



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
INTRADEPARTMENTAL CORRESPONDENCE

REFERRED TO

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- \_\_\_\_\_ ANSWER FOR MY SIGNATURE
- \_\_\_\_\_ FOR FILE
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- \_\_\_\_\_ RETURN TO ME
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MEMORANDUM

**To:** Mr. Rhett Desselle, PE  
Assistant Secretary of Operations

**From:** Mr. Richard Savoie, PE  
DOTD Chief Engineer *RS*

**Subject:** Access Connection Permits - LAC 70:I.Ch.15

**Date:** January 20, 2011

The purpose of this memorandum is to inform you of recent revisions to the permit policies for the granting of access connections (or driveways) on state highways and the development of LAC 70:I.Chapter 15.

While the Department recognizes that landowners have certain rights of access, we also acknowledge that access connections are a major contributor to traffic congestion, increase the degradation of transportation facilities, can result in decrease highway capacity, can cause driver and pedestrian confusion, and can increase safety hazards.

The Department currently regulates the construction of access connections on state highways through the issuance of driveway permits. Through the attached rule, the Department will continue to issue access connection permits. This rule strengthens the Department's regulations on size, type, location, quantity, and other aspects of these connections to property. This as developed with Department staff, engineering consultants, municipal officials, and the development community.

This policy replaces all other policies and memorandums issued on this subject. **Beginning July 1, 2011, DOTD will begin enforcing all access connections and requests thereof based on this rule.**

This memorandum and policy will be sent to all districts.

Attachment

cc: Secretary Sherri LeBas  
 Ms. Simone Ardoin  
 Mr. Randy Goodman  
 Each District Administrator  
 Each District Traffic Operations Engineer  
 Each District Permit Specialist

*[Signature]*  
 RECOMMENDED FOR APPROVAL  
 DATE 1/20/11

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 RECOMMENDED FOR APPROVAL  
 DATE 1/20/11

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 APPROVED  
 DATE 1/21/2011

monitoring or drug/alcohol testing or reports. Violation of any terms, conditions, or requirements contained in any consent order, or board decision can result in a loss of the participant's license credentials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1110 and 37: 1120.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 37:346 (January 2011).

### §2315. Recusal

A. Any board members or Professional Assistance Program committee members who participate in any manner in any particular Professional Assistance Program case shall recuse themselves from voting in any subsequent application or disciplinary matter involving the licensed professional counselor, licensed marriage and family therapist, or intern who is the subject of such Professional Assistance Program case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1110 and 37: 1120.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 37:347 (January 2011).

Gloria Bockrath  
Board Chair

1101#061

## RULE

### Department of Transportation and Development

Access Connection Permits and Driveway Permits  
(LAC 70:I.Chapter 15 and II.531)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Department of Transportation and Development hereby enacts Part I, Chapter 15, of Title 70 entitled "Access Connection Permits", and amend Part II, Chapter 5, §531 of Title 70 entitled "Driveway Permits," in accordance with the provisions of R.S. 48:344.

## Title 70

## TRANSPORTATION

### Part I. Highway Construction

#### Chapter 15. Access Connection Permits

##### §1501. Introduction

A. The Louisiana Department of Transportation and Development (DOTD) recognizes that landowners have certain rights of access. The DOTD also recognizes that access connections are a major contributor to traffic congestion, increase the degradation of transportation facility operations, can result in decreased highway capacity, cause driver and pedestrian confusion, and can increase safety hazards.

B. Most roadside interference can be attributed directly to vehicular traffic entering, exiting, and parking adjacent to accesses for residential developments, business establishments, and commercial roadside developments.

C. Incumbent with this is the obligation to protect the investment of the state in the highway system. Access connections granted by the DOTD can be restrictive.

D. The Louisiana Department of Transportation and Development (DOTD) has the authority to require permits

for access connections as set forth in R.S. 48:344. Access connection permits are required in order to achieve the following:

1. to ensure safe and orderly movement for vehicular traffic entering and leaving the highway;
2. to prevent hazardous and indiscriminate parking on, along, or adjacent to the roadway surface;
3. to preserve adequate sight distances at intersections (including streets and driveways);
4. to encourage beautification of property frontage;
5. to ensure uniform design and construction of access on highway right-of-way.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:347 (January 2011).

##### §1503. Definitions

*Access Connection Permits*—shall be defined and required as follows:

1. single-family residential access connections:
  - a. single family residential—1 to 5 homes on a single access connection (Six or more residences on a single shared access or a single property subdivided for multiple homes must apply as a multi-family residential access.);
  - b. residential sporting and recreation camps (Full-time or part-time residential camps used for hunting, fishing, etc.);
2. non-commercial agricultural operations:
  - a. unimproved land (farm, pasture, or wooded; passenger vehicle or farm equipment access and use only);
3. traffic generator access connections:
  - a. place of business (e.g., retail outlets, banks, restaurants, etc.);
  - b. medical facilities (e.g., doctors' offices, hospitals, urgent care facilities, assisted living homes, etc.);
  - c. religious facilities (e.g., churches, synagogues, etc.);
  - d. multi-family residential developments (e.g., subdivisions, condominiums, apartment complexes, trailer parks, etc.);
  - e. educational facilities (e.g., schools, colleges, daycares, after-school daycares, etc.);
  - f. lodging facilities (e.g., hotels, vacation rentals, motels, RV parks, etc.);
  - g. recreational facilities (e.g., sports fields, public swimming pool, parks, golf courses, bowling alleys, theme parks, etc.);
  - h. private clubs (e.g. country clubs, golf clubs, yacht clubs, etc.);
  - i. emergency services (e.g., fire station, ems stations, police stations, etc.);
  - j. mixed-use developments (any combination of above-listed uses);
  - k. public facilities (libraries, court houses, city halls, jails, conference/convention centers, etc.);
  - l. commercial agricultural operations (processing and/or wholesale operations; cotton gin, rice mill, sugar mill, etc.);
  - m. oil, natural gas, logging, and other natural resource harvesting operations;
  - n. utility company access;
  - o. any other connections that do not fit a category listed above;

4. temporary permits:
  - a. short-term oil, natural gas, logging, or other natural resource harvesting operations;
  - b. short-term haul road;
  - c. short-term construction access to a building site until an access connection is approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:347 (January 2011).

**§1505. Public Road/Street Connections**

A. Public road or street connections shall follow the normal project development process and shall only be requested by the local authority within the jurisdiction over the roadway.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:348 (January 2011).

**§1507. Facilities Requiring Access Connection**

A. Facilities requiring access connection permits may be either new facilities or existing facilities which are remodeled, undergo a change of use, or any other change(s) to the operations of the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37: 348 (January 2011).

**§1509. Personal Injury/Property Damage**

A. The applicant agrees to hold harmless the DOTD and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a permit, whether or not the same may have been caused by the negligence of the DOTD, its agents, or its employees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37: 348 (January 2011).

**§1511 Requirements**

A. The location, design, and construction of the access shall be in accordance with the rules and regulations stated in the Section of this Chapter entitled Access Connection Requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37: 348 (January 2011).

**§1513. Process for Acquiring an Access Permit**

A. The access connection permit application process shall be initiated by the applicant during the preliminary planning and development stages of a project. Applicant shall coordinate the initial requests with the Louisiana DOTD district permit specialist where the subject property is located.

B. The process for acquiring an access connection permit shall be defined in DOTD policies.

C. If required by DOTD Policy, a traffic impact study (TIS) and/or a traffic signal study (TSS) shall be completed by the applicant and approved by the DOTD district traffic operations engineer (DToe). These studies shall be completed in accordance with DOTD policies.

D. At the direction of the DOTD district office, a request for an access connection permit may require the submission

of any required supporting documentation to the DOTD district office. Actual work on an access connection shall not begin until the application has been approved by the DOTD. Required permit application supporting documentation may include some or all of the following:

1. detailed property location, including but not limited to:

- a. location address;
- b. legal property description (with professional land surveyor stamp);
- c. property frontage dimensions;
- d. relative locations of all access connections, intersecting streets, signals, railways, and crossovers within a specified distance from the property lines. This distance shall be specified by the DOTD district engineering administrator (DA) and/or DToe;
- e. information on any nearby or adjacent properties owned and/or controlled by the applicant(s), including anticipated future land use(s);

2. right-of-way information, including but not limited to:

- a. measured rights-of-way for the subject property;
- b. easements (utility, drainage, etc.) and locations of same;
- c. known existing access restrictions;
- d. property lines;
- e. right-of-way widths for all adjacent roadways (state, parish, local, private, etc.);

3. proposed site plan drawing, fully dimensioned to-scale on 11" x 17" or 24" x 36" paper, showing all, but not limited to, the following:

- a. existing roadway alignment for all adjacent roadways;
- b. requested access connection location;
- c. distance from requested access connection to nearest property line(s) and nearest intersecting roadways (in all directions along the roadway from the subject property);
- d. distance from right-of-way to all buildings, structures, gas pumps, etc. on the proposed site;
- e. plan for internal parking, drives, traffic flow patterns, traffic control devices, markings, truck/service vehicle routing, emergency access, etc. Autoturn or similar analysis must be shown for adequate design vehicle(s);
- f. detailed geometry of proposed access connection (width, radii, lane use, etc.)—must conform to DOTD standard plans. Autoturn or similar analysis must be shown for adequate design vehicle(s);
- g. detailed pavement design of proposed access connection (base type and thickness, pavement thickness, curb treatment, etc.);
- h. sidewalk and ADA ramps, where required;
- i. proposed treatment of right-of-way area between and adjacent to proposed and existing access connection(s);
- j. sight distance triangles for proposed access connection;

4. if a traffic impact study is required, the review and approval process shall be as outlined in DOTD policies. Copies of approvals shall be attached to the access connection permit;

5. copies of a traffic signal study, and/or traffic signal permit application, if applicable, shall be included. These

studies shall be completed within the guidelines of DOTD policies;

6. temporary traffic control plan for work within the right-of-way—see Section entitled Construction Requirements;

7. railroad crossing permit—see Section entitled Railroad Crossings;

8. copies of permits obtained for access and building rights from local authorities;

9. permanent signing and pavement marking plans which conform to DOTD standards and the most current edition of the manual on Uniform Traffic Control Devices;

10. detailed plans of required or proposed mitigation (turn lanes, etc.);

11. additional information, drawings, or documents as required by the district engineer administrator or his/her designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37: 348 (January 2011).

#### **§1515. Permit Conditions**

A. The applicant must be the owner of the property or his/her legally designated representative.

B. Any access connection or approach constructed under this permit shall be for the bona fide purpose of securing access to the subject property.

C. The entire highway right-of-way affected by this work shall be restored to at least the same condition that existed prior to the beginning of the work.

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

E. All access connections, approaches, or other improvements on the right-of-way shall comply with DOTD standards and be subject to the approval of the district engineer administrator or his/her designee.

F. All access connections in the DOTD right-of-way shall at all times be subject to inspection by the DOTD.

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

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

I. The relocations or alterations of any access, approach, or other improvement constructed on the right-of-way shall require a new permit.

J. If the applicant is unable to commence construction within 12 months of the permit issue date, the applicant may request a six month extension from the DOTD. No more than two six-month extensions may be granted under any circumstances. If the access connection is not constructed within 24 months from the permit issue date, the permit shall

be considered expired. Any person wishing to reestablish an access connection permit that has expired shall begin again with the application procedures.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:349 (January 2011).

#### **§1517. Application Requirements**

A. The applicant shall submit a design that conforms with all requirements included herein. Design(s) shall also conform with all DOTD standards, where applicable.

B. The applicant shall make any and all changes or additions necessary to make the proposed access satisfactory to the DOTD.

C. Three copies of the completed application package, including all supplemental documentation, are required with each application. One copy is to be retained by the district office, and two copies are to be forwarded to DOTD Headquarters Permits Section. The application package shall include all supporting documentation as required by the district engineer administrator or his/her designee and as described in the Section entitled Process for Acquiring an Access Permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:349 (January 2011).

#### **§1519. Permit Reapplication and Modifications to Existing Commercial Access Connections**

A. The provisions of this Section do not apply to single-family residential access connection permits, as described in the definitions Section of this Chapter.

B. If the property is reconstructed/remodeled/redeveloped, the owner shall submit a new application for an access connection permit. The new application shall contain all information and documentation as described in Section entitled Process for Acquiring an Access Permit, as well as a copy of the old access connection permit.

C. If the property owner reconstructs the access connection, a new access connection permit application shall be submitted. The DOTD reserves the right to make changes to the original permit during this process.

D. 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:349 (January 2011).

## §1521. Access Connection Requirements

### A. Location of Access Connections

1. The frontage of any parcel of property adjacent to a public highway shall be considered to be confined within lines drawn from the intersection of the property lines with the right-of-way lines of the highway to the roadway surface, and perpendicular to the axis of the highway; or if the axis is a curve, to the center of curvature; or a combination of the two. Those lines shall be known as boundaries.

2. In addition, the following constraints shall apply.

a. Full access shall not be granted within the functional influence area of the intersection. For purposes of this Chapter, the functional influence area of an intersection shall be defined as the area beyond the physical intersection of two roadways and/or access connection points that:

i. comprises decision and maneuvering distances;

ii. comprises any required vehicle storage lengths, either determined by length of existing storage lanes, observed queue lengths, or anticipated post-development queue lengths, all as determined by the district traffic operations engineer;

iii. includes the length of road upstream from an oncoming intersection needed by motorists to perceive the intersection and begin maneuvers to negotiate it.

3. Access connections located near or within storage limits of existing or proposed right- or left-turn lanes with no alternate locations shall be located as far as possible from the intersection and may be granted right-in/right-out only access connection conditions.

4. 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.

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

6. Access connections shall be designed and constructed so that a driver can maneuver entering, parking, and exiting without backing onto the adjacent roadway.

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

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

2. The owner shall be required to gain access through the appropriate governmental local authorities for access on a non-state route.

3. The DOTD may require adjacent properties to share access through a single access point. If shared access is required by the DOTD, a copy of the shared access

agreement shall be submitted to the DOTD as part of the driveway permit and shall be signed by all involved property owners. If an applicant does not meet the minimum requirements for a single access connection, and the adjacent properties do not have existing access connections, the DOTD may issue an access connection permit with the condition that the permitted access connection shall be placed along the property line with the stipulation that upon development of the adjacent property, the permitted access connection shall be shared and any reconstruction or reconfiguration required at the future time shall be the responsibility of the permittee(s).

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

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

C. The construction of parking within the limits of the state right-of-way is specifically prohibited. Facilities which require parking shall provide such within the limitations of the facility and shall not encroach upon the right-of-way.

D. Access connections which extend or travel parallel to the roadway shall not be permitted. This includes access near gasoline pumps or other structures requiring vehicular access. Any such pumps or structures shall be located a minimum distance of 15 feet from the right-of-way line in order that all on-site access lanes shall be located outside of the right-of-way.

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) is provided outside of the limits of the right-of-way. Gated access shall not be permitted as an approach to a traffic signal.

F. Display of merchandise for sale within the limits of right-of-way (including, but not limited to, automobiles, farm equipment, agricultural produce, fireworks, tents, etc.) or the storage of farm implements within the limits of right-of-way is strictly prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:350 (January 2011).

#### **§1523. Limited Access Highways**

A. On those highways which have been designated as limited access highways, or along which service roads have been constructed, access shall be permitted to connect only to the service roads and not to the main traveled highways.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011).

#### **§1525. Access Connections—Spacing and Sharing**

A. Every effort shall be made by the district traffic operations engineer and/or district engineer administrator to designate approved locations of access connections within existing property limits so that the spacing between adjacent access connections is maximized.

B. A minimum spacing as defined in DOTD policy shall be maintained between access connections. If frontage is not available to maintain minimum spacing of access connections, the DOTD reserves the right to require adjacent property owners to share a single access connection.

C. When necessary to maintain the corridor and preserve mobility, adjacent property owners may be required by the DOTD to share an access connection (new or existing). This provision applies to both residential and commercial applicants. Under this provision, a residential applicant shall only be required to share use with other residential applicants. A commercial applicant shall only be required to share an access connection with other commercial applicants.

D. The DOTD may require adjacent commercial applicants to share access connections and/or provide connectivity between properties and parking lots in an effort to limit the number of access connections along the right-of-way.

E. When access connection sharing and/or property connectivity is required by the DOTD of independent property owners, it shall be the responsibility of the property owners to develop maintenance and cost agreements. The signed agreement shall be submitted to the DOTD as part of this application.

F. Any costs resulting from the requirement to share access connections or provide property connectivity shall be borne by the involved property owners and shall not be the responsibility of the DOTD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011).

#### **§1527. Access Connection Operational Restrictions**

A. DOTD reserves the right to restrict operations at an access connection.

B. Such restrictions may include, but are not limited to:

1. turn restrictions (e.g., right-in/right-out only);
2. truck only or no trucks;
3. entrance-only or exit-only.

C. Restricted movements cannot be limited to certain times of day or days of week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011).

#### **§1529. Access Connections on Roadways with Medians**

A. On roadways with center medians of any type, access connections will not be permitted to align with median cuts or crossovers, and shall be located as far from these cuts and crossovers as possible within property limit constraints.

B. DOTD reserves the right to require the applicant to modify, relocate, or construct crossovers to facilitate the movement of additional traffic expected to be generated by the proposed facility.

C. 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. This shall apply to both residential and commercial access.

D. Median opening spacing, locations, and operations with regard to access connections shall be as defined in DOTD policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011).

#### **§1531. Design Requirements**

A. There are multiple standard plans for access connection types. The DOTD district engineer administrator or his/her designee will aid in determining the appropriate type for each application at the initial access connection permit meeting. These standard access connection types must be applied in their entirety without modification, unless otherwise recommended or approved by the district traffic operations engineer. The permissible design of access connection returns shall be governed by the type of access connection to be constructed and shall be as shown in the appropriate detail of the standard plans for access connections.

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. 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.

E. 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.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:351 (January 2011).

### **§1533. Construction Requirements**

A. During construction in the right-of-way, appropriate temporary traffic control devices shall be used to maintain traffic on the roadway in a safe manner. All temporary traffic control devices and the placement of same shall conform to the most current DOTD standards.

B. All public notices shall be handled by the DOTD district office personnel. Closure plans and times shall be submitted to the district traffic operations engineer for review according to the following:

1. 5 working days before construction if traffic control plan has been approved or is contained in the plans that were approved;

2. 10 working days before construction if traffic control plan must be submitted for lane closures not addressed in the plans.

C. The allowable times, days, and duration of lane closures shall be as determined by the district traffic operations engineer. All lane closures should be scheduled in a way that minimizes the impact to roadway traffic.

D. Nighttime closures may be required.

E. 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. 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).

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011).

### **§1535. Improvements to the Adjacent Transportation System**

A. The DOTD may require mitigation on the adjacent roadway network and facilities due to the effects of the proposed development and access connection location(s). Expense for such requirements shall be borne by the applicant.

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, and bond amounts shall be appropriate for such mitigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011).

### **§1537. Coordination with Local Authorities**

A. Additional permits may be required by other local governing authorities.

B. It is the responsibility of the applicant to determine the need for additional permits from local authorities, and to obtain these permits.

C. Access connection permits shall not be granted based on the possession of other required state or local permit(s). The issuance of a DOTD access connection permit does not guarantee the issuance of other required state or local permit(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011).

### **§1539. Temporary Access Connection Permits**

A. Temporary access connection permits may be granted for a period of time as specified on the permit. This time period shall be specified on the permit prior to issuance.

B. Temporary access connection permits shall not be issued for a period of time to exceed one year.

C. A temporary access connection permit may be extended or reissued as approved by the district engineer administrator.

D. Applications for temporary access connection permits shall be accompanied by a bond per DOTD policies.

E. All temporary access connections installed under a temporary access connection permit shall be constructed using non-permanent materials (i.e. aggregate). Concrete or asphalt should not be used for temporary access connections.

F. The property owner shall be responsible for removal of any materials tracked onto the roadway by property operations on a daily and continual basis until such time that the temporary access connection is removed.

G. Temporary access connection permits may be issued where access from a state highway is needed on a short-term basis. Such instances may include, but are not limited to:

1. access during construction for a site where the future permanent access will be located on another roadway not within the state highway right-of-way;

2. use of an existing access connection during the permit application process for a change in land use.

H. Temporary access connection permits to controlled access facilities shall not be allowed under any circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011).

### **§1541. Appeals Process**

A. Any decision rendered by the DOTD district office may be appealed by the applicant to the DOTD headquarters staff.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:352 (January 2011).

**§1543. Utility Company Access Connections**

A. Permits requested by utility companies for access connections within the DOTD right-of-way shall be limited to 15 feet in width.

B. Permit requests for access wider than 15 feet will require proof of necessity before approval. Such requests shall be approved by the district traffic operations engineer.

C. Prior to permit approval, a DOTD permit for placement of a cable closure box or maintenance cabinet on DOTD right-of-way must have been granted.

D. The following special condition must be noted on utility company permits when the applicant does not have control of the frontage (abutting) property:

"This permit is issued subject to permittee obtaining prior approval for any access(s) and producing written permission from abutting property owner(s). Otherwise, said access(s) shall be completely removed from the highway right-of-way. Access(s) is(are) to be used for the maintenance of utilities only and is(are) not to be used for any other purposes."

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:353 (January 2011).

**§1545. Bus Stop Shelters**

A. Permits for bus stop shelters within the highway right-of-way shall only be granted to public bodies (e.g. municipality, police jury, etc.).

B. Applications for such permits must include the following information:

1. name of the agency requesting the permit;
2. type and size of shelter or bench, including diagram of such (to scale with dimensions);
3. exact proposed location with respect to the highway and to the right-of-way limits;
4. drainage requirements;
5. access requirements;
6. signed statement that approaches will be maintained by the agency in an acceptable state of repair.

C. Such structures shall not be permitted when they do not comply with these regulations or when they are proposed at a location that will interfere with needed highway operations or maintenance (e.g., sight distance, shoulders, drainage, etc.).

D. The DOTD is to maintain full control and regulatory authority over any such structure and may require removal at any time.

E. If a bus stop shelter or bench is no longer in use or service, it shall be removed at the expense of the public body to which the permit for such was granted. The roadway shall be returned to a condition which matches the adjacent area, including replacement of regular curb and gutter, pavement, shoulders, etc. as directed by the DOTD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:353 (January 2011).

**§1547. Railroad Crossings**

A. Railroad tracks crossing highways shall conform to the permit supplement titled Rules and Regulations

Governing the Construction of Railroad Grade Crossings on State Highways.

B. It is the responsibility of the applicant to contact the appropriate railroad agency, submit any required documentation, and pay any required fees in order to obtain a permit from the railroad agency.

C. DOTD shall not issue an access connection permit until the appropriate railroad permit(s) has (have) been secured by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:353 (January 2011).

**§1549. Failure to Comply**

A. Unlawful access connections shall be:

1. any driveway, street, or other connection which violates the provisions of this Chapter;
2. any driveway, street, or other connection which violates the provisions of the permit issued; or
3. any driveway, street, or other connection which is constructed without an access connection permit.

B. The DOTD shall give 30 days notice by certified mail to the owner of such connection to remove same if it is a prohibited connection or cause it to conform to regulations if it is not an authorized connection.

C. At the time of owner notification, the DOTD shall place barricades across the unlawful access connection. The barricades shall be marked with an approved sticker as "ILLEGAL."

D. If the owner is unknown or cannot be found, a written notice shall be affixed to the barricade stating that the access connection is unlawful and shall be removed within 30 days from the date specified on the sticker.

E. Failure to remove within the specified period serves as forfeiture of all rights thereto and the department shall remove the unlawful access connection. The owner and/or any other person responsible therefore remains liable for any damage to public property or expenditure of highway funds resulting from the installation or removal of the unlawful access connection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:344.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 37:353 (January 2011).

**Part II. Utilities**

**Chapter 5. Standards Manual for Accommodating Facilities on Highway Right-of-Way**

**§531. Driveway Permits**

A. Guidelines. Driveway permits are required in order to assure safe and orderly movement for vehicular traffic entering and leaving the highway; to abolish hazardous and indiscriminate parking adjacent to the roadway surface; to preserve adequate sight distances at intersections; to encourage beautification of property frontage and to insure uniform design and construction of driveways on highway right-of-way. The DOTD's authority to require permits for driveways is set forth in R.S. 48:344. All rules governing the installation of driveways are now located at LAC 70:I.Chapter 15, Access Connection Permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381-382, 48:193 and 48:344.