

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
10 cost of the applicants; and

11 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

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))