Legal Issues in Access Management

Slides

Case Law in Several States

Paper

Slides

Slides

Kansas:

Chris Huffman, Kansas DOT (For Tim Orrick)

Florida:

Pam Leslie, Florida DOT

Oregon:

Dale Hormann, Oregon Department of Justice

Monday August 14, 2000 – 3:00 PM – 4:30 PM
Track 3 - Workshop

POLICE POWER REGULATION OF HIGHWAY ACCESS AND TRAFFIC FLOW IN THE STATE OF KANSAS

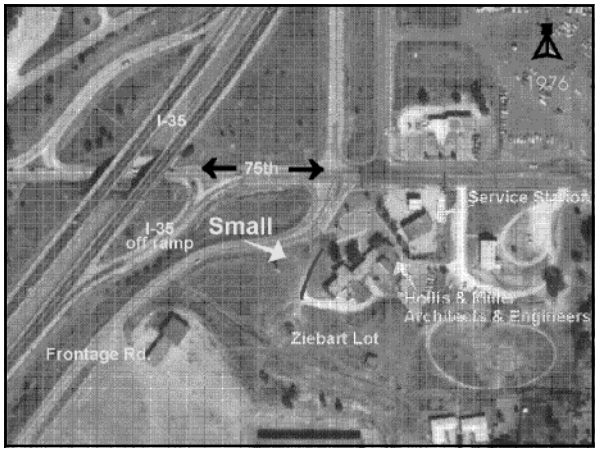
Review of Kansas Case Law and Applications to Highway Design

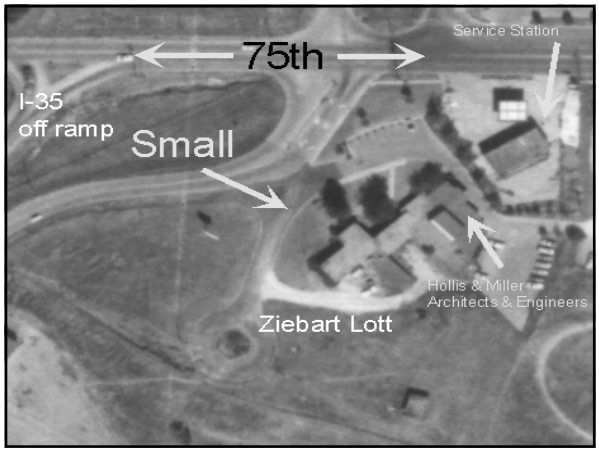
January 2000

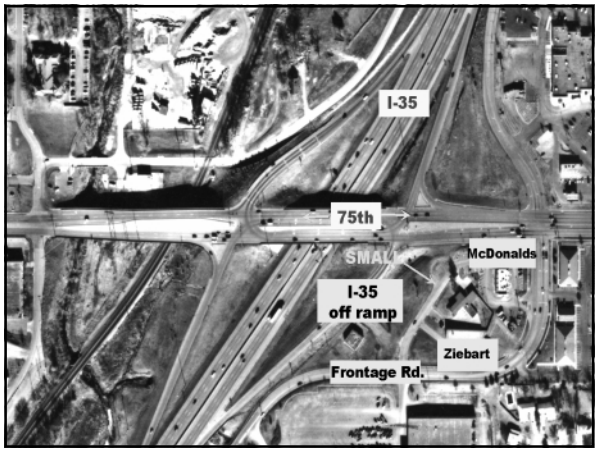
Summary of Cases

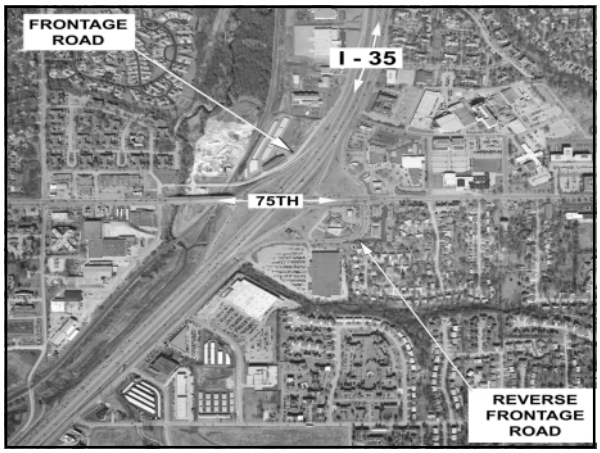
In Reverse Chronological Order

DATE	NAME	TYPE OF REGULATION	PREPROJECT USE	POSTPROJECT USE	SAME OR HIGHER USE	COMPENSABLE
1999	EBERTH	Median/Circuity	Speculative/Res.	Same	Y	N
1999	McDonald's	Flyover/Frontage Rd.	Retail Commercial	Same	Y	N
1996	Garrett	Circuity	Commercial	Commercial	Y	Y
1996	Pringle	Median/Circuity	Speculative	Same	Y	N
1991	Hales	Median/Circuity	Apartments	Same	Y	N
1990	Hudson	Driveway	Service Station	Same	Y	N
1986	Small	Circuity	Commercial	Same	Y	N
1977	Teachers	Circuity	Commercial	Partly the Same		Y
1977	Kohn	Driveway	Motel/Restaurant	Same	Y	Y
1974	McCall	Driveway	Service Station	QuickTrip	Y	Y
1968	Eastborough	Driveway	Apartments	Same	Y	N
1966	Ray	Frontage Rd.	Undetermined	Undetermined		N
1965	Brock	Frontage Rd.	Commercial	Same	Y	N
1959	Smith	Frontage Rd.	Ag./Comm.	Ag./Comm.	Y	Y
1959	Riddle	Circuity	Motel/House	Similar	Y	Y









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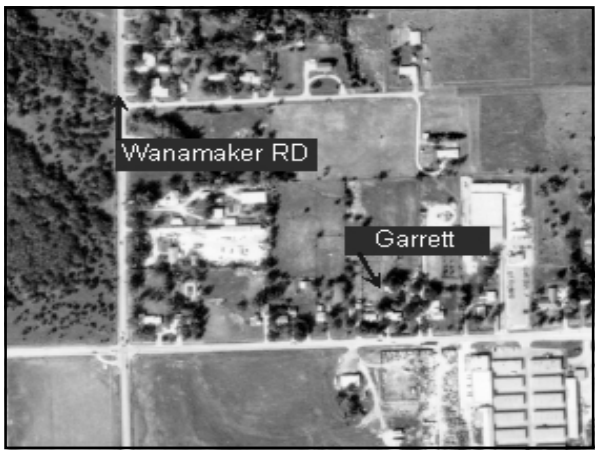

"Economic Balancing" Test

"Where the government's exercise of its police power has an economic impact on private property, a balancing test is applied to determine if the regulation of private land is <u>too unfair or goes too far</u>."

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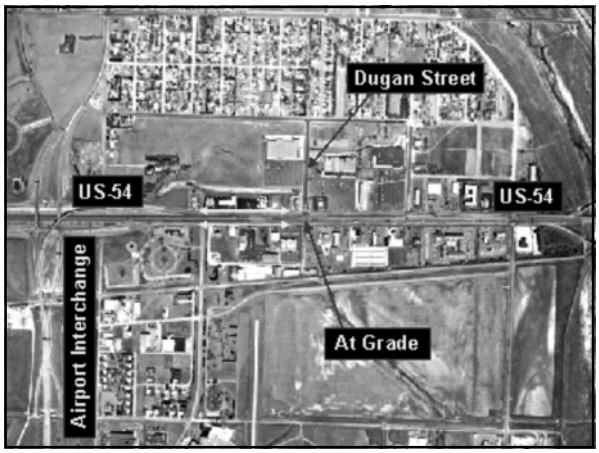

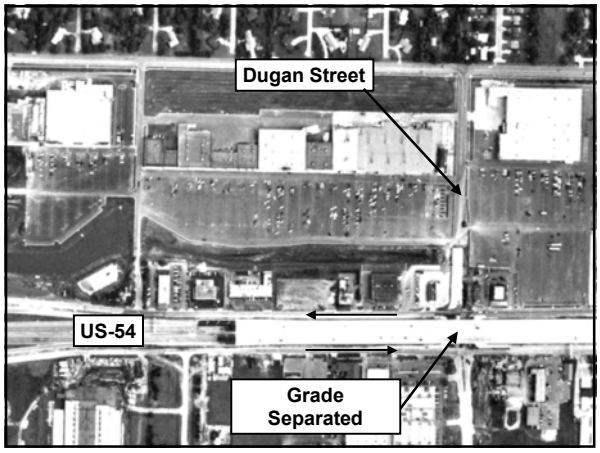

OMSI TRIP

- Other

Monday Evening, August 14, 2000