

**GENERAL MEETING OF THE BOARD OF DIRECTORS
OF THE
CENTRAL TEXAS REGIONAL MOBILITY AUTHORITY**

RESOLUTION NO. 13-036

**AMENDING THE POLICY CODE TO ADOPT PROCEDURES AND STANDARDS
CONCERNING DIRECT ACCESS FROM ABUTTING PROPERTIES
TO MOBILITY AUTHORITY FRONTAGE ROADS.**

WHEREAS, by Resolution No. 12-016 adopted February 29, 2012, the Board of Directors adopted the Mobility Authority Policy Code ("Policy Code"); and

WHEREAS, the Policy Code adopted February 29, 2012, was a non-substantive codification of all policy resolutions adopted by the Board of Directors since 2003.

WHEREAS, the Executive Director recommends that the Board of Directors amend the Policy Code to adopt by reference and incorporation into the Policy Code the *Access Management Manual* promulgated by the Texas Department of Transportation, with certain specific exceptions, as set forth in Exhibit 1 to this resolution.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends the Policy Code to repeal Article 3 (Frontage Road Access), Chapter 3 (Operations) of the Policy Code, and substitute in its entirety a new Article 3 (Access Management Standards), Chapter 3 (Operations), as set forth in Exhibit 1.

Adopted by the Board of Directors of the Central Texas Regional Mobility Authority on the 22nd day of May, 2013.

Submitted and reviewed by:



Andrew Martin
General Counsel for the Central
Texas Regional Mobility Authority

Approved:



Ray A. Wilkerson
Chairman, Board of Directors
Resolution Number: 13-036
Date Passed: 5/22/2013

EXHIBIT 1 TO RESOLUTION NO. 13-036

Article 3 (Frontage Road Access), Chapter 3 (Operations) of the Policy Code is repealed in its entirety and a new Article 3 (Access Management Standards), Chapter 3 (Operations) of the Policy Code is adopted to read as follows on the following two pages:

Article 3. ACCESS MANAGEMENT STANDARDS

301.040 Application and Permit Required

- (a) This article establishes standards and policies to manage access to authority roadways from abutting property.
- (b) Before constructing an access connection that connects to an authority roadway, a property owner with a right to establish the access connection must file an application with the authority and receive a direct access permit from the authority in accordance with this article and other applicable law.

301.041 Criteria for Approval of an Access Connection

- (a) Unless otherwise specifically provided by this article, an access connection to an authority roadway shall comply with the all criteria and standards established for a frontage road by the *Access Management Manual* adopted by the Texas Department of Transportation, as that manual is in effect on the date the application for the permit is filed with the authority.
- (b) A decision under the *TxDOT Access Management Manual* that may be made by a TxDOT employee at the district engineer level or below may under this article be made on behalf of the authority by the executive director or his or her designee.
- (c) The executive director may promulgate and adopt application or other forms necessary or desirable to facilitate the review and decision on a direct access permit required by this article.

301.042 Prohibited Direct Access

Direct access to an authority frontage road is prohibited in the vicinity of existing ramp connections to mainlane roadways, as detailed by a defined "control of access" area illustrated on official right-of-way maps for the authority roadway on file with the authority.

301.043 Costs of Associated Infrastructure Improvements

- (a) If the executive director determines a proposed access connection may reasonably cause safety or operational problems on the frontage road, including a reduction in the capacity of through lanes on the frontage road, as a condition of approval for a direct access permit the executive director may require the applicant to bear all or a portion of the costs of providing infrastructure improvements necessary to resolve or mitigate the safety or operational problems.
- (b) The executive director may negotiate and execute a development agreement and associated agreements with an applicant to implement requirements under subsection (b). Board approval of an

agreement under this subsection is required if the authority will pay more than \$50,000 in costs that are not reimbursed by the applicant.

301.044 Appeal

- (a) An applicant may appeal a decision of the executive director to the Board in accordance with the appeal rights and procedures set out the TxDOT *Access Management Manual*, as modified by this section. The board shall exercise the power of the TxDOT Design Division to hear and decide an appeal under the TxDOT *Access Management Manual*.
- (b) An applicant must file a written notice of appeal with the executive director no later than 15 days after the date the applicant receives written notice of the decision being appealed.
- (c) The executive director shall schedule the appeal for a hearing by the board no sooner than seven days and no later than 45 days after the date the notice of appeal is received.
- (d) The decision by the board on an appeal is final.