

---

## 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

Present LAC 70:I.1501 specifies that incumbent with DOTD's obligation to protect the investment of the state in the highway system the DOTD can be restrictive with granting access connections.

Proposed LAC 70:I.1501 requires that the Department of Transportation and Development (DOTD), through its district administrators, be allowed to grant exceptions to the restrictions set forth in administrative rules for access connections based upon the uniqueness of the environment in which access is sought and that the DOTD policy referred to throughout DOTD administrative rules for access connections is available on the DOTD website.

Removes present language in LAC 70:I.1515(G) which requires that postconstruction inspections are mandatory for traffic generator access connections.

Present LAC 70:I.1515 requires that relocations or alterations of any access, approach, or other improvement constructed on the right-of-way shall require a new permit.

Proposed LAC 70:I.1515 requires that relocations or alterations of any access, approach, or other improvement construction on the right-of-way require a re-evaluation of the accession connection or connections, rather than a new permit.

Present LAC 70:I.1519(B) requires that if a property is being reconstructed/remodeled/redeveloped and contains an existing commercial access point then the owner shall submit a new application for an access connection permit which shall contain all information and documentation as described in present administrative rules.

Proposed LAC 70:I.1519(B) requires, rather than a new application, a request for a re-evaluation of the access connection be submitted with all information required by DOTD policies.

Present LAC 70:I.1519(C) requires that if a property owner reconstructs the access connection, a new access connection permit application shall be submitted.

Proposed LAC 70:I.1519(C) requires that, rather than a new application, a request for a re-evaluation of the access connection be submitted during this process in order to improve safety and operations.

Present LAC 70:I.1519(D) provides that if DOTD road maintenance and/or construction

operations affect the condition or necessitate the reconstruction, improvement, modification, or removal of an existing access connection, a re-evaluation of the access connection geometrics, location, etc., shall be performed by the district traffic operations engineer. The access connection permit shall be re-issued according to the most current DOTD standards, and DOTD reconstruction efforts shall follow these standards. The cost to reconstruct the access connection to the right-of-way shall be borne by the DOTD. Any additional costs to improve on-site conditions shall be borne by the property owner.

Proposed LAC 70:I.1519(D) changes the present administrative rules from mandatory to permissive.

Present LAC 70:I.1521(A)(2)(a) provides that full access shall not be granted within the functional influence area of the intersection.

Proposed LAC 70:I.1521(A)(2)(a) specifies that full access may not be granted within the functional influence area of the intersection. Also, specifies that the influence area shall be defined in DOTD policies.

Present LAC 70:I.1521(A)(4) provides that if the subject property is located at the intersection of two routes, an access connection may be permitted on one of the routes. The determination of the access connection location shall be at the discretion of the DOTD according to this rule and other applicable DOTD policies.

Proposed LAC 70:I.1521(A)(4) specifies that if the subject property is located at the intersection of two routes, an access connection may be permitted on both routes, but one must be limited to right-in/right-out access. The determination of the access connection locations and restrictions on each shall be at the discretion of the DOTD according to this rule and other applicable DOTD policies.

Present LAC 70:I.1521(B) provides that the granting of access shall adhere to a certain decision hierarchy.

Present LAC 70:I.1521(B)(1) provides that each property or group of adjacent properties with a single owner or development plan shall be granted no more than one access point, unless certain other portions of administrative rules pertaining to traffic studies are completed and approved.

Proposed LAC 70:I.1521(B)(1) specifies that each property or group of adjacent properties with a single owner or development plan may, rather than shall, be granted no more than one access point, unless certain other portions of administrative rules pertaining to traffic studies are completed and approved.

Present LAC 70:I.1521(B)(4) requires a request for an access connection on a state route where alternative access connection opportunities exist on nonstate route(s) shall be accompanied by a traffic impact study.

Proposed LAC 70:I.1521(B)(4) specifies that a request for an access connection on a state route where alternative access connection opportunities exist on nonstate route(s) may, rather than shall, be accompanied by a traffic impact study according to DOTD policies.

Present LAC 70:I.1521(B)(5) in pertinent part, requires requests for access connections in excess of one access connection or for an access connection on a state route where nonstate route access exists must be reviewed and approved by the district engineer administrator. Such requests shall be accompanied by a traffic impact study.

Proposed LAC 70:I.1521(B)(5) retains present rule and specifies that such requests may, rather than shall, be accompanied by a traffic impact study.

Present LAC 70:I.1521(E) prohibits gates, fences, signage, landscaping, or other decorative or access-control features (i.e. gated subdivision) from being located within the right-of-way. Requires such access-control features to be located so that a minimum storage of two vehicles (50' storage length minimum) is provided outside of the limits of the right-of-way.

Proposed LAC 70:I.1521(E) requires such-access control features to be located at a 50' storage length minimum and that greater distances may be required by the DOTD.

Present LAC 70:I.1529 provides that all access on roadways with medians may be restricted to right-in/right-out movements only, and shall be constructed in such a way as to prevent any other movements.

Proposed LAC 70:I.1529 specifies that if required these access points shall be constructed in such a way as to prevent any other movements.

Present LAC 70:I.1531(B) provides that 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. 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; and
- (2) traffic generator access connections: 25 feet from the edge of pavement.

Proposed LAC 70:I.1531(B) modifies the present rule by specifying that all traffic generator access connections shall be constructed with permanent hard surface type materials (i.e. asphalt or concrete) for a distance shown in DOTD policy. Also, removes the requirement that the hard surface type materials shall extend certain distances from the edge of the pavement on single-family residential access connections and traffic generator access connections.

Present LAC 70:I.1531(C) provide that non-commercial agricultural operations may not be required to be constructed of hard surface type materials.

Removes present LAC 70:I.1531(C).

Present LAC 70:I.1531(D) provides that 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.

Proposed LAC 70:I.1531(D) modifies the present rule by specifying that the minimum required sight distance shall be calculated using the methods outlined DOTD policies.

Present LAC 70:I.1533(E) provides that the services of an independent DOTD-approved inspector shall be obtained to inspect the construction of all DOTD-required improvements in the DOTD right-of-way.

Proposed LAC 70:I.1533(E) specifies that the services of an independent DOTD-approved inspector may be required to inspect the construction of all DOTD-required improvements in the DOTD right-of-way.

Present LAC 70:I.1535(B) provides that any required mitigation shall be noted on the permit, and bond amounts shall be appropriate for such mitigation.

Proposed LAC 70:I.1535(B) specifies that any required mitigation shall be noted on the permit(s), as required in accordance with DOTD policies, and bond amounts shall be appropriate for such mitigation, if required.

Present LAC 70:I.1541 requires that appeals must be filed in accordance with the DOTD appeals policies as set forth in current administrative rules.

Proposed LAC 70:I.1541 removes the requirement that appeals must be filed in accordance with current administrative rules.

Directs the office of the state register to print the amendments to LAC 70:I.1501(C), 1515(D), (G), (H), (I), (J), and (K), 1519(B), (C), and (D), 1521(A)(2)(a)(intro. para.), (4), and (5), (B)(1), (4), and (5), and (E), 1529(C), 1531(B), (C), (D), (E), and (F), 1533(E), 1535(B), and 1541(B) and the enactment of LAC 70:I.1501(E).

(Amends LAC 70:I.1501(C), 1515(D), (G), (H), (I), (J), and (K), 1519(B), (C), and (D), 1521(A)(2)(a)(intro. para.), (4), and (5), (B)(1), (4), and (5), and (E), 1529(C), 1531(B), (C), (D), (E), and (F), 1533(E), 1535(B), and 1541(B); Adds LAC 70:I.1501(E))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Made technical changes.

2. Removed changes to single access connection administrative rules and the repeal of the requirement for traffic studies.
3. Added that DOTD, through its district administrators, may grant exceptions to the restrictions set forth in current administrative rules based upon the uniqueness of the environment in which access is sought and that the DOTD policy referred to throughout DOTD access management rules is available on the DOTD website.
4. Made changes to additional DOTD administrative rules pertaining to access connection requirements; including, permit conditions and reapplications, access connections on certain roadways, design and construction requirements, improvements to adjacent transportation systems, and the appeals process.
5. Made traffic studies permissive rather than mandatory.