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ENGINEERING DIRECTIVES AND STANDARDS

Volume	Chapter	Section	Directive Number	Effective Date
I	4	3	2	4/26/2018

SUBJECT: REQUEST FOR NEW OR MODIFIED ACCESS ON CONTROL OF ACCESS FACILITIES

- 1. PURPOSE:** This directive sets forth the Louisiana Department of Transportation and Development's (DOTD) policy on requests for new access or modifications to existing access on control of access facilities within the State of Louisiana.

Controlled access highways, the highest class of highways within the highway transportation network, are highly regulated to ensure that high volumes of people and goods will be moved safely and efficiently both currently and in the foreseeable future. Ramps, crossroads, frontage roads, and collector distributor roads that are within the control of access are part of that system. Requests to modify the control of access or to change the facility within the control of access will undergo a thorough evaluation and will receive a high degree of oversight. A change in the control of access on any controlled access facility (Interstate and non-Interstate) must be justified through an Access Justification Report (AJR) and approved by the DOTD Chief Engineer and for Interstate by Federal Highway Administration (FHWA).

This policy addresses the two types of AJR's: requests for new access through Interchange Justification Reports (IJR), and requests to modify existing access through Interchange Modification Reports (IMR).

- 2. SCOPE:** This policy applies to all control of access routes which are part of the State Highway system.

3. FEDERAL AUTHORITY:

23 USC 111 Agreements relating to use of and access to rights-of-way—Interstate System

"All agreements between the Secretary and the State transportation department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary."

4. LEGISLATIVE AUTHORITY:

Louisiana R.S. 32:1 (12) defines controlled access highway as:

"...every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway."

Louisiana R.S. 32:262 Controlled access highways

"A. The department may establish certain highways as controlled access highways and prohibit the entrance to, or exit from, such highways except at designated points. "

Louisiana R.S. 48:301 Authority to establish and regulate controlled-access facilities

"The highway authorities of the state, parishes and municipalities of Louisiana, acting alone or in cooperation with each other or with any federal, state, or local agency or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, maintain and provide controlled access facilities for public use whenever they determine that traffic conditions, present or

future, justify such special facilities.”

Louisiana R.S. 48:302 Design of controlled access facility; right of access

“The highway authorities may design any controlled access facility and regulate, restrict, or prohibit access so as to best serve the traffic for which it is intended. The authority’s determination of the design is final.” ...” No person has any right of access to, from or across controlled access facilities to or from abutting lands, except at the designated points at which access is permitted upon the terms and conditions specified from time to time.”

Louisiana R.S. 48:304 New and existing facilities; grade-crossing eliminations

“They (highway authorities) may provide for the elimination of intersections at grade of controlled-access facilities with existing state and parish roads or municipal streets by grade separation or service roads or by closing off roads and streets at the right of way boundary line of the controlled-access facility....No municipal, parish or state highway, or street, or other public way shall be opened into or connected with any controlled-access facility without the consent and previous approval of the highway authority having jurisdiction over the facility. Such consent and approval shall be given only if the public interest is served thereby.”

5. DEFINITIONS:

- a. **Access Justification Report (AJR):** Either an IJR or and IMR.
- b. **Interchange Justification Report (IJR):** A report requesting a new access point along a controlled access facility.
- c. **Interchange Modification Report (IMR):** A report requesting a modification to an existing access point along a controlled access facility.
- d. **Control of Access (COA):** Highway facility boundaries establishing a limited number of access points through the purchase of access rights of adjacent properties.
- e. **Sponsor:** Responsible party requesting and/or funding the AJR. Can be the DOTD, a local government, another government agency or a private developer.

6. POLICY: Obtaining approval for an access point revision is a multistep process.

A. INITIAL REQUEST

a. Sponsor’s Request

The sponsor shall contact in writing the Traffic Engineering Division Head describing the AJR and requesting an introductory meeting. The following preliminary criteria will be addressed in the request:

- 1. Connection serves a specific purpose and need
- 2. Maintains minimum interchange spacing of 1 mile in an urban area and 3 miles in a rural area
- 3. Full interchange requirements (i.e. no slip ramps or partial interchanges)
- 4. Connection to a public roadway
- 5. Consistency with prior studies and agreements

The Traffic Engineering Division Administrator has 30 days to review the request. If all criteria has been met then DOTD Traffic Engineering Management (Section 77) will schedule the introductory meeting and send out invitations. If criteria has not been met the AJR process ends.

b. Meeting with Sponsor

In order for an AJR process to proceed, an introductory meeting shall be held with DOTD upper management and FHWA personnel for the sponsor of the AJR to discuss their proposal. At this meeting the sponsor shall present the reasons why an AJR needs to be performed at the subject location. Invitees are to include at a minimum:

- 1. The sponsor

2. DOTD personnel
 - a. Secretary
 - b. Deputy Secretary
 - c. Assistant Secretary for Multimodal Planning
 - d. Chief Engineer
 - e. Assistant Secretary of Operations
 - f. Traffic Engineering Division Administrator
 - g. Traffic Engineering Management Administrator
 - h. Environmental Engineer Administrator
 - i. District Administrator
3. FHWA personnel (if interstate facility)
 - a. Division Administrator

A decision shall not be made at this meeting. An internal review shall be held after the meeting to determine if this proposal should proceed and in what priority it shall proceed. DOTD Traffic Engineering Management Section shall initiate this meeting. The sponsor will be notified within 30 days of the introductory meeting if the proposed AJR shall proceed.

B. APPROVAL REQUIREMENTS

a. AJR Initiation Meeting

If the AJR is to proceed, Traffic Engineering Management section shall schedule an initiation meeting with the sponsor at time of notification. This meeting will discuss the scope of the AJR.

Invitees shall include at a minimum:

1. Sponsor
2. Sponsor's consultant (if applicable)
3. MPO
4. Local entity
5. DOTD Traffic Engineering Management
6. DOTD Environmental
7. DOTD Planning
8. DOTD Safety
9. DOTD District Administrator
10. FHWA (if interstate facility)

Sponsor shall bring to the meeting:

1. Purpose and Need of the project to identify or define the performance criteria or deficiency that the project is looking to address or overcome.
2. Goals and Objectives which provide an objective and measurable baseline in which the proposed and recommended alternative is to address.
 - a. Quantitative performance measures for both mainline and minor routes.
 - b. Define why the analysis is needed.
 - c. What questions the analysis should answer.
 - d. What type of information is required to support a decision
3. Measures of Effectiveness (MOE) to be used
4. Analysis Years (Build and Design)
5. Study Area
 - a. Aerial of proposed study area
 - b. Description of study area
 - i. Roadway classifications
 - ii. Lane widths

- iii. Shoulder widths
 - iv. Pavement types
 - v. Shoulder types
 - vi. Median widths
 - vii. ADTs
- 6. Future Planned Development
- 7. Local Land Use Policy
- 8. Local and regional transportation plans
- 9. AJR Study scope of work for Phase I

The above shall be discussed at the meeting along with the following:

- 1. Acceptable Software
- 2. Data Needs
- 3. Minimum/Maximum Review and Submittal Times
- 4. A memorandum of understanding (MOU) for the AJR study

Note that this entire AJR study is an iterative process and things such as study area, software and data needs may change as the study progresses in Phase II.

Once the above documents have been submitted a draft MOU will be circulated within 30 days for comments. After all comments have been addressed, the final MOU will be sent out for signature.

b. MOU for the AJR Process

The MOU for the AJR process shall be signed by the local entity, the DOTD Secretary and FHWA. Because the AJR process is iterative, this MOU may be modified throughout the process dependent upon the steps in the AJR Study.

It shall include the following:

- 1. Purpose and Need of the project
- 2. Goals and Objectives
- 3. Measures of Effectiveness (MOE)
- 4. Study Area Description
- 5. Analysis Years (Build and Design)
- 6. Growth Rate Methodology for each roadway within the study area
- 7. Traffic Factors
- 8. Future Development
- 9. Software to be used
- 10. Data Needs
 - a. Traffic data needed (type and location)
 - b. Safety information
- 11. Minimum and Maximum Review and Submittal times for the Sponsor, DOTD and FHWA

c. AJR STUDY

The AJR Study details shall be outlined in the DOTD Traffic Engineering Manual. Each step shall be followed as outlined in order for the AJR to be processed. There are several reviews, submittals and approval steps outlined for each phase.

- 1. Phase I Existing Network Study
- 2. Phase II Alternative Study (dependent upon outcome of Phase I)
- 3. Final AJR submittal

Every AJR study will contain a Phase I study. It is possible that an AJR may not proceed to Phase II. The study scope and analysis will have to be amended or supplemented to add the subsequent phases

dependent upon the AJR study results.

C. FINAL DOTD AJR APPROVAL

The Traffic Engineering Division Administrator will present the Final AJR and recommendations for approval to the AJR Board which consists of the Deputy Secretary, Assistant Secretary for Multimodal Planning, Assistant Secretary for Operations, and the Chief Engineer.

As a committee, they will provide a recommendation to the Secretary. The DOTD Secretary may either:

1. Forward to FHWA for approval or
 - a. If funding is available, DOTD will send a letter of support to the FHWA Division Office requesting approval for a new or modified interchange access point(s)
 - b. If funding is not available, DOTD will only send the report to FHWA for review of the engineering and operations aspects of the proposed project
2. Reject the AJR
 - The process ends.

D. FINAL ACCESS APPROVAL

a. FHWA Review

The FHWA Division Office conducts an independent evaluation within 30 days of receiving the report from DOTD and sends comments to DOTD. After comments have been addressed, a determination on the requested access will be made by the FHWA Division Office.

Based on current FHWA policy, the Division Office may first send the request to the Federal Highway Administration Office of Infrastructure for their review.

The Office of Infrastructure will typically respond within an additional 30 days. Any comments that are furnished must be addressed, even if the evaluation of additional concepts is necessary.

After all comments have been addressed, FHWA will respond to the request. If the Department requested new access or modified access, then the Department's request will either be denied or approved, subject to compliance with the National Environmental Policy Act (NEPA). If the Department requested a review of the engineering and operations aspects of the proposed access, then the Department's request will either be determined to be acceptable or unacceptable. If the NEPA process results in additional configurations or solutions, additional analysis for those alternatives will be required and the AJR will have to be reopened.

b. TIP/STIP

The proposed project must be included in the local Transportation Improvement Program (TIP) {if within MPO region} and in the State Transportation Improvement Program (STIP).

c. FINAL APPROVAL

Final AJR approval is given by FHWA after NEPA approval.

E. DESIGN PLANS.

After Final approval is given, the DOTD construction plan development process may begin according to DOTD policy. Design plans shall include only what was approved in the AJR. Any deviations shall require the AJR to be reopened and the process to start from the beginning.

7. WAIVERS.

A waiver to this policy may be granted by the DOTD Chief Engineer if recommended by the Traffic Engineering

Management Administrator and the AJR Board. The process is as follows:

- A. The Sponsor will send a formal letter containing a description of the dispute to the Traffic Engineering Division Administrator. The letter will contain a statement indicating what actions are needed to resolve the dispute.
 - B. The Traffic Engineering Division Administrator shall present the matter to the AJR Board and FHWA (if applicable) for their review.
 - C. A recommendation shall be sent to the Chief Engineer. The Chief Engineer shall send the decision to the sponsor in a formal letter.
 - D. No further waivers or appeals on this issue will be allowed.
- 8. OTHER ISSUANCES AFFECTED:** All directives, memoranda, or instructions issued heretofore in conflict with this directive are hereby rescinded.
- 9. EFFECTIVE DATE:** This policy will become effective upon signature of the Chief Engineer.

CHRISTOPHER P. KNOTTS, P.E.
CHIEF ENGINEER