

## **Title 27. Transportation**

### **Chapter V. Arkansas Department of Transportation, State Highway**

#### **Commission**

#### **Subchapter B. Design and Construction**

#### **Part 94. Rules for Access Driveways to State Highways**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"This publication, RULES FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS, is covered by State Highway Commission Minute Order No. 387 of February 25, 1954, and subsequent Commission Minute Orders No. 4161 of June 28, 1961; No. 4964 of February 20, 1963; No. 73-673 of September 26, 1973; No. 76-6 of January 29, 1976; No. 82-273 of August 25, 1982; No. 89-101 of March 22, 1989 and No. 17-006 of January 4, 2017 to govern the uniform design and construction of driveways that will allow adequate, safe and reasonable access to the roads and streets on the State Highway System with a minimum of interference and hazard to highway traffic.

These rules have been prepared along the guidelines set forth in the American Association of State Highway and Transportation Officials booklet entitled, "GUIDE FOR PREPARING PRIVATE DRIVEWAY REGULATIONS FOR MAJOR HIGHWAYS".

#### **"FOREWORD**

Pursuant to Ark. Code Ann. § 27-65-107 the Arkansas State Highway Commission is authorized to adopt reasonable rules for the protection of the traveling public on the State Highway System and in controlling use of and access to the highways. Such rules shall have the force and effect of law. The rules adopted by the Commission allow reasonable access to the highway from abutting property. This manual of rules governs such reasonable access to all highways, roads and streets under the jurisdiction of the

State Highway and Transportation Department (hereinafter designated as Department) except those controlled access facilities to which direct access is denied or limited.

It is the intent of these rules to provide design standards whereby orderly and safe movements of traffic in and out of properties abutting the State Highway System may be made in ways which will constitute a minimum of interference and hazard to highway traffic and to control the use of drainage structures and/or other appurtenances necessary to preserve the physical structure of the highway.

If a highway construction or reconstruction project is undertaken which requires the replacement or adjustment of existing access or the establishment of access to abutting property, the access facility will be constructed or reconstructed by the Department in accordance with the plans and specifications of the construction project. The cost of the work will be chargeable to the project.

If a need for access, where none formerly existed, develops subsequent to the initiation of construction or reconstruction work on a highway, the abutting property owner, lessee or duly appointed agent must follow the procedure outlined in this manual. The cost of the work will be borne by the Permittee."

## **Subpart 1. General Provisions**

### **27 CAR § 94-101. Definitions.**

When the following terms are used, including abbreviations or pronouns, the intent and meaning shall be interpreted as follows:

(1) "Appeal process" means a formal process provided for an appellant to request, in writing, an administrative hearing pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.;

(2) "Appellant" means the applicant seeking an appeal of the district engineer's decision denying a request for a permit under this part;

(3)(A) "Applicant" means the owner or duly authorized representative of the owner, i.e., contractor, consulting engineer, or lessee.

(B) An "applicant" is the person who has the legal right to possession and

control of the property abutting the right-of-way and is in the process of securing an access driveway permit from the Arkansas Department of Transportation;

(4) "Arkansas Administrative Procedure Act" means the governing authority, as codified in Arkansas Code § 25-15-201 et seq., for the adjudication of an administrative proceeding;

(5) "Commission" means the State Highway Commission;

(6) "Department" means the Arkansas Department of Transportation;

(7)(A) "Deposit" or "bond" means the security deposit or right-of-way bond.

(B) The "deposit" or "bond" is an approved form of security guaranteeing the completion of the permit provisions and compliance with this part;

(8) "Director" means the Director of State Highways and Transportation;

(9) "Engineer" means the district engineer, a professional engineer who is responsible for engineering supervision of the district and who is acting as the duly authorized representative of the Deputy Director and Chief Engineer of the Arkansas Department of Transportation;

(10) "Frontage" means that portion of the permittee's property lying between the two (2) most distant possible lines drawn perpendicular from the centerline of the highway to the permittee's abutting property;

(11) "Hearing officer" means an Arkansas Department of Transportation employee who is appointed by the Director of State Highways and Transportation as the designee to preside over the appeal hearing;

(12) "MUTCD" means the Manual on Uniform Traffic Control Devices for Streets and Highways;

(13) "Order" means a final agency determination that may be appealed to a circuit court under the Arkansas Administrative Procedure Act;

(14)(A) "Permit" means an access driveway permit.

(B) A "permit" is a duly executed agreement granting permission to construct, make dimensional changes, or relocate an access driveway pursuant to this part;

(15)(A) "Permittee" means the owner, lessee, or duly authorized agent.

(B) The "permittee" is the person who is responsible for compliance with the permit provisions;

(16) "Safety zone" means all parts of the highway right-of-way between the curb or shoulder line and the right-of-way line along the permittee's property frontage, except the areas contained in the access driveway; and

(17)(A) "Special permit" means a permit is issued for work on Arkansas Department of Transportation right-of-way that is not an access driveway.

(B) "Special permits" will be issued through the statewide permit system.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-102. Instructions for securing an access driveway permit.**

(a)(1) A request for a permit to construct any driveway or to reconstruct any existing driveway shall be made to the district engineer.

(2) See Appendix A for addresses of the district offices.

(b)(1) A brief description of the proposed work shall be included in the request along with the location of the work.

(2) The name, address, and telephone number of the applicant shall also be included.

(c) Upon receipt of this request, the district engineer will arrange for a meeting of the applicant with a representative from the district office, at which time details of the proposed work will be discussed and the official access driveway permit forms will be prepared for processing.

(d) The access driveway permit form along with any necessary drawings and deposit or bond, if required, shall be submitted to the district engineer for approval.

(e) Following approval of the permit, copies will be forwarded to the applicant and the area maintenance supervisor.

(f) No work shall be undertaken on state highway right-of-way until the permit has been issued by the engineer.

(g) All access driveway permits will be issued using the statewide permit system.

(h) Prior to issuing an access driveway permit, the district engineer must check the statewide permit system for additional rules as required under the access management agreement.

(i)(1)(A) If an access management agreement is in place between the Arkansas Department of Transportation and the jurisdiction covering the location of the proposed work, the request for a permit shall include, in addition to the requirements set out in this section, a copy of an approval or permit issued by the appropriate jurisdictional authority.

(B) Failure to provide a copy of the required approval or permit shall be grounds for denial.

(2) If an approval or permit issued by the appropriate jurisdictional authority is submitted with the request for permit under subdivision (i)(1), the request and approval or permit will be reviewed to confirm that the request complies with the terms of the existing access management agreement.

(j)(1)(A) A request for an access management agreement shall be submitted to the department division head for the Transportation Planning and Policy Division.

(B) To be considered, the request must be accompanied by documentation establishing a formal adoption of the proposed agreement by the governing body of all jurisdictions affected by the proposed agreement.

(2)(A) The proposal will be reviewed and either submitted to the State Highway Commission for adoption and authorization to enter into the agreement or returned for modification.

(B) If returned for modification, any subsequent request must be accompanied by documentation establishing a formal adoption of the revised agreement by the governing body of all jurisdictions affected by the proposed agreement.

(C) No agreement will be considered effective until adopted by the commission and signed by the department.

**Authority.** Arkansas Code § 27-65-107.

## **Subpart 2. Appeal Process**

### **27 CAR § 94-201. General procedures.**

(a) If an applicant is denied a permit, he or she may file a written appeal with the district engineer within sixty (60) days from the notice of denial requesting an administrative hearing in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(b) All hearings shall be:

(1) Presided over by the Director of State Highways and Transportation or the director's designated administrative hearing officer;

(2) At the Arkansas Department of Transportation central offices located in Little Rock; and

(3) Conducted in an orderly manner.

(c)(1) The appellant shall have the right to:

(A) Appear in person at the hearing;

(B) Be represented by counsel;

(C) Have an interpreter;

(D) Present such documentary evidence, oral or other, as he or she may have in support of his or her position;

(E) Cross-examine witnesses; and

(F) Present argument on all issues involved.

(2) The appellant shall also have the right to inspect and copy all records, except for those specifically exempt from disclosure under the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq., relevant to his or her appeal.

(d) The department may impose costs of actual reproduction, copies, and reasonable conditions on the appellant's right to inspect, consistent with applicable laws.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-202. Notice requirements.**

The appellant shall be given written notice of a hearing within ten (10) business days from the date of appeal and such notice will include the following:

- (1) A statement of the time, place, and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held; and
- (3) A short and plain statement of the matters of fact and law asserted.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-203. Conduct of hearing.**

(a)(1) The hearing officer is responsible for conducting the hearing in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., and all other applicable laws, including but not limited to the Arkansas Rules of Civil Procedure regarding any discovery.

(2) The duties of the hearing officer include maintaining the decorum of the hearing, and the hearing officer may refuse to admit or may expel anyone whose conduct is disorderly.

(3) He or she is also charged with:

- (A) Administering oaths or affirmations of witnesses;
- (B) Ruling on motions and objections; and
- (C) Admitting or denying evidence into the record.

(b)(1) The hearing is a proceeding open to the public subject to state and federal confidentiality laws and rules.

(2) An appellant may waive his or her right to confidentiality but may not waive another's right to confidentiality.

(c)(1) The hearing shall be recorded by a State Highway Commission appointed court reporter.

(2) If the decision of the hearing office is appealed, the Arkansas Department

of Transportation will prepare a transcript or cause a transcript to be prepared for filing in the circuit court as provided in Arkansas Code § 25-15-212.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-204. Rendering of decisions.**

(a) In rendering a decision to affirm or reverse the district engineer's decision, the hearing officer shall review the evidence, testimony, documents, and any other matters presented at the hearing and thereafter render a decision.

(b) The decision of the hearing officer shall be reduced to a final order containing findings of fact and conclusions of law, separately stated, in accordance with Arkansas Code § 25-15-210(b)(2).

(c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(d) The parties shall be served either personally or by mail with a copy of the order.

(e) Any order of the hearing officer shall constitute the final agency determination for purposes of judicial review under Arkansas Code § 25-15-212.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-205. Judicial review.**

(a) In accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., the appellant shall be advised in writing of his or her rights to seek judicial review of an adverse decision by filing a petition in circuit court within thirty (30) days after service of the order.

(b) Upon proper service of a petition for appeal, the Arkansas Department of Transportation shall have thirty (30) days to prepare and transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review.

(c)(1) In accordance with the Arkansas Administrative Procedure Act, the cost of the preparation of the record shall be borne by the department.

(2) However, the department shall be entitled to recover from the appellant the actual cost of reproducing each copy of the transcript if it is the prevailing party.

**Authority.** Arkansas Code § 27-65-107.

### **Subpart 3. Requirements for Commercial Driveways**

#### **27 CAR § 94-301. General.**

(a) A commercial driveway is defined as access to and from any commercial business, housing subdivision, or public establishment adjoining a state highway.

(b)(1) A permit shall be obtained from the Arkansas Department of Transportation for all access driveways on state highways.

(2) Within incorporated cities or counties, it will be necessary for the applicant to satisfy the requirements of the city and/or county to obtain a permit from the department.

(3) The city's or county's requirements must meet or exceed the requirements of this part.

(4) No work shall be undertaken on state highway right-of-way until the permit has been issued by the engineer.

(c) The permittee shall fully protect the traffic on the highway during construction covered hereunder by proper traffic control devices in accordance with the Manual on Uniform Traffic Control Devices and hold harmless the State Highway Commission, the department, and its duly appointed agents, officers, and employees from all damages, expenses, claims, or liability arising out of any alleged damages of any nature to any person or property due to the construction, performance, or nonperformance of work or existence of a driveway.

(d)(1) The permittee shall not erect any sign, flag, or other identifying marker for

the purpose of attracting attention to the site, either fixed or moveable, on or extending over any portion of the highway right-of-way.

(2) Anyone erecting such sign, flag, or identifying marker is in violation of Arkansas Code § 27-67-304.

(e)(1) The permittee shall maintain all existing highway, street, and county road regulatory, warning, guide, and informational signs in an effective location at all times for the duration of the work and shall install them at the correct location upon completion of the work.

(2) Any signs damaged by the permittee shall be replaced at no cost to the department.

(f)(1) Applications for permits shall be made by the owner or duly authorized representative of the owner, i.e., contractor, consulting engineer, or lessee, who shall represent all parties' interests.

(2) Such permits shall be only for the bona fide purpose of constructing or modifying access to the property and not for the purpose of parking, servicing, or loading and unloading vehicles on the state highway right-of-way.

(g)(1) Permits for initial construction or for modification of commercial driveways shall have a deposit or bond in the amount of a minimum of one thousand dollars (\$1,000) per driveway.

(2) Deposits or bonds may be waived on permits for governmental entities.

(3) The deposit or bond will be refunded upon satisfactory completion of the work covered by the permit.

(h)(1) Commercial driveway permits will have an expiration date of one (1) year from date of issue.

(2) If no work has begun at the expiration date, the permit may be revoked and the deposit returned.

(i)(1) At the expiration date, if the work has not been completed in accordance with the permit, the permittee will be notified by certified mail with an explanation of noncompliance.

(2) If the driveway does not comply in thirty (30) days, the permit will be revoked and the deposit or bond forfeited.

(j)(1) The permittee may elect to apply for a new permit.

(2) If a new permit is issued, the original permit will be revoked and a new permit issued with a minimum of twice the original deposit or bond.

(k) The engineer may grant written extensions up to six (6) months to those in noncompliance for a reasonable period as he or she deems necessary, based on the showing of good cause by the permittee, but for no longer than six (6) months.

**Authority.** Arkansas Code § 27-65-107.

### **27 CAR § 94-302. Design.**

(a) All parts of access driveways on the highway right-of-way shall be confined within the permittee's property frontage.

(b) No changes to partial or fully controlled access facilities will be considered except by written authorization of the Deputy Director and Chief Engineer of the Arkansas Department of Transportation.

(c) All parts of any access driveway, including the radii, shall be a minimum of ten feet (10') inside the adjoining property frontage in rural locations and shall be a minimum of five feet (5') in urban locations, except as provided in 27 CAR § 94-309.

(d) On all paved highways, commercial drives shall be surfaced from the normal edge of pavement to a minimum distance of twenty feet (20') or to the right-of-way line, whichever is less, with concrete or asphalt surfacing.

**Authority.** Arkansas Code § 27-65-107.

### **27 CAR § 94-303. Location.**

(a)(1) Access driveways shall be located to provide adequate sight distances and safety for highway users.

(2) If adequate sight distance cannot be provided, some movements at the driveway may be prohibited or access denied.

(b)(1) Frontages of fifty feet (50') or less shall be limited to one (1) driveway.

(2) Normally, no more than two (2) driveways shall be allowed for any single property tract or business establishment.

(3) An exception may be made when the frontage approaches six hundred feet (600'), if approved by the engineer.

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-304. Intersections.**

At any intersection of a state highway with another highway, road, or street, access driveways shall be prohibited for a sufficient distance from the intersection to preserve the normal and safe movement of traffic through it, and the distance shall be not less than the intersecting street return radius.

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-305. Geometrics.**

(a) Radii for all commercial access driveways in urban areas shall be not less than five feet (5') and in rural areas the radii shall be not less than ten feet (10'), except as provided in 27 CAR § 94-309.

(b)(1) The width of access driveways shall not exceed forty feet (40') measured at right angles to the centerline of the driveway, except as increased by permissible radii or as provided in 27 CAR § 94-309.

(2) The minimum width shall be fifteen feet (15') on a one-way drive and shall be twenty-four feet (24') on a two-way drive.

(c) The angle of access driveways from the pavement shall generally be sixty degrees (60°) to ninety degrees (90°).

(d)(1) The distance from the right-of-way line to the near edge of service pumps, vendor stands, tanks, or water hydrants shall be a minimum of fifteen feet (15').

(2) To permit free movement of large vehicles and, in certain instances, to ensure that they be entirely off highway right-of-way while being serviced, a greater distance is recommended.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-306. Drainage.**

(a) Drainage in highway side ditches shall not be altered or impeded.

(b) When drainage structures are required, the size of the opening, the length, and the other design features shall be approved by the engineer, and in all cases the structure shall be no smaller than eighteen inches (18") in diameter or equivalent pipe culvert.

(c) Pipe culverts shall be corrugated metal, reinforced concrete pipe, or other Arkansas Department of Transportation approved pipe, a minimum of twenty-four feet (24') in length and shall have no hazardous headwalls or other hazards constructed upon it.

(d) Pipe installation in excess of one hundred feet (100') will require drop inlet or other cleanout provisions.

(e) The owner may be required to provide a drainage study.

(f) No driveways shall be constructed with swale type ditches for drainage unless there is no other alternative and an exception is approved by the engineer.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-307. Profile grade.**

(a) The grade of the driveway shall be so constructed as to conform to the slope of the roadway shoulder from the edge of the traveled lane to the edge of the shoulder.

(b) Preferably, the profile grade of the driveway shall be constructed so the water will not drain onto the traveled surface.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-308. Safety zones.**

(a)(1) All parts of the highway right-of-way between the curb or shoulder line and the right-of-way line along the permittee's property frontage, except the areas contained in the access driveway, shall be a safety zone.

(2) Generally, the safety zone between driveways should be a minimum of one-third (1/3) the length of the property frontage, but not less than twenty-five feet (25') in length except as provided in 27 CAR § 94-309.

(b)(1) Curbs and/or islands shall be installed by the permittee as may be necessary to prohibit vehicle parking and access in safety zones.

(2) Curbs shall be asphalt or concrete not less than six inches (6") and no more than twelve inches (12") in height.

(3) The curb nearest the traveled lanes shall be aligned with existing curbs or shoulder lines but not less than four feet (4') from the travel lane.

(4) The engineer may require a greater distance when it is necessary to preserve the safety and utility of the highway or to conform to proposed improvements.

(c) The safety zone may be filled, provided the drainage structure underneath the fill is adequate to carry the design flow of water in the highway side ditches, and in no case less than the size of the structure required for the driveway.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-309. Exceptions.**

(a) The engineer may authorize or require changes in the design when necessary to preserve the normal and safe movement of traffic or to permit reasonable access.

(b) In consideration of type, speed, and volume of highway traffic and access driveway traffic, larger radii than the minimum may be required.

(c) When physical factors make it impractical to obtain reasonable access within these requirements, appropriate variations may be authorized, provided that in all cases:

(1) Radii are confined to the permittee's property frontage and are not less than two and one-half feet (2 1/2');

(2) The island between driveways is not less than ten feet (10') long; and

(3) The driveway widths do not exceed forty-eight feet (48').

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-310. Construction.**

(a) The permittee shall furnish and install all materials, including:

(1) Fill material;

(2) Surfacing; and

(3) Drainage structures.

(b) All materials used must comply with the requirements contained in this part and/or specified by the engineer.

(c) The permittee shall perform all work in connection with the construction of access driveways and their appurtenances on the right-of-way.

(d) However, the Arkansas Department of Transportation may assist by establishing flow line grades for drainage structures and finish grades for driveway surfaces or such other comparable assistance, which the engineer may agree to perform.

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-311. Maintenance.**

(a)(1) The Arkansas Department of Transportation will provide routine maintenance shoulder width, or a minimum of four feet (4') adjacent to the edge of the travel lane across commercial drives.

(2) The permittee shall make provisions for the removal of any debris such as mud, tree limbs, bark, etc., resulting from operations from the roadway surface.

(3) Any time a hazard is created, the correction of the hazardous condition must be made immediately.

(b)(1) Any maintenance or improvement to the surfacing or drainage structure of a commercial driveway will be the responsibility of the permittee.

(2) Any dimensional change or relocation of the driveway will require an approved permit from the department.

(3) This includes any driveway approach or other improvement constructed on the right-of-way.

(c)(1) The department reserves the right to inspect driveways at all times and to require such maintenance and repairs as may, at any time, be considered necessary.

(2) If the driveway is not properly maintained by the permittee and becomes a hazard, it will be removed.

**Authority.** Arkansas Code § 27-65-107.

#### **Subpart 4. Requirements for Noncommercial Driveways**

##### **27 CAR § 94-401. General.**

(a) Noncommercial driveways are defined as driveways adjoining a state highway to provide entrance to and/or exit from private property for the exclusive use and benefit of the owner or lessee, and driveways for farms or ranches, churches, schools, noncommercial cemeteries, and other noncommercial public access.

(b)(1) A permit shall be obtained from the Arkansas Department of Transportation for all noncommercial access driveways on state highways.

(2) Within incorporated cities, it will be necessary for the applicant to satisfy the requirements of the city and to obtain a permit from the department.

(3) The city's requirements must meet or exceed the requirements of this part.

(4) No work shall be undertaken on state highway right-of-way until the permit has been issued by the engineer.

(c) The permittee shall fully protect the traffic on the highway during construction covered hereunder by proper traffic control devices in accordance with the Manual on Uniform Traffic Control Devices and hold harmless the State Highway Commission, the department, and its duly appointed agents, officers, and employees from all damages, expenses, claims, or liability arising out of any alleged damages of any nature to any person or property due to the construction, performance, or nonperformance of work or existence of a driveway.

(d)(1) The permittee shall not erect any sign, flag, or other identifying marker for the purpose of attracting attention to the site, either fixed or moveable, on or extending over any portion of the highway right-of-way.

(2) Anyone erecting such sign, flag, or identifying marker is in violation of Arkansas Code § 27-67-304.

(e)(1) The permittee shall maintain all existing highway, street, and county road regulatory, warning, guide, and informational signs in an effective location at all times for the duration of the work and shall install them at the correct location upon completion of the work.

(2) Any signs damaged by the permittee shall be replaced at no cost to the department.

(f)(1) Applications for permits shall be made by the owner or duly authorized representative of the owner, i.e., contractor, consulting engineer, or lessee, who shall have the authority to represent all parties' interests.

(2) Such permits shall be only for the bona fide purpose of constructing or modifying access to the property and not for the purpose of parking, servicing, or loading and unloading vehicles on the state highway right-of-way.

(g)(1) Permits for noncommercial driveways will not require a bond.

(2) When requests are made for more than one (1) noncommercial driveway, a bond may be required.

(h)(1) Noncommercial driveway permits will have an expiration date of one (1) year from date of issue.

(2) If no work has begun at the expiration date, the permit may be revoked and any bond returned.

(i)(1) At the expiration date, if the work has not been completed in accordance with the permit, the permittee will be notified by certified mail with an explanation of noncompliance.

(2) If the driveway does not comply in thirty (30) days, the permit will be revoked.

(j)(1) The permittee may elect to apply for a new permit.

(2) If a new permit is issued, the original permit will be revoked and a new permit issued.

(k) The engineer may grant written extensions up to six (6) months to those in noncompliance for a reasonable period as he or she deems necessary, based on the showing of good cause by the permittee, but for no longer than six (6) months.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-402. Design.**

(a) All parts of access driveways on highway right-of-way shall be confined within the permittee's property frontage.

(b) No changes to partial or fully controlled access facilities will be considered except by written authorization of the Deputy Director and Chief Engineer of the Arkansas Department of Transportation.

(c) All parts of any access driveway, including the radii, shall be a minimum of ten feet (10') inside the adjoining property frontage in rural locations and shall be a

minimum of five feet (5') in urban locations, except as provided in 27 CAR § 94-409.

(d) Access driveways located on curbed highways must be constructed in accordance with Appendix G.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-403. Location.**

(a)(1) Access driveways shall be located to provide adequate sight distances and safety for highway users.

(2) If adequate sight distance cannot be provided, some movements at the driveway may be prohibited or access denied.

(b)(1) Frontages of fifty feet (50') or less shall be limited to one (1) driveway.

(2) Normally, no more than two (2) driveways shall be allowed for any property.

(3) An exception may be made when the frontage approaches six hundred feet (600'), if approved by the engineer.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-404. Intersections.**

At any intersection of a state highway with another highway, road, or street, access driveways shall be prohibited for a sufficient distance from the intersection to preserve the normal and safe movement of traffic through it, and the distance shall be not less than the intersecting street return radius.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-405. Geometrics.**

(a) Radii for all access driveways in urban areas shall be not less than five feet (5')

and in rural areas the radii shall be not less than ten feet (10'), except as provided in 27 CAR § 94-409.

(b)(1) The width of access driveways shall not exceed forty feet (40') measured at right angles to the centerline of the driveway, except as increased by permissible radii or as provided in 27 CAR § 94-409.

(2) The minimum width shall be twelve feet (12').

(c) The angle of access driveways from the pavement shall generally be sixty degrees (60°) to ninety degrees (90°).

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-406. Drainage.**

(a) Drainage in highway side ditches shall not be altered or impeded.

(b) When drainage structures are required, the size of the opening, the length, and the other design features shall be approved by the engineer, and in all cases the structure shall be no smaller than eighteen inches (18") in diameter or equivalent pipe culvert.

(c) Pipe culvert shall be corrugated metal, reinforced concrete pipe, or other Arkansas Department of Transportation approved pipe, a minimum of twenty feet (20') in length and shall have no hazardous headwalls or other hazards constructed upon it.

(d) No driveway shall be constructed with swale type ditches for drainage unless there is no other alternative and an exception is approved by the engineer.

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-407. Profile grade.**

(a) The grade on the driveway shall be constructed to conform to the slope of the roadway shoulder from the edge of the traveled lane to the edge of the shoulder.

(b) Preferably, the profile grade of the driveway shall be constructed so the water

will not drain onto the traveled surface.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-408. Safety zones.**

(a) All parts of the highway right-of-way between the curb or shoulder line and the right-of-way line along the permittee's property frontage, except the areas contained in the access driveway, shall be a safety zone.

(b) Generally, the safety zone between driveways should be a minimum of one-third ( $1/3$ ) the length of the property frontage, but not less than twenty-five feet (25') in length except as provided in 27 CAR § 94-409.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-409. Exceptions.**

(a) The engineer may authorize or require changes in the design when necessary to preserve the normal and safe movement of traffic and to permit reasonable access.

(b) In consideration of type, speed, volume of highway traffic and driveway traffic, larger radii and/or widths than the minimum may be required.

(c) When physical factors make it impractical to obtain reasonable access within these requirements, appropriate variations may be authorized, provided that in all cases radii are confined to the permittee's property frontage and are not less than two and one-half feet ( $2\ 1/2'$ ).

(d) The district engineer must approve exceptions to these rules.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-410. Construction.**

(a) The permittee shall furnish and install all materials, including:

- (1) Fill material;
- (2) Surfacing; and
- (3) Drainage structures.

(b) All materials used must comply with the requirements contained in this part and/or specified by the engineer.

(c) The permittee shall perform all work in connection with the construction of access driveways and their appurtenances on the right-of-way.

(d) However, the Arkansas Department of Transportation may assist by establishing flow line grades for drainage structures and finish grades for driveway surfaces or such other comparable assistance, which the engineer may agree to perform.

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-411. Maintenance.**

(a) Noncommercial driveways will be maintained to the right-of-way line by the Arkansas Department of Transportation.

(b) Any dimensional change or relocation of the driveway will require an approved permit from the department.

(c) This includes any driveway approach or other improvement constructed on the right-of-way.

**Authority.** Arkansas Code § 27-65-107.

#### **Subpart 5. Requirements for Temporary Driveways**

##### **27 CAR § 94-501. General.**

(a) A temporary driveway is defined as a driveway adjoining a state highway to provide access for a duration of one hundred twenty (120) days or less.

(b)(1) A permit shall be obtained from the Arkansas Department of Transportation for all temporary access driveways on state highways.

(2) Within incorporated cities it will be necessary for the applicant to satisfy the requirements of the city and to obtain a permit from the department.

(3) The city's requirements must meet or exceed the requirements of this part.

(4) No work shall be undertaken on state highway right-of-way until the permit has been issued by the engineer.

(c) The permittee shall fully protect the traffic on the highway during construction covered hereunder by proper traffic control devices in accordance with the Manual on Uniform Traffic Control Devices, and hold harmless the State Highway Commission, the department, and its duly appointed agents, officers, and employees from all damages, expenses, claims, or liability arising out of any alleged damages of any nature to any person or property due to the construction, performance, or nonperformance of work or existence of a driveway.

(d)(1) The permittee shall not erect any sign, flag, or other identifying marker for the purpose of attracting attention to the site, either fixed or moveable, on or extending over any portion of the highway right-of-way.

(2) Anyone erecting such sign, flag, or identifying marker is in violation of Arkansas Code § 27-67-304.

(e)(1) The permittee shall maintain all existing highway, street, and county road regulatory, warning, guide, and informational signs in an effective location at all times for the duration of the work and shall install them at the correct location upon completion of the work.

(2) Any signs damaged by the permittee shall be replaced at no cost to the department.

(f)(1) Applications for permits shall be made by the owner or duly authorized representative of the owner, i.e., contractor, consulting engineer, or lessee, who shall represent all parties' interests.

(2) Such permits shall be only for the bona fide purpose of constructing or

modifying access to the property and not for the purpose of parking, servicing, or loading and unloading vehicles on the state highway right-of-way.

(g)(1) Permits for temporary driveways shall have a deposit or bond in the amount of one thousand dollars (\$1,000) per driveway.

(2) The deposit or bond will be refunded upon satisfactory completion of the work and restoration of the right-of-way to its original condition.

(h)(1) Temporary driveway permits will have an expiration date of a maximum of one hundred twenty (120) days from the date of issue.

(2) When necessary, the engineer may extend this at sixty-day intervals, but not to exceed a total of two hundred forty (240) days.

**Authority.** Arkansas Code § 27-65-107.

#### **27 CAR § 94-502. Design.**

(a)(1) All parts of temporary access driveways on highway right-of-way shall be confined within the permittee's property frontage.

(2) Frontage is that portion of the permittee's property lying between the two (2) most distant possible lines drawn perpendicular from the centerline of the highway to the permittee's abutting property.

(b) No changes to partial or fully controlled access facilities will be considered except by written authorization of the Deputy Director and Chief Engineer of the Arkansas Department of Transportation.

(c) All parts of any temporary access driveway, including the radii, shall be a minimum of ten feet (10') inside the adjoining property frontage in rural locations and shall be a minimum of five feet (5') in urban locations, except as provided in 27 CAR § 94-509.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-503. Location.**

(a)(1) Temporary access driveways shall be located to provide adequate sight distances and safety for highway users.

(2) If adequate sight distance cannot be provided, some movements at the driveway may be prohibited or access denied.

(b)(1) Frontages of fifty feet (50') or less shall be limited to one (1) driveway.

(2) Normally, no more than two (2) driveways shall be allowed for any single property tract or business establishment.

(3) An exception may be made when the frontage approaches six hundred feet (600'), if approved by the engineer.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-504. Intersections.**

At any intersection of a state highway with another highway, road, or street, access driveways shall be prohibited for a sufficient distance from the intersection to preserve the normal and safe movement of traffic through it, and the distance shall be not less than the intersecting street return radius.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-505. Geometrics.**

(a) Radii for all commercial access driveways in urban areas shall be not less than five feet (5') and in rural areas the radii shall be not less than ten feet (10'), except as provided in 27 CAR § 94-509.

(b)(1) The width of access driveways shall not exceed forty feet (40') measured at right angles to the centerline of the driveway, except as increased by permissible radii or as provided in 27 CAR § 94-509.

(2) The minimum width shall be fifteen feet (15') on a one-way drive and shall

be twenty-four feet (24') on a two-way drive.

(c) The angle of access driveways from the pavement shall generally be sixty degrees (60°) to ninety degrees (90°).

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-506. Drainage.**

(a) Drainage in highway side ditches shall not be altered or impeded.

(b) During dry summer months when drainage is not a problem, temporary roadway ditch crossings may be made by using boards or poles for the original one-hundred-twenty-day permit only.

(c) When board or pole crossings cause scour or create a hazard, they shall be immediately removed or reconstructed as required by the engineer.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-507. Profile grade.**

The profile grade on the driveway should be maintained so that water will not drain onto the traveled surface or cause damage to the right-of-way.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-508. Safety zones.**

(a) All parts of the highway right-of-way between the curb or shoulder line and the right-of-way line along the permittee's property frontage, except the areas contained in the temporary access driveway, shall be a safety zone.

(b) Vehicle parking or access will not be permitted in a safety zone.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-509. Exceptions.**

- (a) The engineer may authorize or require changes in the design when necessary to preserve the normal and safe movement of traffic and to permit reasonable access.
- (b) The engineer must approve exceptions to these rules.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-510. Construction.**

- (a) The permittee shall furnish and install all materials, including fill material and drainage structure, if required.
- (b) All materials used must comply with the requirements contained in this part and/or specified by the engineer.
- (c) The permittee shall perform all work in connection with the construction of access driveways and their appurtenances on the right-of-way and all work required to remove the driveway and restore the right-of-way to its original condition.
- (d) However, the Arkansas Department of Transportation may assist by establishing flow line grades for drainage structures and finish grades for driveway surfaces or such other comparable assistance, which the engineer may agree to perform.

**Authority.** Arkansas Code § 27-65-107.

**27 CAR § 94-511. Maintenance.**

- (a) Any maintenance of the driveway will be the responsibility of the permittee.
- (b) The permittee shall make provisions for removal from the highway any debris caused by the permittee's operations.
- (c) Provisions shall be made to remove such debris as mud, tree limbs, bark, etc.
- (d) At any time a hazardous condition is created, correction of a hazardous

condition must be made immediately.

**Authority.** Arkansas Code § 27-65-107.

### **Appendix A. District Offices**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/242/27CARpt.94AppendixA.pdf>

### **Appendix B. Section Map**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/243/27CARpt.94AppendixB.pdf>

### **Appendix C. Typical Layouts**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/244/27CARpt.94AppendixC.pdf>

### **Appendix D. Fully Controlled Access Highways**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/245/27CARpt.94AppendixD.pdf>

### **Appendix E. Sample Permit**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/246/27CARpt.94AppendixE.pdf>

## **Appendix F. Traffic Control**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/247/27CARpt.94AppendixF.pdf>

## **Appendix G. Standard Drawing DR-1**

**Link:**

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/248/27CARpt.94AppendixG.pdf>