

2016 Regular Session

HOUSE BILL NO. 817

BY REPRESENTATIVE CARMODY

TRANSPORTATION: Makes changes to requirements for access permits issued by the Dept. of Transportation and Development

1 AN ACT

2 To amend and reenact R.S. 48:344, relative to access connection to highways; to require the  
3 Department of Transportation and Development to promulgate certain items pursuant  
4 to the Administrative Procedure Act; to provide for access connection permits to be  
5 issued within a certain time period; to require access connection permits to be issued  
6 subject to stipulations; to prohibit the requirement of certain actions prior to the  
7 issuance of a access connection permit; to require certain items be taken into  
8 consideration when issuing an access connection permit; and to provide for related  
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 48:344 is hereby amended and reenacted to read as follows:

12 §344. Entrances and exits adjacent to highways

13 A. Entrances to and exits from private properties adjacent to the rights-of-  
14 way of state highways may be regulated, prohibited, or abolished in the interest of  
15 the safety of the traveling public.

16 B. The chief engineer of the Department of Transportation and  
17 Development, from time to time, shall prepare and promulgate descriptions and  
18 illustrations of various types and styles of entrances and exits consistent with this  
19 ~~purpose~~ Section pursuant to the Administrative Procedure Act and shall issue permits  
20 of necessity and convenience for the installation of entrances and exits in accordance

1 with its ~~promulgated~~ regulations and standards which shall be promulgated pursuant  
2 to the Administrative Procedure Act. The department may apply to the courts for  
3 such process as may be necessary to make the provisions of this Section effective.

4 C. (1) An access connection permit shall be granted or denied within forty-  
5 five days from receipt of the preliminary access connection request form. If an  
6 access connection permit is not granted or denied within this time period, it shall be  
7 considered granted and the development may proceed as requested.

8 (2) An access connection permit shall be granted or denied within thirty days  
9 from receipt of the preliminary access connection request form if the property owner  
10 provides the department with actual field measurements for sight distance and sight  
11 obstructions. If an access connection permit is not granted or denied within this time  
12 period, it shall be considered granted and the development may proceed as requested.

13 D. The department shall not require more than one traffic study or drainage  
14 study to be completed by the property owner requesting the access connection  
15 permit.

16 E. An access connection permit may be granted subject to stipulations that  
17 the property owner will not proceed with the development until such time that the  
18 permit is endorsed by the parish or municipality, or both.

19 F. An access connection permit shall allow for department required  
20 alterations or improvements to be constructed as phases of the development are  
21 constructed.

22 G. In determining the issuance of access connection permits, the department  
23 shall take into account economic benefits of the development when traffic conditions  
24 are not optimum.

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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)]

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HB 817 Original

2016 Regular Session

Carmody

**Abstract:** Makes changes to the process required to obtain access connection permits from the Dept. of Transportation and Development.

Present law provides that the chief engineer of the Dept. of Transportation and Development, from time to time, must prepare and promulgate descriptions and illustrations of various types and styles of entrances and exits consistent with this purpose and shall issue permits of necessity and convenience for the installation of entrances and exits in accordance with its promulgated regulations and standards.

Proposed law requires that the promulgation of these items be done pursuant to the Administrative Procedure Act.

Proposed law requires that an access connection permit be granted or denied within 45 days from receipt of the preliminary access connection request form. Specifies that if the access connection permit is not granted or denied within this time period, the access connection permit will be considered granted and development may proceed as requested.

Proposed law requires that an access connection permit be granted or denied within 30 days from receipt of the preliminary access connection request form if the property owner provides the department with actual field measurements for sight distance and sight obstructions. Specifies that if an access connection permit is not granted or denied within this time period, the permit will be considered granted and the development may proceed as requested.

Proposed law provides that the Dept. of Transportation and Development shall not require more than one traffic study or drainage study to be completed by the property owner requesting the access connection permit.

Proposed law provides that an access connection permit may be granted subject to stipulations that the property owner will not proceed with development until such time that the permit is endorsed by the parish or municipal, or both.

Proposed law provides that an access connection permit must allow for Dept. of Transportation and Development required alterations or improvements to be constructed as phases of the development are constructed.

Proposed law requires that the Dept. of Transportation and Development take economic benefits of the development into account when traffic conditions are not optimum in the issuance of access connection permits.

(Amends R.S. 48:344)