, shall result in the granting of the access permit.

3. SUBDIVISION ADMINISTRATION

3.1 Minor Subdivision (Lot Splits)

During the pursuit of a minor subdivision as defined by the Subdivision Regulations for Montgomery County, the applicant shall obtain preliminary access approval and/or an access permit in accordance with Paragraph 2.1. and 2.2.

3.2 Major Subdivision (Plat Required)

The applicant shall follow the process outlined in “Article 4: The Final Plan” of the Subdivision Regulations for Montgomery County, Ohio. One access permit shall be issued for all driveways proposed to county and township roads with the approval of a plat.

4. GENERAL STANDARDS

- 4.1 The arrangement, character, extent, width, grade, and location of all access connections shall conform with these regulations and shall be considered in their regulation to existing and planned roads, street and driveways, topographical conditions, and public convenience and safety and the proposed use of the land to be served by such access connections.
- 4.2 The requirements of these regulations vary depending on the road classifications shown on the County Thoroughfare Plan contained in Appendix B.
- 4.3 The provisions of an existing or future access management plan prepared for a specific road or portion of a road and approved by the Montgomery County Engineer shall apply. The applicable requirements of the Subdivision Regulations and the County Thoroughfare Plan shall also apply.
- 4.4 Driveways and/or service drives shall be located on the lowest classified roadway on which the lot has frontage or shared access. The only exception to this requirement is when the Montgomery County Engineer's Office determines that the public interest is better served by locating the access point on the higher order street.
- 4.5 Driveways and access roads shall be located to satisfy intersection and stopping sight distance requirements for a motorist entering the public roadway. Stopping sight distances for motorists on the major road shall also be satisfied. Intersection and stopping sight distances shall be as defined in the most recent edition of the Location and Design Manual of the Ohio Department of Transportation and the AASHTO (Green Book).
- 4.6 The length of the driveways or "Throat Length" (See Figure 1) shall be designed in accordance with the anticipated storage length for entering and existing vehicles to prevent vehicles from backing up into the flow of traffic on the public highway or causing hazardous conflicts with onsite circulation. The minimum acceptable throat length is 35 feet unless a greater distance is required to comply with zoning standards, existing or proposed utility easements, or queue storage requirements.
- 4.7 Construction of a full access or right-in/right-out driveway within 75 feet of turn lanes, acceleration/deceleration lanes and their tapers is prohibited due to potential for vehicular weaving conflicts and obstructing the public roadway (See Figure 2). If an applicant desires spacing less than 75 feet, the applicant shall submit a variance request with a Traffic Impact Study (TIS) attempting to justify the reduced spacing.
- 4.8 The driveway width and flair or radius shall be adequate to serve the projected traffic volumes and the site design vehicle for efficient movement on and off of the public roadway.
- 4.9 Access Spacing
 - 4.9.1 Very Low Volume (VLV) Driveways (less than 10 trip ends in the peak hour)
 - a. Along Primary Arterial Roads (State Highway): Per the most current State Highway Access Management Manual.

- b. Along Secondary Arterial Roads (State Highway): Per the most current State Highway Access Management Manual.
- c. Along Primary Collector and Major Collector Roads: Where new driveways or driveway upgrades along a Primary Collector Road are permitted, they shall satisfy the spacing requirements of Paragraph 4.7 and those shown in Table 1: Access Spacing Requirements. No more than one driveway shall be permitted per parcel or per contiguously owned parcels.
- d. Along Minor Collector Roads: Where new driveways or driveway upgrades along a collector road are permitted, they shall satisfy the spacing requirements of Paragraph 4.7 and those shown in Table 1: Access Spacing Requirements. No more than one driveway shall be permitted per parcel or per contiguously owned parcels.
- e. Along Local Roads: New driveways or driveway upgrades shall be satisfy the requirements of Paragraph 4.7 and those shown in Table 1: Access Spacing Requirements. Generally, no more than one driveway will be permitted per parcel or per contiguously owned parcels. If a second driveway is permitted, no drive shall be closer than 100 feet from another drive or roadway.

4.9.2 Low and Medium Volume Driveways

- a. Along Primary Arterial Roads (State Highway): Per the most current State Highway Access Management Manual.
- b. Along Secondary Arterial Roads (State Highway): Per the most current State Highway Access Management Manual.
- c. Along Primary Collector and Major Collector Roads: No more than one driveway or driveway upgrade shall be permitted per parcel or per contiguously owned parcels except that two driveways may be allowed if shown to be justified and necessary with a traffic impact study.

New driveway and intersections shall satisfy the minimum spacing requirements shown in Table 1: Access Spacing Requirements.

- d. Along Minor Collector Roads: No more than one driveway or driveway upgrade shall be permitted per parcel or per contiguously owned parcels except that two driveways may be allowed if shown to be justified and necessary with a traffic impact study.

New driveway and intersections shall satisfy the minimum spacing requirements shown in Table 1: Access Spacing Requirements.

- e. Along Local Roads: No more than one driveway or driveway upgrade shall be permitted per parcel or per contiguously owned parcels except that two driveways may be allowed if shown to be justified and necessary with a traffic impact study.

New driveway and intersections shall satisfy the minimum spacing requirements shown in Table 1: Access Spacing Requirements.

- 4.9.3 High Volume Driveways
 - a. Along All Road Classifications: Access spacing per traffic impact study.
- 4.10 A traffic impact study will be required for any development or land use that will generate or has the potential to generate traffic volumes equal to or exceeding 200 vehicle trip ends (total of entering and exiting vehicles for the proposed development at full 20-year build out and occupancy) during the highest peak hour of the development.
- 4.11 Existing driveways that do not conform to these regulations shall be considered nonconforming driveways and shall be brought into conformance with these regulations under the following conditions:
 - a. When new access permits are requested.
 - b. When driveway upgrades are proposed within the public right-of-way-.
 - c. When significant increases in trip generation are planned for the driveway per Paragraph 1.4.7.
 - d. When there is a change of use for the property access per Paragraph 1.4.7 of these regulations.

5. JOINT AND CROSS ACCESS SERVICE DRIVES

- 5.1 Prior to issuing an access permit, the County Engineer may require the developer of the subject parcel or parcels to provide joint and/or cross access drives and the associated access easement.
- 5.2 A system of joint use service drives and cross access examinations shall be established wherever feasible along primary and major collectors or in cases where minimum driveway spacing cannot be met.
- 5.3 When joint and cross access service drives are needed, then the site shall incorporate the following:
 - 5.3.1 A continuous service drive or cross access corridor to provide for maximum separation of driveways accessing the principal roadway.
 - 5.3.2 Service or cross access drives shall be designed and constructed of sufficient lane width to accommodate a two-way travel aisle and designed to accommodate automobiles, service vehicles and loading vehicles. A minimum pavement width of 24 feet is required.
 - 5.3.3 Stub streets and other design features shall be constructed to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
 - 5.3.4 A unified access and circulation plan is encouraged wherever possible.
- 5.4 Pursuant to this section, property owners shall:
 - 5.4.1 Record easements simultaneously with the deed or deeds and/or record plat to provide for cross access to and from their properties and for other properties served by joint use drives, cross access drives, and/or service drives. The deed or deeds and/or record plat shall include a clause that references the parcel is or parcels are subject to such easement or easements. Easement rights shall be granted to adjoining properties relative to the overall access plan for that area (could be several parcels).
 - 5.4.2 Record an assignment concurrently with the deed that releases their remaining access rights along the public highway and assigns such access rights to the Montgomery County Board of Commissioners. Upon completion of the new access facilities, the existing driveways will be closed and removed by the applicant, at applicant's sole cost, after all of the proposed access control features are constructed and approved by the Montgomery County Engineer.
 - 5.4.3 Record a joint maintenance agreement simultaneously with the deed defining proportional maintenance responsibilities of the property owners.
 - 5.4.4 The common joint use drives, cross access drive, and/or service drives shall be constructed by the applicant prior to the issuance of the final occupancy permit by the Montgomery County Building Department.

6. VARIANCES AND APPEALS PROCESS (ORC SECTION 711 AND SECTION 5552)

6.1 The Montgomery County Road Access Appeals Board shall hear and decide variances to these regulations in accordance within the standards of this document. The Appellate Board shall be designated by the County Commissioners at the adoption of access management regulations and subsequently on the date of the first Board of County Commissioners meeting of each calendar year thereafter. The Appellate Board shall consist of a County Commissioner, the President of the County Planning Commission, the County Engineer, the President of the County Township Association, and a seat for a Township Trustee that will vary and correspond to the location of the access permit application under appeal. Each such member may appoint one designee to serve in his or her name, place and stead at any proceeding in which the aforementioned Appellate Board is authorized to act.

All five members or their designees must be present in order to achieve a quorum. The decision of the Board shall be determined by a simple majority vote. Each member of the Montgomery County Road Access Appeals Board may administer oaths for purposes of the proceedings referred to herein.

The Board will also hear appeals where it is alleged that the Montgomery County Engineer made an error in any order, requirement, decision, or determination in the enforcement of these access management regulations.

6.2 Variances may be granted by the Montgomery County Engineer for very low and low volume driveways or by the Board for all classes of driveways. Variances are appropriate if not contrary to the public interest where, owing to special conditions, a literal enforcement of the regulations will result in unnecessary hardship, and such that the spirit of the regulations will be observed and substantial justice done.

In granting of variances, the Montgomery County Engineer and the Board of Appeals shall consider all relevant matters including, but not limited to, the following:

- a. Not granting the variance would deny all reasonable access.
- b. Granting the variance would endanger the public safety.
- c. The hardship was self-created
- d. Granting the variance would hinder traffic safety or the proper operation of the public road.
- e. Granting the variance would be consistent with the purpose of these regulations
- f. All practical and reasonable access options have been investigated and considered not feasible.
- g. Physical constraints, existing driveway spacing, current legal or advisory speed limits, etc.

The applicant requesting the variance shall provide evidence of unique or special conditions that make strict application of these regulations impractical or impossible. Such evidence may include:

- a. Indirect or restricted access cannot be obtained.
- b. No engineering or construction solutions can be applied to mitigate the condition.
- c. No alternative is available.

6.3 All applications for variances or appeals shall be made on the form provided and accompanied by the fee in the amount of eighty-five dollars (\$85.00). Variances or appeals shall be filed within thirty (30) days of the County Engineer's decision.

7. ENFORCEMENT (ORC SECTION 711 AND SECTION 5552)

- 7.1 If any driveway or driveway modification is installed contrary to these regulations, the County Engineer shall notify the property owner in writing. The notification shall identify the problem with the driveway and establish a 30-day period for the property owner to correct the problem. If the problem is not corrected within 30 days of issuance of written notice, the County Engineer may block the access at the point that it enters a public road right-of-way.
- 7.2 Pursuant to Section 5552.99 of the Ohio Revised Code, whoever violates an access management regulation adopted under Section 5552.02 of the Ohio Revised Code, shall be fined not more than \$500.00 for each offense. Each day of violation is a separate offense. This is in addition to other remedies as provided by law, including, but not limited to, an action for declaratory judgment, injunction, etc.

APPENDIX A

**TRAFFIC IMPACT STUDY
REQUIREMENTS
FOR
COUNTY AND TOWNSHIP
ROADS
MONTGOMERY COUNTY, OHIO**

Date: May 3, 2011

Traffic Impact Study Purpose

A Traffic Impact Study (TIS) is a report that analyzes the degree of impact that a specific development will create on the adjacent roadway system. The objectives of a traffic impact study are as follows:

- a. Determine whether or not the access request can meet the standards and requirements of the Montgomery County Access Management Regulations and other applicable regulations.
- b. Determine the appropriate location, spacing, and design of the access connection(s) necessary to mitigate the traffic and operations impacts to the highway.
- c. Determine the need for any improvements to the adjacent and nearby roadway system to maintain a satisfactory level of service and safety and to protect the function of the highway system while providing appropriate and necessary access to the proposed development.
- d. Assure that the internal traffic circulation of the proposed development is designed to provide safe and efficient access to and from the adjacent and nearby roadway system.

A TIS shall be required for any proposed access to development of land use which will generate or has the potential to generate traffic volumes equal to or exceeding 200 vehicle trips (total of entering and exiting vehicles for the proposed development at full 20 year build out and occupancy) during the highest peak hour of the development or requests a traffic signal. The traffic impact study shall be prepared by a professional engineer with expertise in traffic engineering. Other conditions requiring a traffic impact study are shown in Paragraph 4.9.

When a TIS is required, it is recommended that the applicant schedule a meeting with the County Engineer's Office to discuss the scope of the TIS required for the site. This meeting will define the study area, data requirements, discuss existing traffic concerns for the area, etc. to expedite the submittal process.

Traffic Impact Study Requirements

The TIS shall examine the "before and after" conditions in order to evaluate traffic impacts associated with the proposed development. The impacts of all access alternatives on highway capacity and throughput shall be calculated for the opening year Build and No-Build conditions and for the design year Build and No-Build conditions using computer analysis software such as Highway Capacity Software, Synchro or other software as agreed to with the Montgomery County Engineer.

All analyses shall examine the design hour traffic volume based on ODOT methods for the adjacent roadway and the peak hour(s) traffic volume of the proposed development. The peak hour(s) required for analyses shall be determined by the Montgomery County Engineer for the particular development proposed.

Site traffic volumes shall be calculated using the most current edition of the Trip Generation (most current edition) methodologies. If insufficient data is available in the Trip Generation (most current edition) for the proposed land use, supplemental data may be used with the approval of the County Engineer.

Background traffic growth rates shall be determined by the County Engineer for the particular roads under analysis. Background traffic volumes will be based on historical data, existing regional traffic models, and estimated build-out development potential of the area.

All traffic control devices recommended with a TIS shall satisfy the requirements of the Ohio Manual of Traffic Control Devices (OMUTCD). For example, the Ohio Department of Transportation has established eight (8) warrants which determine if a traffic signal should be considered for an intersection. A minimum of at least one (1) of the warrant thresholds shall be met in order for the County Engineer to make a determination as to whether a traffic signal should be installed at a particular location. The OMUTCD also establishes standards for stop sign installation, pavement marking and signing.

The TIS shall evaluate the proposed development's impacts on the adjacent and nearby highway network as defined by the study area. The TIS shall document the incremental capacity and safety impacts on all roadway facilities within the study area as a result of the proposed lot split, development and/or modification on all roadways within the study area for both the opening and design year traffic. For identified high crash locations, the study should evaluate the expected impact on crash patterns for these locations.

The TIS shall recommend constructing roadway improvements to mitigate the degradation of the traffic level of service in the opening and design year as a result of the proposed development. The recommended access scheme should not aggravate an existing safety problem or degrade the existing level of service for roads within the study area for the opening and design Build conditions below a level of service "D" and a v/c ration below 1.0 for each movement.

Montgomery County will require that generally accepted principles of traffic engineering, roadway design, transportation planning, and site design as outlined in the ODOT Location & Design Manual – Volume One, ODOT Traffic Engineering Manual, AASHTO – A Policy on Geometric Design of Highways and Streets, ITE Trip Generation Manual, ODOT State Highway Access Management Manual and the Transportation Research Board Access Management Manual be used in preparation of the TIS. Deviation from these principles will require documentation.

The need to provide left and right turn lanes on the free-flow major road at unsignalized driveways and intersections shall be based on the warrant charts contained in the ODOT Location & Design Manual – Volume One. Providing turn lanes on the minor road approaches shall be based on highway capacity analysis. All proposed signalized intersections shall have left turn lanes on each approach.

Transportation modes included and analyzed in a TIS shall not necessarily be limited to vehicular traffic impacts. Specific developments and their locations may require that other transportation modes including pedestrians, bicyclists and transit users be included in the analysis. The interaction of vehicles, bicycle and pedestrians shall be examined when these transportation modes are expected to coexist.

The TIS shall include an Executive Summary summarizing the report findings and recommendations. This section shall outline recommended improvements with the proposed construction timeframe of each improvement.

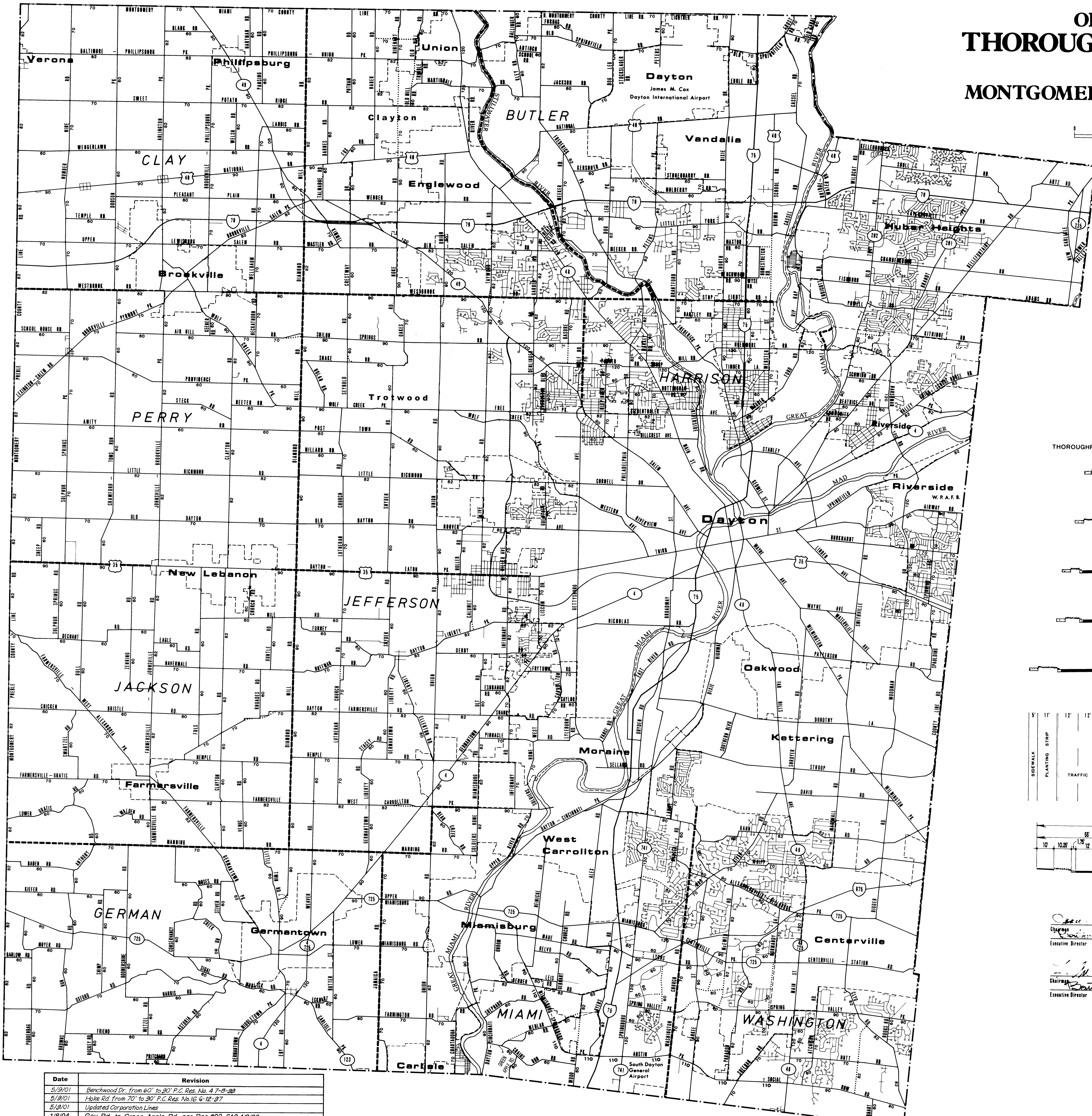
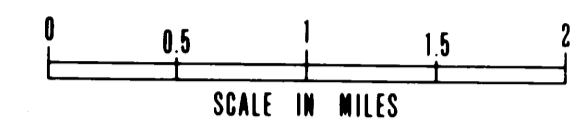
A minimum of three (3) paper copies of the TIS report shall be submitted. One copy of the complete report in electronic format (i.e. PDF format) shall be submitted.

APPENDIX B

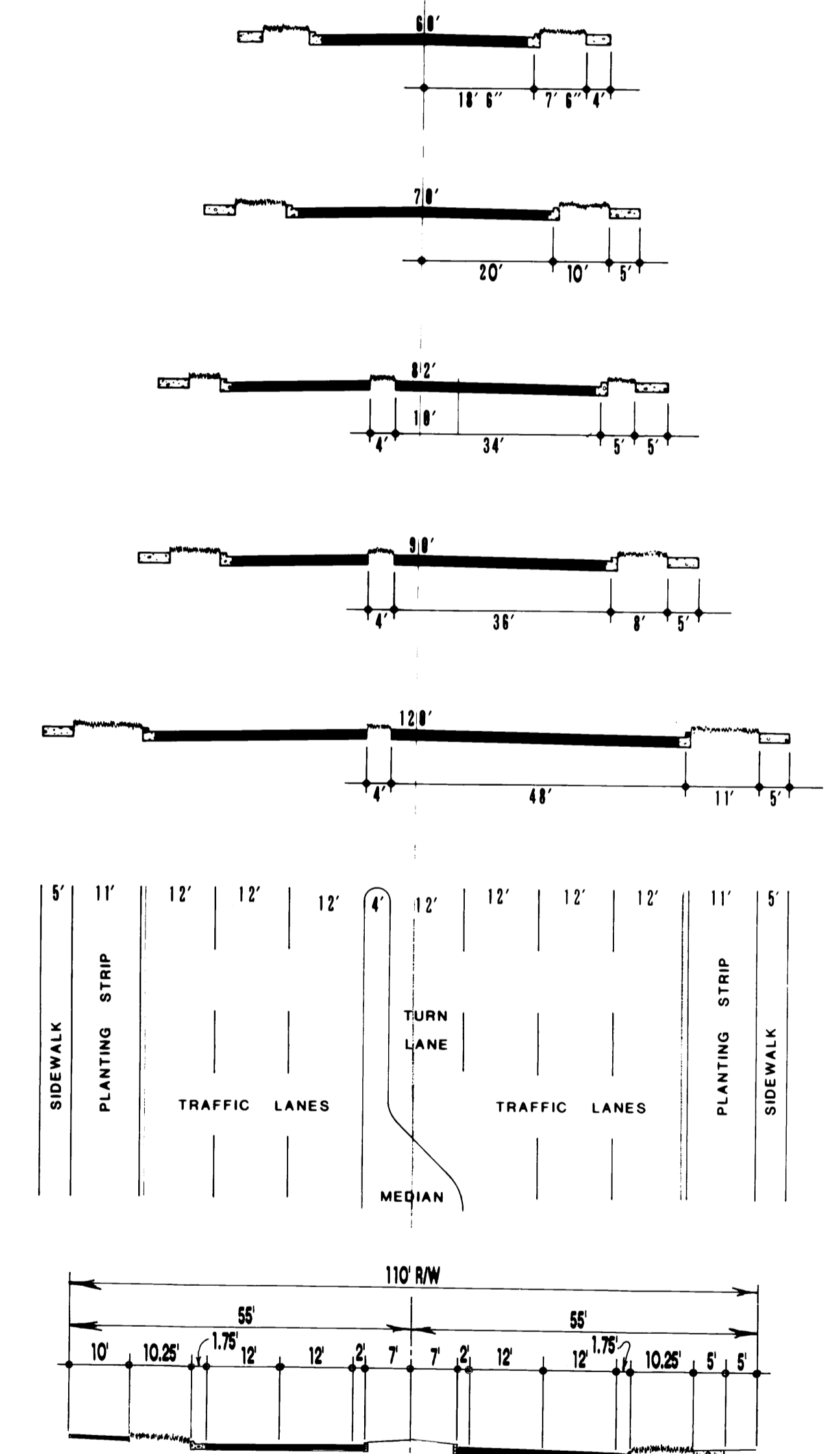
COUNTY

THOROUGHFARE PLAN

OFFICIAL THOROUGHFARE PLAN for MONTGOMERY COUNTY, OHIO



THOROUGHFARE STREET DESIGN STANDARDS



Date	Revision
5/9/01	Benchmark Dr. from 60' to 90' P.C. Res. No. 47-9-00
5/9/01	Hoke Rd. from 70' to 90' P.C. Res. No. 16-6-12-97
5/9/01	Updated Corporation Lines
1/8/04	Gay Rd. to Green Apple Rd. per Res.#02-618-4/9/02
10/15/08	Miamisburg-Springboro Pk., Austin Pk. & Social Row Rd. from 90' to 110' per Res.#3 7/10/08

MONTGOMERY COUNTY PLANNING COMMISSION

Note: Location of proposed future thoroughfares are conceptual and should not be construed to endorse exact alignments.



Executive Director _____ Date 5-13-82
 Chairman _____ Date 3-12-92
 Executive Director _____ Date 5-12-92

ROAD CLASSIFICATION	Minimum Distance Between Intersections (Unsignalized) (Feet)	Minimum Distance Between Intersections (Signalized) (Feet)	Minimum Spacing for Driveways			
			Driveway Volume	Minimum Distance Between Full Access Driveways (Feet)	Corner Clearance	
					Full Access (Feet)	Right In/Right Out (Feet)
Local (Not shown on throughfare plan)	300 feet	N/A	Very Low	100	100	N/A
			Low	250	250	N/A
			Medium	250	250	N/A
			High	TIS	TIS	TIS
Minor Collector (60 feet R/W as shown on throughfare plan)	750 feet	1,320 feet	Very Low	200	200	N/A
			Low	360	360	275
			Medium	360	360	275
			High	TIS	TIS	TIS
Major Collector (70 feet R/W as shown on throughfare plan)	1,000 feet	1,320 feet	Very Low	250	250	N/A
			Low	360	360	300
			Medium	360	360	300
			High	TIS	TIS	TIS
Primary Collector (82, 90, 110 feet R/W as shown on throughfare plan)	1,320 feet	1,320 feet	Very Low	300	300	N/A
			Low	425	425	350
			Medium	425	425	350
			High	TIS	TIS	TIS
Primary and Secondary Arterial (120 feet R/W as shown on throughfare plan)	ODOT	ODOT	Very Low	ODOT	ODOT	ODOT
			Low	ODOT	ODOT	ODOT
			Medium	ODOT	ODOT	ODOT
			High	ODOT	ODOT	ODOT

TABLE 1: Access Spacing Requirements

Notes

1. Proposed driveways shall align with existing opposing driveways or roads when possible.
2. Needmore Road/Shoup Mill Road/Turner Road shall be classified as a Primary Collector road for access management purposes.
3. Minimum distances between full access driveways and corner clearances for high volume driveways to be determined with a Traffic Impact Study (TIS).
4. Access driveway spacing for a given road may exceed the zoning frontage requirement for a given township. This condition could result in driveways that satisfy all access management regulations with the exception of driveway spacing. For these specific cases, local township zoning requirements shall govern.

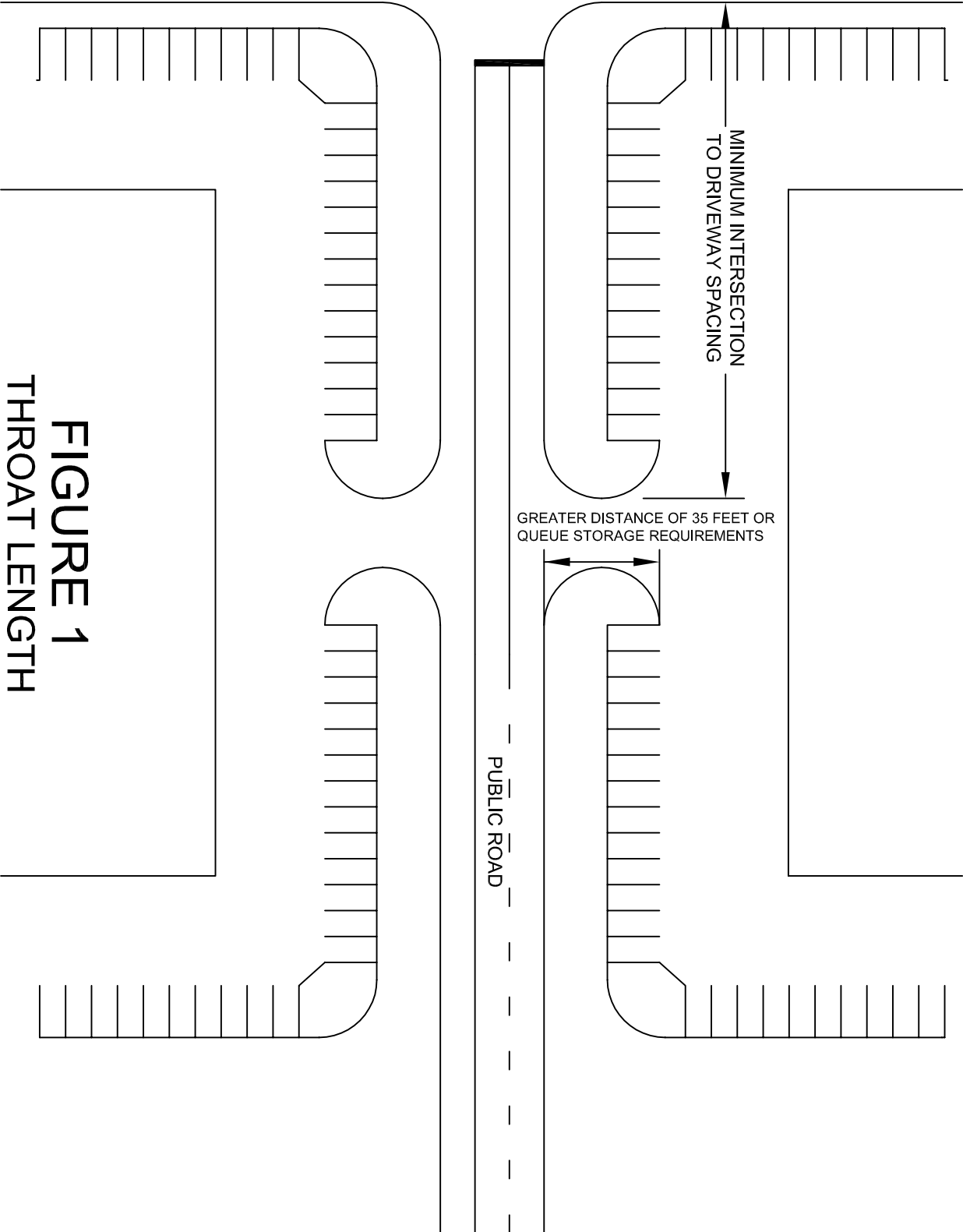
PUBLIC ROAD

MINIMUM INTERSECTION
TO DRIVEWAY SPACING

GREATER DISTANCE OF 35 FEET OR
QUEUE STORAGE REQUIREMENTS

PUBLIC ROAD

FIGURE 1
THROAT LENGTH



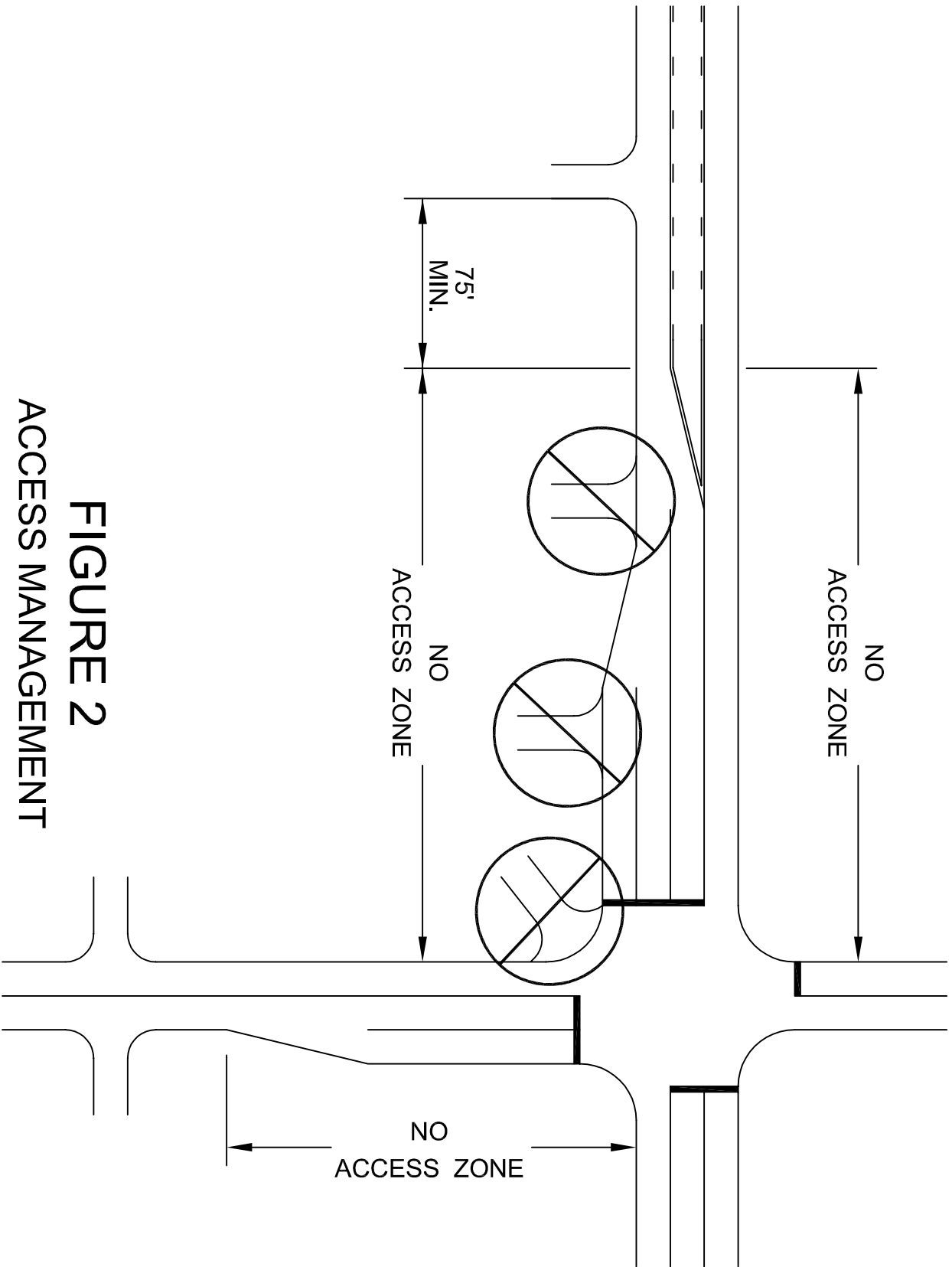
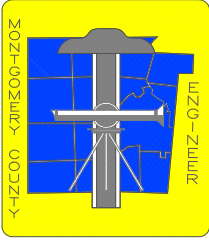


FIGURE 2
ACCESS MANAGEMENT

APPENDIX C

ACCESS PERMIT APPLICATION FOR COUNTY AND TOWNSHIP ROADS



Montgomery County Engineer's Office
451 West Third Street
P.O. Box 972
Dayton, Ohio 45422-1260
Phone: (937) 225-4904 Fax: (937) 496-7441

ACCESS PERMIT APPLICATION

Name

Mailing Address

State Zip Code Phone Number Fax Number

Contractor for the Applicant (if applicable):

Name

Mailing Address

State Zip Code Phone Number Fax Number

Access Location _____ Township _____

Type of Driveway: Residential _____ Commercial _____ Other _____

What roadway(s) is access requested from? _____

Does the property owner own or have any interest in any adjacent property? _____

If yes, please describe _____

Are there existing access easements bordering or within the property? _____

Describe work to be completed (attach drawing, if applicable) _____

Provide the following vehicle count estimates for the property. Leaving the property then returning is two counts. Indicate if your counts are _____ peak hour volumes or _____ average daily volumes.

Number of passenger cars and light trucks _____
Number of heavy trucks _____
Total count of all vehicles _____

IF THIS PERMIT IS GRANTED, I (WE) AGREE TO THE FOLLOWING CONDITIONS:

1. Traffic will be maintained at all times, unless permission is granted by the County Engineer to close the road. All work requiring men or vehicles in the right-of-way shall comply with all applicable requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Ohio Department of Transportation Construction and Material Specifications, latest edition.
2. Lights, barricades, and if necessary, steel plates, flagmen, or watchmen will be placed on the site for the protection of traffic at all times, day and night, during the time this work is being done.
3. I (we) will assume the responsibility for and will save the County harmless from any and all claims for personal injuries and property damages arising from this work, to the extent of \$300,000/\$500,000 for personal injuries and \$200,000 for property damages. To cover this responsibility, I (we) have the following insurance which is now in force and will remain in force during the prosecution of this work.

INSURANCE INFORMATION: _____

4. I have reviewed a copy of the policies and regulations stated in the Access Management Regulations for Montgomery County, Ohio. If a permit is issued, I agree to comply with all the conditions and regulations stipulated on or attached to the permit. I also understand and agree that failure to comply fully with all conditions and regulations of the permit or any change in the use of the permit inconsistent with its terms and conditions will be considered a violation and cause for suspension, revocation, or annulment of the permit thereby rendering the permit illegal and subject to appropriate action, up to and including removal of the installation at the permittee's expense.

<u>OFFICE USE ONLY</u>	
Date Received	_____
Approved By	_____ Date _____
CONDITIONS:	

Applicant Signature

Date