MUNICIPAL ANNEXATIONS

State Highway Implications
Overview

- Municipalities expand their boundaries through annexation of adjacent properties.
- Annexations must be contiguous; existing municipal area must connect with area to be added. Satellite annexations are prohibited.
- Highway right-of-way can be used to connect an existing municipal area with area to be added.
- Such use of highway right-of-way is addressed in R.S. 33:180.
- Must get “Letter of No Objection” from DOTD to annex state highway right-of-way.
§180. Ordinance to annex territory owned by a public body

A. The governing body of any municipality other than the city of New Orleans may, by ordinance, enlarge the boundaries of the municipality to include territory within which all of the land is owned by a state agency, political subdivision, or public body, but only upon petition of the governing body of the agency, political subdivision, or public body owning the land which is to be so included. Except as otherwise provided by this Section, the governing body of the municipality may, in its discretion, upon majority vote thereof, adopt such an ordinance without the necessity of compliance with any of the procedures of advertisement, petition by residents, public hearing, or other procedures set forth in this Subpart.

B. No municipality may annex the paved portion of a public road without including in such annexation all property adjacent to at least one side of the road, the paved portion of which is included in the annexation. At the discretion of the Department of Transportation and Development, the paved portion of an interstate highway right-of-way may be excluded from the annexation without the annexation being considered non-contiguous.

C. A municipality may annex a portion of the right-of-way of a public road as a corridor connecting other property which is not contiguous to the municipality but which is to be annexed without including the property adjacent to the corridor. Any annexation pursuant to this Subsection shall be in accordance with the following:

   (1) The municipality shall, by certified mail, notify the state agency or political subdivision which owns the road proposed to be annexed at least thirty days prior to the introduction of the ordinance proposing such annexation.

   (2) The petition or written consent of the state agency or political subdivision must be received by the municipality prior to the adoption of the ordinance.

Satellite Annexation Not Allowed
Allowable Annexation of Highway Right-of-Way to Connect to Satellite Property
Right-of-Way versus Pavement

- While highway right-of-way may be annexed to provide connectivity to a satellite property, the pavement cannot be annexed unless all property on at least one side of the road is included in the annexation.

- Without annexation of the pavement, traffic law enforcement remains with State Police and the local sheriff’s office.
Annexing Highway Right-of-Way Including the Pavement
Annexation of Adjacent Properties and Highway Right-of-Way Including the Pavement
Interstate Right-of-Way

- Act 594 (HB 788) of 2012 Regular Session amended R.S. 33:180(B)
- “At the discretion, of the DOTD, the paved portion of an interstate highway right-of-way may be excluded from the annexation without the annexation being considered non-contiguous.”
- Allows municipalities to annex properties on the other side of the Interstate without annexing the Interstate pavement.
DOTD Philosophy

- We want to help Louisiana cities and towns develop.
- At the same time, we must guard against abuses.
- Some municipalities want to annex highway right-of-way, including the pavement, as a means of generating revenue through traffic law enforcement.
- Act 594 of the 2012 Regular Session allows us to help cities and towns while limiting the potential for abuse.
- We must be fair to all, apply RS 33:180 consistently, and do what’s right.
Examples
Legal?
Include Paved Portion? _______
DOTD Approval? _______
Legal?
Include Highway XX Pavement?  ___________
Include Interstate YY Pavement?  ___________
DOTD Approval?  ___________
Example “Letter of No Objection”

Ms. Katy G. Balsamo  
Attorney at Law  
175 Richland Place  
Monroe, LA  71203

Re:  Annexation Request – Town of Sterlington, LA Hwy 165

Dear Ms. Balsamo:

This is in response to the documents forwarded to the Department of Transportation and Development Legal Division requesting permission to annex an unpaved portion of the right-of-way of Louisiana Highway 165 in the Town of Sterlington, Louisiana.

Please consider this the Department’s Letter of No Objection to the request. In accordance with LSA-R.S. 33:180, a copy of which is enclosed, the annexation will not include the paved portion of Highway 165. What this means is that the authority for traffic law enforcement of this section of Louisiana Highway 165 will remain with the State Police and the Ouachita Parish Sheriff’s Office.

Please also note that any signing or work performed by the Town within the limits of the affected right-of-way shall be subject to the prior approval of the Department and shall require all appropriate permits.

If we can be of further assistance, please contact me or C. Brandon Brown, General Counsel, (225) 242-4656.

Sincerely,

Eric Kalivoda  
Deputy Secretary

EK/Vfs  
cc:  T. Marshall Hill
Enclosures
Right-Sizing the State Highway System
Questions to Answer

• Who
• What
• When
• Where
• Why
• How
Philosophy  (Why)

“The more government we can keep at the local levels, in local hands, the better off we are and the more freedom we will have.”

President Reagan
Annual Convention of the National Association of Counties, Baltimore, Maryland, July 13, 1982

“This administration believes that responsibilities and resources should be restored to the governments which are closest to the people served.”

President Reagan
Statement on Indian Policy, January 24, 1983
“Taking power away from federal bureaucracies and giving it back to communities and individuals is something everyone should be able to be for”

*President Clinton*

*State of the Union Address to Congress, January 25, 1995*

“The era of big government is over”

*President Clinton*

*State of the Union Address to Congress, January 23, 1996*
Philosophy (Why)

- Current model of strong state – weak local government has been in place for 75 years or more.
- Current model has not produced good results.
  - Louisiana lags behind in many economic and social indicators.
- Many Louisiana citizens believe state government is too big.
Opportunity exists to:

- Reduce the size of DOTD
- Empower local governments
- Correct inequities in the distribution of state highway miles among the parishes
Overview (Who & What)

- Concept of “Right-Sizing” the State Highway System involves transferring approximately 5000 miles of road, with the money, to local governments.

- State Highway System is too big; Right-Sizing has been called for in State Transportation Plan since 2003.

- DOTD needs to focus more on construction – less on operations and maintenance.

- DOTD can help with capital projects for those local governments willing to accept greater O&M responsibilities.
LA Highway Network (Who & What)

• State Highway System 16,670 miles
  - Total Public Road System 61,000 miles
  - State Ownership in LA 27+ %
  - National Average 19 %

• Proposed State System 11,995 miles*
  - Net Decrease 5,035 miles**
  - State Ownership 19+ %

* Includes 75 miles of new construction
**Includes 284 miles of frontage roads
Role of State in Highway Network (Where)

- Ensure that Louisiana is well connected to the rest of the country and world
- Provide for the movement of people, goods, and services between and through urban areas. Travel within an urban area is a local responsibility
- Maintain a basic farm-to-market network in rural areas. These areas lack sufficient population, and therefore tax base, to maintain these facilities
Right- Sizing Principles

- State should not be maintaining neighborhood streets in urban or rural areas
Right- Sizing Principles (Where)

- State mileage inversely proportional to population
  - As population increases, need for farm-to-market network decreases
  - Former rural state roads become urban and suburban streets
Right-Sizing Principles

- In urban areas, the State System should consist only of roads that serve a significant interurban function.

- Intraurban travel needs are best served by local governments even if streets have high traffic volumes.
Transfer Mileage (Where)

- State Highway System mileage following transfer = 11,919.17
- New State construction (including TIMED) = 75.32
- Revised State Highway System mileage = 11,994.49

Proposed limit for State Highway System = 12,000.00 miles*
  - Excludes frontage roads

- Maps showing transfer roads have been developed for each parish
- Roads being retained by State are shown in red
- Roads proposed for transfer are shown in green
- Transferred roads do not disappear, rather the ownership changes
Compensation (When & How)

- Participation in the program is voluntary, it’s straight business, and is available now.

- Roads will be repaired prior to transfer under the DOTD Road Transfer Program.

- Local governments will be credited for 40 years of routine and capital maintenance which can be applied to any highway capital project(s).

- Local governments interested in participating need to contact their DOTD District Administrator.
Benefits to Local Governments

- Immediate capital assistance with only minor near-term O&M cost increases
- Greater authority in transportation decision-making including prioritization and fund allocation
- Authority to regulate traffic and development over larger portion of network
- Ability to implement comprehensive plans with less interference/less dependency on the State.
Benefits to State Government

- Seizing the opportunity will allow DOTD to focus on the system most important to the economy
  - Freight movement
  - Tourism
  - Business travel
Realities and Opportunities

- Because of budgetary pressures, much of government is devolving to the local level.

- Those who want good infrastructure and amenities, and are willing to pay for it, can have it.

- The Road Transfer Program offers an opportunity for immediate capital assistance to jump start the repair and enhancement of infrastructure.
Interstate Frontage Roads

Overview and Policy

Louisiana Department of Transportation and Development
Interstate Highway System Overview

- Interstate Highway System is a national network of just under 43,000 miles of freeways.
- Construction began in the late 1950s and was largely completed in the 1990s.
- The Interstate Highway System is unsurpassed in highway mobility and safety.
- The Interstate Highway System is an engineering marvel – truly the 8th wonder of the world.
Purpose of the IHS

• The Interstate Highway System was constructed for national defense and interstate commerce.

• System planners recommended routing around urban areas; local leaders demanded that it pass through the heart of urban areas.

• Unfortunately, the Interstate has become “Main Street” in many communities serving as the main local traffic artery.
Desire to Access the IHS

• Since IHS construction began in the late 1950’s, attempts to “access” the system have been frequent and a source of conflict between State DOTs/FHWA and individuals/local governments.

• Transferring traffic from the local street network to the Interstate is often viewed as the solution to local congestion problems.

• Connecting streets and driveways to the IHS is frequently perceived as a path to individual and/or community economic gain.
Stewardship of the IHS

- Stewardship of the State Highway System, including the IHS, has been entrusted to DOTD.
- We take this responsibility very seriously and carefully consider a full range of possible impacts and possible futures when making policy decisions.
- Even so, for Interstate highways, the FHWA still exercises considerable oversight, particularly regarding adding or modifying access and regarding encroachments into the right-of-way.
Basic Interstate Section
Basic Interstate Section
Types of Frontage Roads

Two-Way
Types of Frontage Roads

Backage (two-way)
Types of Frontage Roads

Traditional One-Way
Types of Frontage Roads

Traditional One-Way Detail

CONTROL-OF-ACCESS
Types of Frontage Roads

Two-Way with Slip Ramps

STOP OR YIELD SIGN

CONTROL-OF-ACCESS
Types of Frontage Roads

X-Pattern One-Way
Types of Frontage Roads

Hybrid One-Way
DOTD Frontage Road Philosophy

• DOTD does not favor frontage roads.

• DOTD constructs frontage roads only when establishing new Interstate-type highways and only when such construction is less expensive than purchasing property that would otherwise be landlocked.

• Frontage roads result in greater concentrations of traffic in the Interstate corridor which in many cases is already congested.
DOTD Frontage Road Philosophy

• Frontage roads can cause operational and safety problems, even for the mainline of the Interstate.

• Frontage roads lead to land-use decisions and urban form not in keeping with current best planning practices.

• Frontage roads serve property on only one side. Backage roads are preferable.
Local governments may construct frontage roads:

- For “Two-Way” or “Backage” types, no approval or permits from DOTD or FHWA are required except at connections to state highways.

- For other types, DOTD/FHWA approval and permits are required.
DOTD Frontage Road Policy

However:

• Frontage roads must be constructed on new right-of-way.

• Interstate right-of-way was acquired, through expropriation in many cases, to ensure adequate room for future expansion and to ensure adequate separation between the facility and adjacent land uses.

• Interstate right-of-way was not acquired for the purpose of frontage road construction.
Traditional One-Way

• DOTD must own frontage road between ramp connection and crossroad.
• No access connections allowed between ramp connection and crossroad.
• IMR and tripartite agreement required.
Two-Way with Slip Ramps

• Only appropriate in rural areas (1) where traffic volumes on ramps, frontage roads, and crossroads are very light; (2) where sight distance is not restricted; and (3) where access to adjacent rural land was denied during construction of the Interstate and is now absolutely necessary.
• DOTD must own frontage road between ramp connection and crossroad.
• IMR and tripartite agreement required.
• DOTD will not allow this frontage road type.
• Continuity of control-of-access between Interstate mainline and state highway crossroad is not preserved.
• Autos/trucks traveling between Interstate and other state arterial highways should not be subject to travel on lower classification “collector” roads to make the connection.
Hybrid One-Way

- Frontage roads must connect one crossroad with another.
- X-Pattern One-Way allowed only for connections with local crossroads with control-of-access in vicinity of ramp connections.
- Connections to state highways must be Traditional One-Way with control-of-access preserved between mainline and crossroad.
- IMR and tripartite agreement required.