**Section 562.40 Acquisition of Rights of Access**

a) Full Freeway.

1) When lands are being acquired as rights of way and frontage roads are to be constructed or designated, access rights will also be acquired with the agreement or stipulation that the grantor's means of access to the freeway shall be by the way of the frontage road.

2) When lands are not required as right of way from the abutting owner and no frontage road is to be constructed or designated through that area his rights of direct access will be completely extinguished by purchase or condemnation.

3) Where lands are not required as right of way from the abutting owner, but a frontage road is to be constructed in front of his property it will not be necessary to acquire a release of access rights from such an owner. In such a case his access to the freeway will be limited to that by way of the frontage road and so enforced by the Department.

4) Where an abutting owner's property lies between the freeway and an existing local road or street which has been designated as a local service drive or frontage road by the Department, the said owner's right of direct access will be acquired with the agreement or stipulation that his means of access to the freeway shall be by way of the said frontage road.

5) Where an existing road or street immediately adjacent to the freeway is designated as a frontage road it will not be necessary to acquire release of access rights from owners of lands abutting the said existing road or street. In such cases access to the freeway will be limited to that by way of the said existing road or street and so enforced by the Department.

b) Modified Freeway.

1) Agricultural and Residential Properties.

A) When lands are being acquired as rights of way and frontage roads are not to be constructed or designated, access rights will also be acquired with the agreement or stipulation designating one point of direct access to the freeway from the abutting property for agricultural and/or residential purposes only, provided that the Department has determined that such point of access is necessary. The Department will specify the design and location of the means of such access; will construct the physical facility therefor; and will enforce the terms and conditions of use thereof.

B) When lands are not required as right of way from the abutting owner and frontage roads are not to be constructed or designated, his access rights will be acquired with the agreement or stipulation designating one point of access to the freeway from the abutting property for agricultural and/or residential purposes only, provided that the Department has determined that such point of access is necessary. The Department will specify the design and location of the means of such access; will construct the physical facility therefor; and will enforce the terms and conditions of use thereof. The means of such access may be an existing entrance.

C) Where an abutting owner's property lies between the freeway and an existing local road or street which has been designated as a local service drive or frontage road by the Department, the said owner's right of direct access will be acquired with the agreement or stipulation that his means of access to the freeway shall be by way of the said frontage road.

D) Where an existing road or street immediately adjacent to the freeway is designated as a frontage road it will not be necessary to acquire a release of access rights from owners of land abutting the said existing road or street. In such cases access to the freeway will be limited to that by way of the said existing road or street and so enforced by the Department.

2) Commercial Areas. When lands are being acquired as rights of way, access rights will also be acquired with an agreement or stipulation depending upon conditions as follows:

A) When the grantor's property also fronts on a road or street intersecting the freeway, access to the freeway will be by way of said intersecting road. The distance along the said intersecting road from the near edge of the nearest traffic lane of the freeway through pavement to the point of entrance turnout shall be not less than the established minimum as specified by the Department's pattern of access control.

B) When the grantor's property does not front on an intersecting road or street and no frontage road is to be constructed through that area, his commercial access will be completely extinguished and by agreement or stipulation one point of access for agricultural or residential purposes will be designated if the grantor so requests. The Department will specify and enforce the terms and conditions thereof.

C) Where a frontage road is to be constructed in front of the owner's property his access to the freeway will be limited to that by way of the frontage road and so enforced by the Department.

D) Where lands are not required as rights of way for the freeway from abutting owner, rights of access will be acquired upon the conditions as outlined at (A) and (B) immediately above.

E) Where lands are not required as rights of way for the freeway from the abutting owner, but a frontage road is to be constructed in front of his property, it will not be necessary to acquire a release of access rights from such an owner. In such a case his access to the freeway will be limited to that by way of the frontage road and so enforced by the Department.