

Amend CSSB 312 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

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

(B) be in writing; and

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

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

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

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

(C) allow the applicant to appeal the decision of the design division to the director and, if the decision is affirmed, to a board of variance appointed by the director and composed of at least three persons who may not be below the level of department division director, office director, or district engineer and who were not involved in the original decision to deny access;

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

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

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

(4) require that:

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

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

(5) adopt criteria for determining when a variance to access management standards may be granted, including criteria that, in addition to highway safety, mobility, and efficient operation concerns, takes into consideration any of the following consequences resulting from denial of the owner's request for access to a specific location on a controlled access highway that may impact a property owner:

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

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

(6) provide that a variance to a requirement contained in the access management standards must be approved by the director or director's designee, require the director or the director's designee to make a final determination on a request for a variance to a requirement contained in the access management standards not later than the 60th day after the date of receipt of the request,

and require a designee described by this subdivision to be a person who:

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

(B) reports directly to the director; and

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

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

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

(2) payment of the costs associated with the construction of the driveway or other access, including design, engineering, and construction costs.

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

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

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

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