HLS 13RS-719 ORIGINAL

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 9

BY REPRESENTATIVES GUINN, GISCLAIR, AND ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION DEPT: Amends and repeals DOTD administrative rules pertaining to access permits

1	A CONCURRENT RESOLUTION
2	To amend the Department of Transportation and Development rules LAC 70:I.1521(B)(3)
3	and to repeal LAC 70:I.1513(C), (D)(4) and (5), and 1521(B)(4) and (5), which
4	provides for requirements for access connection permits, to delete references to
5	single access connections; to repeal requirements for traffic studies to be conducted
6	for access connection permits; and to direct the office of the state register to print the
7	amendments in the Louisiana Administrative Code.
8	WHEREAS, certain access connection permit requirements of the Department of
9	Transportation and Development call for costly traffic impact studies to be conducted at the
0	cost of the applicants; and
1	WHEREAS, in order for the Department of Transportation and Development to
12	consider granting these access connections, the traffic studies must show that the lack of
13	requested access connections unreasonably negatively impacts traffic flow or that additional
14	access connections will contribute to the overall improvement and safety of the roadways
15	and transportation system; and
16	WHEREAS, the cost of these traffic impact studies is an overwhelming burden on
17	applicants who are attempting to operate businesses in the state; and
18	WHEREAS, the lack of certain access connections can negatively affect a business
19	in that it may cause potential customers to go elsewhere; and
20	WHEREAS, these rules, as written and applied, stifle commerce; and

Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	WHEREAS, R.S. 49:969 provides that "the legislature, by Concurrent Resolution,
2	may suspend, amend, or repeal any rule or regulation or body of rules or regulations adopted
3	by a state department, agency, board, or commission".
4	THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC
5	70:I.1521(B)(3) is hereby amended to read as follows:
6	§1521. Access Connection Requirements
7	* * *
8	B. The granting of access shall adhere to the following decision hierarchy.
9	* * *
10	3. The DOTD may require adjacent properties to share access through a
11	single access point. If shared access is required by the DOTD, a copy of the shared
12	access agreement shall be submitted to the DOTD as part of the driveway permit and
13	shall be signed by all involved property owners. If an applicant does not meet the
14	minimum requirements for a single access connection, and the adjacent properties
15	do not have existing access connections, the DOTD may issue an access connection
16	permit with the condition that the permitted access connection shall be placed along
17	the property line with the stipulation that upon development of the adjacent property,
18	the permitted access connection shall be shared and any reconstruction or
19	reconfiguration required at the future time shall be the responsibility of the
20	permittee(s).
21	* * *
22	BE IT FURTHER RESOLVED that LAC 70:I.1513(C), (D)(4) and (5), and
23	1521(B)(4) and (5) are hereby repealed in their entirety.
24	BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
25	office of the state register.
26	BE IT FURTHER RESOLVED that the office of the state register is hereby directed
27	to have the amendments to LAC 70:I.1521(B)(3) printed and incorporated into the Louisiana
28	Administrative Code.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Guinn HCR No. 9

Amends LAC 70:I.1521(B)(3) of the rules and regulations promulgated by the Dept. of Transportation and Development, relative to the sharing of access through a single access point for adjacent properties. Modifies the administrative rule to only provide that if shared access is required by the DOTD, a copy of the shared access agreement must be submitted to the DOTD as part of the driveway permit and must be signed by all involved property owners.

Repeals LAC 70:I.1513(C), (D)(4), and (5) and 1521(B)(4) and (5) regarding certain processes for acquiring access connection permits, including possible requirements, depending on department policy, relative to traffic impact and signal studies and the review and approval process. Repeals the requirement for a traffic impact study for a request for an access connection on a state route where alternative access connection opportunities exist on nonstate routes. Also, repeals the requirement for a traffic impact study and department approval for access connections in excess of one access connection or for an access connection on a state route where nonstate route access exists.

Directs the office of the state register to print the amendment to LAC 70:I.1521(B)(3) in the La. Administrative Code.

(Amends LAC 70:I.1521(B)(3); Repeals LAC 70:I.1513(C), (D)(4) and (5), and 1521(B)(4) and (5))