

## **IC 8-23-8**

### **Chapter 8. Limited Access Facilities**

#### **IC 8-23-8-1**

##### **Planning, construction, maintenance, and regulation**

Sec. 1. The department and the highway authorities of the counties and municipalities, acting alone or in cooperation with each other or any federal agency, or state or local agency of another state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide limited access facilities for public use on all or any part of a highway whenever the department or authority that has jurisdiction over the highway determines that traffic conditions, present or future, will justify the facilities. The department or a highway authority that has jurisdiction over a highway may regulate, restrict, or prohibit the use of limited access facilities on that highway by various classes of vehicles or traffic.

*As added by P.L.18-1990, SEC.217. Amended by P.L.87-1991, SEC.2.*

#### **IC 8-23-8-1.3**

##### **Commerce corridors**

Sec. 1.3. (a) The department shall do the following:

- (1) Determine commerce corridors within Indiana.
- (2) Determine the level of service of each commerce corridor.
- (3) Establish procedures for maintaining the level of service in a commerce corridor.
- (4) Adopt an improvement plan for each commerce corridor that does not meet its prescribed level of service.

(b) The department may determine the feasibility of using recycled materials in the improvement of commerce corridors.

(c) Determinations under this section shall be in conformance with any similar highway designation made by the federal highway administration.

*As added by P.L.87-1991, SEC.3.*

#### **IC 8-23-8-2**

##### **Division into separate roadways**

Sec. 2. The department and the highway authorities may divide a limited access facility into separate roadways by the construction of raised curbings, central dividing sections, or other physical separations, or by designating the separate roadways by signs, markers, stripes, and other devices and indicate the proper lane for traffic by appropriate signs, markers, stripes, and other devices.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-3**

##### **Acquisition of property and property rights**

Sec. 3. (a) The department or a highway authority may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation for the laying out, widening, or improvement of highways and streets within their respective jurisdictions.

(b) In the acquisition of property or property rights for a limited access facility or a service road connected with a facility, the state, county, or municipality may acquire an entire lot, block, or tract of land, if the interests of the public will be best served, even though the entire lot, block, or tract is not immediately needed for the right-of-way.

(c) Court proceedings necessary to acquire property or property rights under this section take precedence over all other causes not involving the public interest in all courts.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-4**

##### **Designation; elimination of intersections**

Sec. 4. (a) The department or the highway authority of a county or municipality may designate and establish limited access facilities as new and additional facilities or may designate and establish an existing street or highway as included within a limited access facility.

(b) The department, county, or municipality may provide for the elimination of intersections at grade of limited access facilities with existing state and county roads and municipal streets by:

- (1) grade separation or service road; or
- (2) closing off the roads and streets at the right-of-way boundary line of the limited access facility.

(c) After the establishment of a limited access facility, a highway or street that is not part of the facility may not intersect the facility at grade.

(d) A municipal street, a county or state highway, or other public way may not be opened into or connected with a limited access facility without the prior consent of the authority having jurisdiction over the facility. Consent under this subsection may be given only if the public interest is served.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-5**

##### **Bypass highways**

Sec. 5. Whenever the department constructs a bypass highway around a municipality, the department shall designate the bypass highway as a limited access facility.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-6**

##### **Joint agreements; counties, municipalities, and federal government**

Sec. 6. (a) The department may enter into agreements with a

county, municipality, or the federal government concerning limited access facilities or other public ways under their jurisdiction under this chapter or any other state or federal law authorizing cooperation to carry out this chapter.

(b) A county or municipality may enter into agreements with the federal government concerning limited access facilities or other public ways under its jurisdiction under this chapter or any other state or federal law authorizing cooperation to carry out this chapter.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-7**

##### **Local service roads; access roads to service facilities**

Sec. 7. (a) The department, a county, or a municipality may plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets, or designate as local service roads and streets existing roads or streets, and exercise jurisdiction over service roads under this chapter if the department, county, or municipality determines the service roads or streets are necessary or desirable. The local service roads or streets must be:

- (1) of appropriate design; and
- (2) separated from the limited access facility by all devices designated necessary or desirable by the proper authority.

(b) The department, to permit the establishment of adequate fuel or other service facilities by private owners or lessees for the users of a limited access facility, shall provide for access roads within the state's right-of-way of a limited access facility at points that will best serve the public interest.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-8**

##### **Ingress and egress to and from abutting lands**

Sec. 8. A person is not entitled to ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated access points, as specified by rule.

*As added by P.L.18-1990, SEC.217.*

#### **IC 8-23-8-9**

##### **Offenses**

Sec. 9. (a) A person may not do any of the following upon a limited access facility:

- (1) Drive a vehicle over, upon, or across a curb, central dividing section, or other separation or dividing line.
- (2) Make a left turn or a semicircular or U-turn except through an opening provided for the purpose in the dividing curb, separation, section, or line.
- (3) Drive a vehicle except in the proper lane provided for that purpose, in the proper direction, and to the right of the central dividing curb, separation, section, or line.
- (4) Drive a vehicle into the facility from a local service road

except through an opening provided for that purpose in the dividing curb, section, separation, or line that separates the local service road from the facility.

(b) A person who violates this section commits a Class C infraction.

*As added by P.L.18-1990, SEC.217.*

**IC 8-23-8-10**

**State Road 331 in St. Joseph County**

Sec. 10. (a) As used in this section, "designated highway" refers to the highway designated as a limited access facility under subsection (b).

(b) The department shall designate and do all acts necessary to establish the part of State Road 331 in St. Joseph County from the U.S. Highway 20 bypass to State Road 23 as a limited access facility. The designated highway shall be in operation as a limited access facility beginning not later than January 1, 2009.

(c) Neither the department nor any political subdivision may authorize any additional curb cuts or intersections after January 1, 2009, on the designated highway. The department shall limit intersections on the designated highway to the following locations:

- (1) U.S. Highway 20 bypass.
- (2) Ireland Road.
- (3) Dragoon Trail.
- (4) Twelfth Street (also known as Harrison Road).
- (5) Indiana 933 (also known as Lincoln Way).
- (6) Jefferson Boulevard.
- (7) McKinley Highway.
- (8) Day Road.
- (9) Douglas Road.
- (10) Cleveland Road.
- (11) The Indiana Toll Road interchange and the street or road directly across from the Indiana Toll Road Interchange.
- (12) State Road 23.

(d) No traffic signal may be erected at the intersection described in subsection (c)(2).

*As added by P.L.182-2009(ss), SEC.279. As amended by P.L.69-2010, SEC.1; P.L.205-2013, SEC.166.*