



17 MAY 15 AM 8:58
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.S.B. No. 312 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 203.031, Transportation Code, is
5 amended by amending Subsection (a-1) and adding Subsections (c) and
6 (d) to read as follows:

7 (a-1) In the exercise of its authority to manage access to
8 or from a controlled access highway under Subsection (a)(2) or (4),
9 the commission by rule shall:

10 (1) require that a decision by a department district
11 office on ~~[denying]~~ a request for a driveway or other access to a
12 specific location on a controlled access highway;

13 (A) be made not later than the 60th day after the
14 date of receipt of the request;

15 (B) be in writing; and

16 (C) if the decision is denying the request,
17 include the reasons for the denial;

18 (2) provide procedures for appealing a denial under
19 Subdivision (1), including procedures that:

20 (A) allow the applicant to appeal the denial to
21 the department's design division before the 31st day after the date
22 written notice of the denial is given to the applicant;

23 (B) provide that if an appeal under Paragraph (A)
24 is not decided before the 91st day after the date the appeal was
25 filed, the access applied for must be granted; and

26 (C) allow the applicant to appeal the decision of
27 the design division to the director and, if the decision is
28 affirmed, to a board of variance appointed by the director and
29 composed of at least three persons who may not be below the level of

1 department division director, office director, or district
2 engineer and who were not involved in the original decision to deny
3 access;

4 (3) provide that properly platted access points to or
5 from a controlled access highway that are located on undeveloped
6 property are subject to the access management standards in effect
7 at the time the points were platted regardless of when the initial
8 request for access was submitted to the department, but only if:

9 (A) development of the property begins and the
10 request for access at the platted locations is submitted to the
11 department before the fifth anniversary of the date the plat was
12 recorded; and

13 (B) the design of the highway facility in the
14 vicinity of the platted access points did not materially change
15 after the date the plat was recorded so as to significantly impact
16 traffic patterns to the extent that the platted access points
17 present a threat to public safety;

18 (4) require that:

19 (A) owners of land adjacent to a proposed highway
20 construction project be provided written notice of the project at
21 least 60 days before the date construction begins if the project
22 will permanently alter permitted access to or from a controlled
23 access highway at the owners' existing locations; and

24 (B) the access described by Paragraph (A) be
25 reinstated to the most practicable extent possible after due
26 consideration of the impact on highway safety, mobility, and
27 efficient operation of any changed traffic patterns resulting from
28 the construction;

29 (5) adopt criteria for determining when a variance to
30 access management standards may be granted, including criteria
31 that, in addition to highway safety, mobility, and efficient

1 operation concerns, takes into consideration any of the following
2 consequences resulting from denial of the owner's request for
3 access to a specific location on a controlled access highway that
4 may impact a property owner:

5 (A) denial of reasonable access to the property;
6 and

7 (B) undue hardship on a business located on the
8 property; ~~and~~

9 (6) provide that a variance to a requirement contained
10 in the access management standards must be approved by the director
11 or director's designee, require the director or the director's
12 designee to make a final determination on a request for a variance
13 to a requirement contained in the access management standards not
14 later than the 60th day after the date of receipt of the request,
15 and require a designee described by this subdivision to be a person
16 who:

17 (A) is a senior management employee at the
18 department; and

19 (B) reports directly to the director; and

20 (7) clarify that the remodeling or demolition and
21 rebuilding of a business does not cause new access management
22 standards to apply unless the department makes an affirmative
23 finding in writing that the remodeled or rebuilt business will
24 significantly impact traffic patterns to the extent that the
25 current access location presents a threat to public safety.

26 (c) Except as provided by Subsection (d), the person
27 requesting the construction of a driveway or other access to a
28 controlled access highway is responsible for:

29 (1) the construction of the driveway or other access;
30 and

31 (2) payment of the costs associated with the

1 construction of the driveway or other access, including design,
2 engineering, and construction costs.

3 (d) If a driveway or other access is required to be
4 constructed, reconstructed, or modified as a result of
5 construction, expansion, reconstruction, or maintenance of a
6 controlled access highway by the department, the department is
7 responsible for:

8 (1) the construction, reconstruction, or modification
9 of the driveway or other access; and

10 (2) payment of the costs associated with the
11 construction, reconstruction, or modification of the driveway or
12 other access, including design, engineering, and construction
13 costs.

14 SECTION _____. Not later than January 1, 2018, the Texas
15 Transportation Commission shall adopt the rules required by Section
16 203.031, Transportation Code, as amended by this Act.