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**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Transportation, Highways, and Public Works to Original House Concurrent Resolution No. 9 by Representative Guinn

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1    AMENDMENT NO. 1

2    On page 1, line 2, after "rules" delete the remainder of the line and delete lines 3 through 7  
3    in their entirety and insert in lieu thereof:

4                    "LAC 70:I.1501(C), 1515(D), (G), (H), (I), (J), and (K), 1519(B), (C), and  
5                    (D), 1521(A)(2)(a)(introductory paragraph), (4), and (5), (B)(1), (4), and (5), and (E),  
6                    1529 (C), 1531 (B), (C), (D), (E), and (F), 1533(E), 1535(B), and 1541(B) and to  
7                    enact 1501(E), which provides for requirements for access connection permits, to  
8                    provide for access connection permit conditions and requirements; to provide for  
9                    permit reapplication and modifications to existing commercial access connections,  
10                   to provide for access connection design requirements; to provide for related matters;  
11                   and to direct the office of the state register to print the amendments and enactments  
12                   in the Louisiana Administrative Code "

13   AMENDMENT NO. 2

14   On page 1, line 9, after "call for" and before "costly" insert "difficult processes to obtain  
15   access connections and"

16   AMENDMENT NO. 3

17   On page 1, between lines 17 and 18, insert the following:

18                    "WHEREAS, the Department of Transportation and Development has  
19                    enacted policies and administrative rules which place a burden on business and  
20                    district administrators; and"

21   AMENDMENT NO. 4

22   On page 1, at the end of line 20, insert the following:

23                    "WHEREAS, a number of these policies have changed, but the changes to  
24                    the administrative rules are not yet implemented; and"

25   AMENDMENT NO. 5

26   On page 2, line 4, after "that" delete the remainder of the line and line 5 in its entirety and  
27   insert in lieu thereof:

28                    "LAC 70:I.1501(C), 1515(D), (G), (H), (I), (J), and (K), 1519(B), (C), and  
29                    (D), 1521(A)(2)(a)(introductory paragraph), (4), and (5), (B)(1), (4), and (5), and (E),  
30                    1529 (C), 1531 (B), (C), (D), (E), and (F), 1533(E), 1535(B), and 1541(B) are hereby  
31                    amended and LAC 70:I.1501(E) is hereby enacted, to read as follows:"

1 AMENDMENT NO. 6

2 On page 2, delete lines 6 through 23 in their entirety and insert in lieu thereof:

3 "§1501. Introduction

4 \* \* \*

5 C. Incumbent with this is the obligation to protect the investment of the state  
6 in the highway system. Access connections granted by the DOTD can be restrictive.  
7 However, DOTD, through its district administrators, may grant exceptions to the  
8 restrictions set forth in this Chapter based upon the uniqueness of the enviroment in  
9 which access is sought.

10 \* \* \*

11 E. The DOTD policy referred to throughout this Chapter is available on the  
12 DOTD website.

13 \* \* \*

14 §1515. Permit Conditions

15 \* \* \*

16 D. The applicant may be required to post a bond in order to secure an access  
17 connection permit. If required, this This bond shall be required and posted in  
18 accordance with DOTD policy, and shall be an amount as identified by the DOTD  
19 district office as sufficient to cover the expenses of all work or improvements  
20 required within the DOTD right-of-way as a condition of an access connection  
21 permit. The cost of restoration shall be borne by the applicant.

22 \* \* \*

23 ~~G. Post-construction inspections are mandatory for traffic generator access~~  
24 ~~connections.~~

25 ~~H.~~ After having been constructed, access connection(s) shall at all times be  
26 subject to inspection with the right reserved to require changes, additions, repairs,  
27 and relocations at any time considered necessary to permit the location and/or to  
28 provide proper and safe protection to life and property on or adjacent to the highway.  
29 The cost of making such mandated changes, additions, repairs, and relocations shall  
30 be borne by the applicant.

31 ~~I~~ H. The relocations or alterations of any access, approach, or other  
32 improvement constructed on the right-of-way shall require a new permit re-  
33 evaluation of the access connection(s).

34 ~~J~~ I. If the applicant is unable to commence construction within 12 months of  
35 the permit issue date, the applicant may request a six month extension from the  
36 DOTD. No more than two six-month extensions may be granted under any  
37 circumstances. If the access connection is not constructed within 24 months from the  
38 permit issue date, the permit shall be considered expired. Any person wishing to  
39 reestablish an access connection permit that has expired shall begin again with the  
40 application procedures.

41 ~~K~~ J. When the adjacent highway is under construction, a letter of no  
42 objection ~~must~~ shall be obtained from the highway contractor before the application  
43 can be approved and the permit can be issued. A copy of this letter shall be attached  
44 to the permit.

45 \* \* \*

46 §1519. Permit ~~Reapplication~~ Re-evaluation and Modifications to Existing  
47 Commercial Access Connections

48 \* \* \*

49 B. If the property is reconstructed/remodeled /redeveloped, the owner shall  
50 submit a request for a re-evaluation of the access connection(s) new application for  
51 an access connection permit. The ~~new application~~ evaluation shall contain all  
52 necessary information and documentation as described in ~~Section entitled Process~~  
53 ~~for Acquiring an Access Permit~~ DOTD policies, as well as a copy of the old access  
54 connection permit.

55 C. If the property owner reconstructs the access connection, a ~~new access~~  
56 ~~connection permit application~~ request for re-evaluation shall be submitted. The

1 DOTD reserves the right to make changes to the original permit during this process  
 2 in order to improve safety and operations.

3 D. If DOTD road maintenance and/or construction operations affect the  
 4 condition or necessitate the reconstruction, improvement, modification, or removal  
 5 of an existing access connection, a re-evaluation of the access connection  
 6 geometrics, location, etc. ~~shall may~~ be performed by the district traffic operations  
 7 engineer. The access connection permit ~~shall may~~ be re-issued according to the most  
 8 current DOTD standards, and DOTD reconstruction efforts shall follow these  
 9 standards. The cost to reconstruct the access connection to the right-of-way shall be  
 10 borne by the DOTD. Any additional costs to improve on-site conditions ~~shall may~~  
 11 be borne by the property owner.

12 \* \* \*

13 §1521. Access Connection Requirements

14 A.

15 \* \* \*

16 2. In addition, the following constraints shall apply:-

17 a. Full access ~~shall may~~ not be granted within the functional influence area  
 18 of the intersection. The influence area shall be as defined in DOTD policies. For  
 19 purposes of this Chapter, the functional influence area of an intersection shall be  
 20 defined as the area beyond the physical intersection of two roadways and/or access  
 21 connection points that:

22 \* \* \*

23 4. If the subject property is located at the intersection of two routes, an  
 24 access connection may be permitted on ~~one of the~~ both routes, but one must be  
 25 limited to right-in/right-out access. The determination of the access connection  
 26 ~~location~~ locations and restrictions on each shall be at the discretion of the DOTD  
 27 according to this rule and other applicable DOTD policies.

28 5. The applicant shall provide sufficient on-site circulation to ensure the safe  
 29 ingress and egress of vehicles on the site. This on-site circulation shall be contained  
 30 within the ~~owned~~ owner's property boundaries and shall not encroach upon the right-  
 31 of-way in any way. Adequate on-site vehicle storage shall be provided in order to  
 32 prevent any overflow of queued/waiting traffic in the travel lane(s) of the adjacent  
 33 roadway(s).

34 \* \* \*

35 B. The granting of access shall adhere to the following decision hierarchy:-

36 1. Each property or group of adjacent properties with a single owner or  
 37 development plan ~~shall may~~ be granted no more than one access point, unless  
 38 Paragraphs 4 and 5 of this Section are completed and approved. The DOTD reserves  
 39 the right to limit access to adjacent properties to those access connections which  
 40 already exist. All properties shall receive adequate access, but that may be  
 41 accomplished through required access sharing with a neighboring property.

42 \* \* \*

43 4. A request for an access connection on a state route where alternative  
 44 access connection opportunities exist on non-state route(s) ~~shall may~~ be accompanied  
 45 by a traffic impact study. This study shall comply with the guidelines and policies  
 46 set forth by the DOTD for such studies. In order to consider state route access in  
 47 these cases, the study shall show that the lack of access on the state route causes  
 48 unreasonable negative impacts to the traffic flow in the vicinity of the property.

49 5. Requests for access connections in excess of one access connection or for  
 50 an access connection on a state route where non-state route access exists must be  
 51 reviewed and approved by the district engineer administrator. Such requests ~~shall~~  
 52 may be accompanied by a traffic impact study. This study shall comply with the  
 53 guidelines and policies set forth by the DOTD for such studies. In order to consider  
 54 an additional access connection or an access connection on a state route where non-  
 55 state route access exists, the study shall show that the lack of the requested access  
 56 connections causes unreasonable negative impacts to the traffic flow and safety in  
 57 the vicinity of the property and shall demonstrate that an additional access  
 58 connection will contribute to the overall improvement of the safety and efficiency  
 59 of the adjacent roadways and of the transportation system.

\* \* \*

E. Gates, fences, signage, landscaping, or other decorative or access-control features (i.e. gated subdivision) shall not be located within the right-of-way. Any such access-control feature shall be located so that a minimum storage of two vehicles (50' storage length minimum; greater distances may be required by the DOTD) is provided outside of the limits of the right-of-way. Gated access shall not be permitted as an approach to a traffic signal.

\* \* \*

§1529. Access Connections on Roadways with Medians

\* \* \*

C. All access on roadways with medians may be restricted to right-in/right-out movements only, and, if required, shall be constructed in such a way as to prevent any other movements. This shall apply to both residential and commercial access.

\* \* \*

§1531. Design Requirements

\* \* \*

B. All ~~single-family residential~~ and traffic generator access connections shall be constructed with permanent hard surface type materials (i.e. asphalt or concrete) as shown on the standard plans for access connections for a distance shown in DOTD policy. Aggregate access connections shall not be permitted within the right-of-way for these types of connections. ~~The hard surface type materials shall extend the following distances from the edge of pavement:~~

~~1. single-family residential access connections: 10 feet from the edge of pavement;~~

~~2. traffic generator access connections: 25 feet from the edge of pavement.~~

~~C. Non-commercial agricultural operations may not be required to be constructed of hard surface type materials.~~

~~D. All entrances and exits shall be located so that drivers approaching or using them will have adequate sight distance in all directions along the highway in order to maneuver safely and without interfering with traffic. Minimum required sight distance shall be calculated using the methods outlined in the AASHTO Geometric Design Guide for sight distance based on the posted speeds of the adjacent roadway or a speed other than the posted speed limit for these calculations DOTD policies.~~

~~ED. All access connections shall be designed and constructed in accordance with all DOTD plans and specifications regarding drainage requirements. Culvert sizes, proposed elevations and proposed slopes shall be approved by the DOTD prior to issuance of an access connection permit. The DOTD may require a drainage study to be performed at the expense of the applicant.~~

~~FE. Access connections shall be constructed according to DOTD Standard Plans and other applicable policies and provision provisions.~~

\* \* \*

§1533. Construction Requirements

\* \* \*

E. The services of an independent DOTD-approved inspector ~~shall~~ may be ~~obtained~~ required to inspect the construction of all DOTD-required improvements in the DOTD right-of-way. The inspection process shall be in accordance with current DOTD policy. The DOTD district office may elect to perform independent inspections of work. Satisfactory completion and acceptance of the improvements by DOTD will be based upon the reports received from the inspector(s).

\* \* \*

§1535. Improvements to the Adjacent Transportation System

\* \* \*

B. Mitigation, which may be required by the DOTD, may be determined through a complete traffic impact study and/or traffic signal study review process. Required mitigation shall be reviewed by the district engineer administrator. Any required mitigation shall be noted on the permit permits(s) as required in accordance

1 with DOTD policies, and bond amounts shall be appropriate for such mitigation, if  
2 required.

3 \* \* \*

4 §1541. Appeals Process

5 \* \* \*

6 B. Appeals shall be filed in accordance with the DOTD appeals policies  
7 ~~set forth in LAC 70:I.1101 et seq.~~

8 AMENDMENT NO. 7

9 On page 2, line 27, after "amendments to" delete the remainder of the line and delete line 28  
10 in its entirety and insert in lieu thereof:

11 "LAC 70:I.1501(C), 1515(D), (G), (H), (I), (J), and (K), 1519(B), (C), and  
12 (D), 1521(A)(2)(a)(introductory paragraph), (4), and (5), (B)(1), (4), and (5), and (E),  
13 1529 (C), 1531 (B), (C), (D), (E), and (F), 1533(E), 1535(B), and 1541(B) and the  
14 enactment of LAC 70:I.1501(E) printed and incorporated into the Louisiana  
15 Administrative Code"