

Chapter 14-96

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STATE HIGHWAY SYSTEM CONNECTION PERMITS

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14-96.001 Purpose. This rule chapter is adopted to implement the State Highway System Access Management Act for the regulation and control of vehicular access and connection points of ingress to, and egress from, the State Highway System, and other transportation facilities under the Department's jurisdiction except for limited access facilities. This rule chapter does not apply to limited access facilities. The permitting of connections within the controlled access portion of interchange areas, pursuant to Rule 14-97.003(1)(j), F.A.C., however, is subject to the permitting procedures in this rule chapter. This rule chapter describes the connection permit application process and procedures, a voluntary preapplication process, and requirements for relocation, alteration, or closure of connections to the State Highway System. Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18 - 335.187 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03.

14-96.0011 Forms. The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
Driveway/Connection Application - Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	04/03
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	04/03
Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	06/06
Record Drawings Report by Permittee's Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94

Applicant Time Extension Form	850-040-22 04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23 06/06
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24 06/06
Violation and Notice to Show Cause	850-040-26 06/06

These forms are available from the Department of Transportation's local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 334.044(28), 335.182(2) FS. Law Implemented 334.044(14), 334.044(28), 335.18 - 335.187 FS. History - New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03, 7-2-06.

14-96.002 Definitions. For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) "Applicant" means the person submitting a connection permit application. An applicant may be a property owner or the owner's authorized agent. The Department will also accept a connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof of authorization from the property owner to submit the application executed before a notary public.

(2) "Application" means a completed Driveway/Connection Application - Category A, Form 850-040-14, 09/02, or Driveway/Connection Application for All Categories, Form 850-040-15, 04/03, the required application fee, and related property, site, driveway, roadway, and traffic information required in this rule chapter.

(3) "Average Daily Traffic (ADT)" means the average number of vehicles passing a specific point on a connection or roadway on an average day.

(4) "Connection" means as defined in Section 335.182(3)(a), Florida Statutes.

(5) "Connection Category" means a Department assigned permit designation based on estimated vehicle trips per day to and from the property as set forth by Rule 14-96.004, F.A.C., or derived through generally accepted professional practice.

(6) "Connection Permit" means a written authorization issued by the Department allowing for the construction of a specifically designed connection and any specific conditions related to the subject connection to the State Highway System at a specific location generating an estimated volume of traffic.

(7) "Connection Relocation, Alteration, or Closure" (pursuant to Section 335.187, Florida Statutes) means as follows:

(a) "Alteration" of a connection means Department action to substantially change the width of a connection or to change the availability of right turn exits or right turn entries. For purposes of this provision, two connections, one providing right turn entry and the other providing right turn exit, shall be considered one connection if they are within functional proximity of each other.

(b) "Closure" of a connection means a prohibition of the ability to enter and exit via the connection.

(c) "Relocation" of a connection means an action to substantially move a connection, or to move a connection to a service road connected to the state highway.

(8) "Controlled Access Facility" for the purpose of this rule chapter means a transportation facility to which access is regulated through the use of a permitting process by the Department.

(9) "Department" means the Florida Department of Transportation.

(10) "Development Approval or Order" means an official action by the governmental authority having jurisdiction to approve a development site plan or to authorize construction of any permanent improvements on the property.

(11) "Directional Median Opening" means an opening in a restrictive median designed to control certain and specific turning movements from the state highway.

(12) "Distance Between Connections" means the distance measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

(13) "Florida Intrastate Highway System" means the system of limited access and controlled

access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Florida Intrastate Highway System may only be included as part of this system as designated pursuant to Sections 334.04 and 338.001, Florida Statutes.

(14) "Full Median Opening" means an opening in a restrictive median designed to allow all safe turning movements.

(15) "Generally Accepted Professional Practice" for the purpose of this rule chapter means the use of professional engineering and planning knowledge in the applicable professional publications, such as traffic studies or traffic study guidelines done in accordance with the procedures of recognized traffic or transportation organizations and agencies such as the Transportation Research Board, Eno Foundation, Institute of Transportation Engineers, or design standards or principles of the American Association of State Highway and Transportation Officials (AASHTO), the Department, or the Federal Highway Administration (FHWA).

(16) "Governmental Entity" means as defined in Section 11.45, Florida Statutes, or an officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(17) "Joint Use Connection" means a connection that provides access to more than one property or development including those in different ownerships.

(18) "Limited Access Facility" means a street or highway established as such pursuant to Section 338.01, Florida Statutes, and meeting the definition of Section 334.03(13), Florida Statutes, including interchange areas and other facilities within the limited access right of way.

(19) "Median" means the portion of a divided highway separating vehicular traffic traveling in opposite directions. See "Restrictive Median" and "Non-Restrictive Median" also defined.

(20) "Modification" of a connection means relocation, alteration, or closure of a connection.

(21) "Non-Restrictive Median" means a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways. See "Restrictive Median" also defined.

(22) "Operational Characteristics of a Connection," as specified in Section 335.184(3), Florida Statutes, means turning movements, turning radii, channelization, grade, and connection width.

(23) "Property Owner" means the person or persons holding the recorded title to property abutting the state highway system, and other persons holding a recorded interest in such property that includes the right of access.

(24) "Public Road System" means the State Highway System, county roads, and city streets.

(25) "Reasonable Access" means the minimum number of connections, direct or indirect, necessary to provide safe and efficient ingress and egress to the State Highway System based on Section 335.18, Florida Statutes, the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use.

(26) "Replacement" means reconstructing an existing connection without alteration or relocation of the connection.

(27) "Restrictive Median" means the portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians are physical barriers that restrict movement of traffic across the median such as a concrete barrier, a raised curb island guard rail, or a grassed or swaled median.

(28) "Right of Way" means land or interest therein, acquired for or devoted to transportation purposes. More specifically, land in which the governmental entity owns the fee simple title, has an easement devoted to or acquired for use as a public road and appurtenant facilities, or has established ownership by means of a published map pursuant to Section 95.361, Florida Statutes.

(29) "Safety Upgrade Category" includes all modifications to existing connections initiated by the property owner, which improve the safety of the public road system(s) and the connection. This category is not applicable to connections involving significant change. Examples of this type of work are increase of turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of a connection to better meet Department standards, and connection closure.

(30) "Security Instrument" means a letter of credit or bond as described in Section 334.187, Florida Statutes. (31) "Significant Change," means as defined in 335.182, Florida Statutes. If the Department determines that the increased traffic generated by the property does not require

modifications to the existing permitted connections, a new permit application shall not be required.

(32) "State Highway System" means the network of limited access and controlled access highways that have been functionally classified as such, and which are under the jurisdiction of the State of Florida pursuant to Section 334.03(25), Florida Statutes.

(33) "Traffic Control Features and Devices" includes signs, markings, traffic signals, channelizing islands, medians, median openings, and turn lanes, described in the *Manual on Uniform Traffic Control Devices* (MUTCD), (incorporated by reference in Rule 14-15.010, F.A.C.).

(34) "Traveled Way" means the portion of roadway for the movement of vehicles, not including shoulders and auxiliary lanes.

(35) "Trip" means a one way vehicle movement. For example, one customer visiting an establishment in a car usually equals two trips, one in and one out.

(36) "Trip Generation" means the number of trips, existing or projected, based on actual counts or the estimation methodology in the 6th Edition of the Institute of Transportation Engineers *Trip Generation Report* or other generally accepted professional practice.

(37) "Vehicle Trips Per Day (VTPD)" means the average number of vehicle trips generated on an average day by a specific site development. For the purpose of this rule chapter VTPD will not be adjusted for roadway diversion, which estimates what percent of land use trips were already existing on the road system and not new trips specially generated by the land use.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18 -335.187 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03, 12-28-03.

14-96.003 General Provisions.

(1) Local Permits and Approvals. Connection permits authorize the initiation of construction of connections within Department right of way and the maintenance of connection(s) according to the permit provisions and adopted Department standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction. No person may construct, relocate, or alter a connection without first obtaining a connection permit from the Department, as provided in this rule chapter, regardless of governmental entity permits and approvals.

(2) Pre-Application. Prior to filing an application and prior to receipt of development or site plan approval, all applicants, but in particular those applying for a Category C, D, E, F, or G connection, are strongly encouraged to request a pre-application meeting to review the site plan with the Department and other governmental entities, as appropriate, with respect to the proposed connection(s)' location. This review will be performed by the Department without a fee.

(a) Purpose of Pre-Application Meeting. The purpose of the pre-application meeting is to establish the connection(s) category and the general location and design of the connection(s) to the property. **Traffic study requirements may also be determined during this meeting.**

(b) Non-Binding Nature of the Pre-Application Meeting. The pre-application meeting is advisory only and the results of this meeting are not binding on the Department or the applicant. An application must be submitted and a connection permit must be issued before the applicant can initiate construction.

(3) Cost of Construction.

(a) The cost of all construction related to the permit shall be the responsibility of the applicant.

(b) Existing permitted connections impacted by the Department's current construction activities and which require relocation, alteration, closure, or safety upgrade in order to meet current adopted Department standards shall be relocated, altered, closed, or upgraded for safety by the Department at no cost to the permittee.

(4) Traffic Control Features and Devices in the State Right of Way. Traffic control features and devices in the right of way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes are operational and safety characteristics of the State Highway System and are not means of access. The Department may install, remove, or modify any present or future traffic control feature or device in the right of way to promote traffic safety in the right of way or promote efficient traffic operations on the highway. A connection permit is only issued for connections and not for any present or future traffic control features or devices at or near the permitted connections. The permit may describe these features and/or devices, but such

description does not create any type of interest in such features.

(5) Other Review Processes. The Department shall not be obligated to permit or approve any connection, traffic control feature or device, or any other site related improvement that has been specified in a development approval process separate from the official connection approval process described in this rule chapter. However, early coordination may minimize conflicts at application time.

(6) **Alternative Access Plans.** If the requirements of Rule Chapter 14-97, F.A.C., or other adopted Department access management standards, cannot be reasonably complied with, or if the standards can be met but the applicant desires to submit an alternative plan, the applicant may submit alternative access plans which will require approval of the Department's District Secretary or designee. The acceptance of any alternative access plans shall be based upon maximum achievement of the purpose of Rule Chapter 14-97, F.A.C., and Sections 335.18 - 335.188, Florida Statutes. **Any alternative access plan proposed under this section will need to provide documentation, in a traffic study signed and sealed by a professional engineer registered in the State of Florida of how the plan better serves the driving public and not just the applicant or its clients or customers.** The Department will also consider the transportation conditions stated in Section 335.184(3)(a), Florida Statutes. See also, Rules 14-96.007(4)(a)2. and 14-96.009, F.A.C.

(7) Limited Access Facilities. Owners of property abutting limited access facilities have no right of access to such facilities. Requests for any access (such as new interchanges) to limited access facilities will not be processed under this rule chapter. Specific Authority 334.044(2), 335.182(2), 335,183, 335.184 FS. Law Implemented 334.044(14), 335.18 - 335.187 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03.

14-96.004 Connection Categories and Fees. All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) Standard Connection Categories. The following table summarizes the standard connection categories and application fees:

DESCRIPTION/PROJECTED AVERAGE VEHICLE TRIPS PER DAY OF SITE	APPLICATION FEE
Category A - Uses to 20 VTPD	\$ 50
Category B - Uses with 21 - 600 VTPD	\$ 250
Category C - Uses with 601 - 1,200 VTPD	\$1,000
Category D - Uses with 1,201 - 4,000 VTPD	\$2,000
Category E - Uses with 4,001 - 10,000 VTPD	\$3,000
Category F - Uses with 10,001 - 30,000 VTPD	\$4,000
Category G - Uses with 30,000 + VTPD	\$5,000

(2) Special Connection Categories.

(a) "Temporary Connection Category" provides a temporary, time limited connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use is the ultimate use of the property. Further, a temporary connection permit does not bind the Department in any way to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee's own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

ELEMENT DESCRIPTION	URBAN (CURB & GUTTER)			RURAL		
	1-20 Trips/Day or 1-5 Trips/Hour	21-600 Trips/Day or 6-60 Trips/Hour	601-4000 Trips/Day or 61-400 Trips/Hour	1-20 Trips/Day or 1-5 Trips/Hour	21-600 Trips/Day or 6-60 Trips/Hour	601-4000 Trips/Day or 61-400 Trips/Hour
		2-Way □	2-Way □		2-Way □	2-Way □
CONNECTION WIDTH W	12' Min. 24' Max.	24' Min. 36' Max. ☆	24' Min. 36' Max. ☆	12' Min. 24' Max.	24' Min. 36' Max. ☆	24' Min. 36' Max. ☆
FLARE (Drop Curb) F	10' Min.	10' Min.	N/A	N/A	N/A	N/A
RETURNS (Radius) R & U	N/A	Δ	25' Min. 50' Std. 75' Max.	15' Min. 25' Std. 50' Max.	25' Min. 50' Std. 75' Max.	25' Min. 50' Std. (Or 3-Centered Curves)
ANGLE OF DRIVE Y		60°-90°	60°-90°		60°-90°	60°-90°
DIVISIONAL ISLAND (Throat Median)		4'-22' Wide	4'-22' Wide		4'-22' Wide	4'-22' Wide
SETBACK G	12' Min., All categories. See General Note No. 5.					

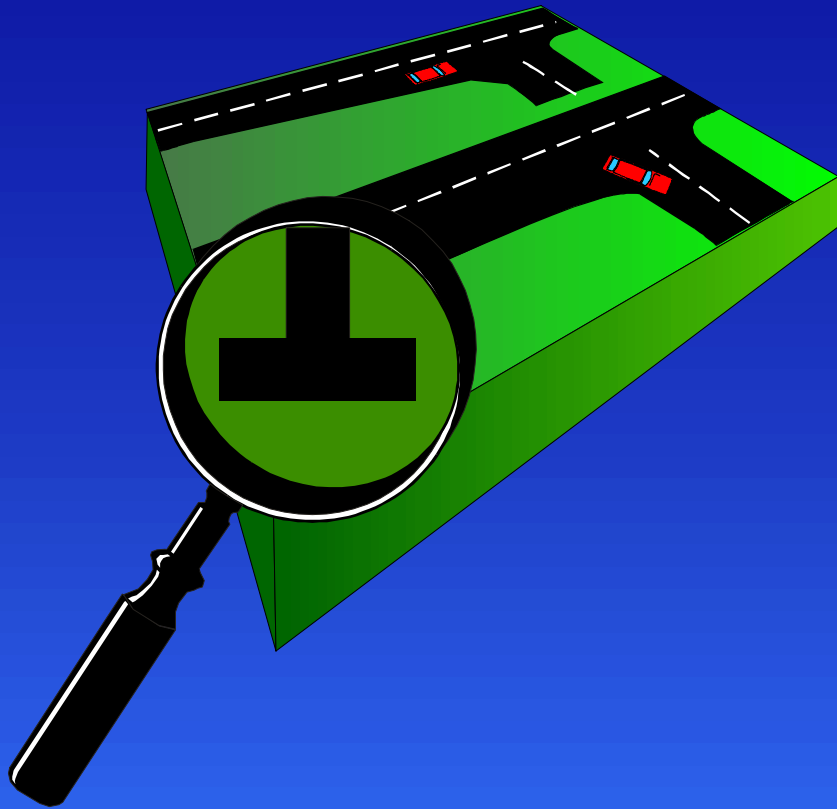
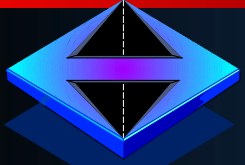
Corresponding g to the categories in 14-96

- Street or road intersection design, with possible auxiliary lanes and channelization, may be necessary. Intersection design, with possible auxiliary lanes and channelization, should be considered for connections with more than 4000 trips/days.
 - "2-Way" refers to one "in" movement and one "out" movement i.e., not exclusive left or right turn lanes on the connection.
 - ☆ When more than 2 lanes in the turnout connection are required, the 36' max. width may be increased to relieve interference between entering and exiting traffic which adversely affects traffic flow. These cases require documented site specific study and design.
 - Δ Small radii may be used in lieu of flares as approved by the Department.
- DESIGN NOTE: 1-Way connections will be designed to effectively eliminate unpermitted movements.

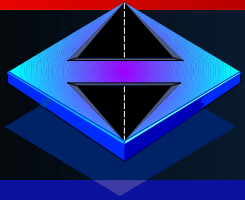
From the Standard Index 515 "Turnouts"

NOT INTENDED FOR FULL INTERSECTION DESIGN
SUMMARY OF GEOMETRIC REQUIREMENTS FOR TURNOUTS



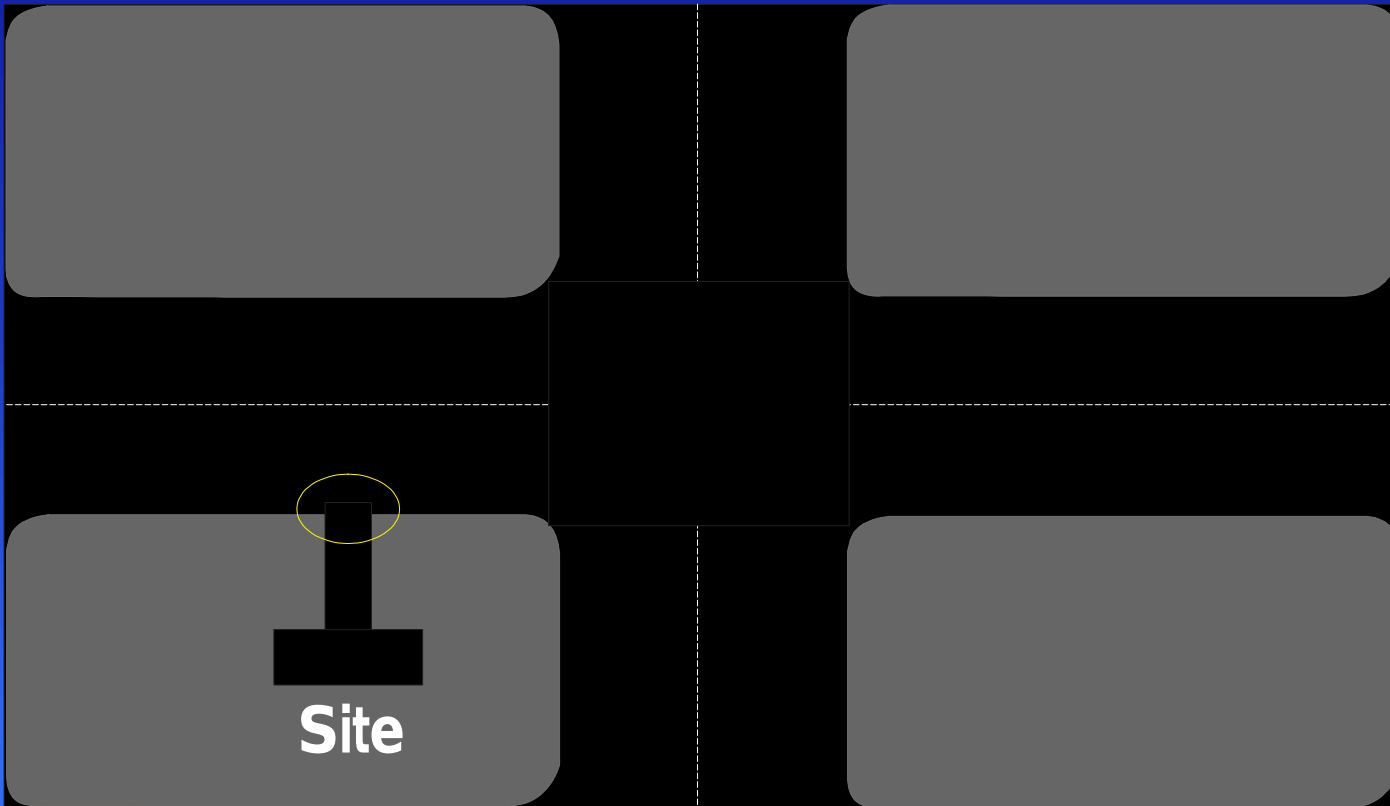


Guidelines for External Study Area

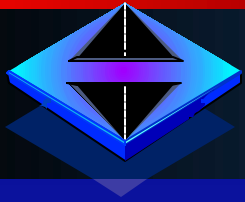


Traffic Assessment Categories A and B

1 - 600 trips per day
Traffic generally of little impact



Examples Category A & B
Single Family Home
Duplex
Mom and Pop Catering

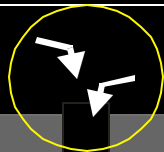


Traffic Assessment Categories C

601 - 1,200 trips per day

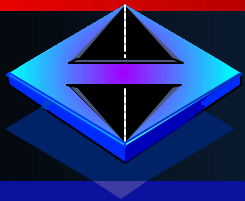
Evaluate driveway movements for potential problems

- You may require study if you have concerns



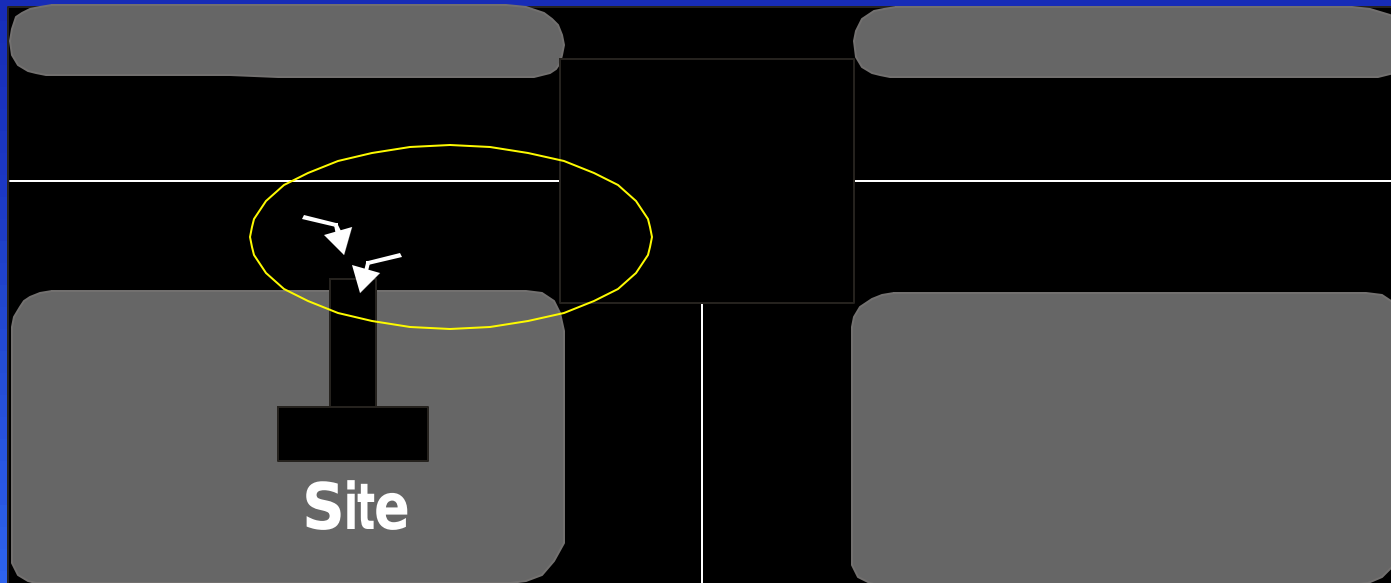
Site

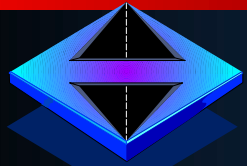
Examples Category C
50 home subdivision
30,000 sq ft Medical Office
100 room Motel
50,000 sq ft General Office



Traffic Assessment Categories D

A comprehensive study may be necessary
1,201 - 4,000 trips per day
Evaluate driveway movements
Assess impacts on nearby intersections





Examples Category D

1,201 - 4,000 trips per day

300 home subdivision

35,000 sq ft Shopping Center

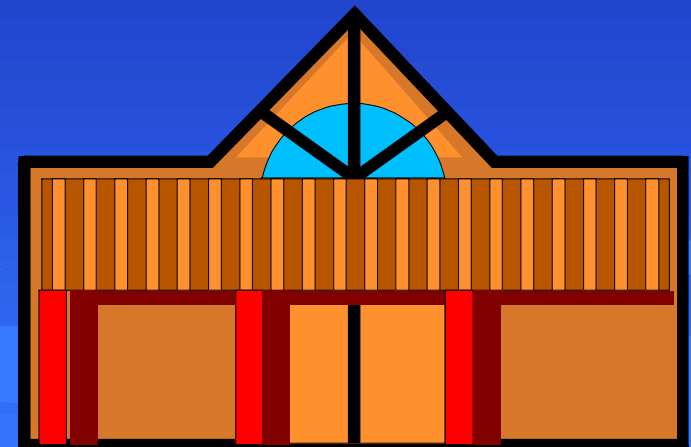
- neighborhood size

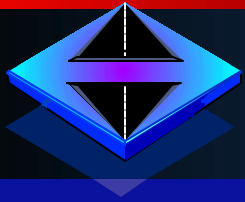
1,000 sq ft Convenience Market

- with 6 fueling stations

300,000 sq ft General Office

- approx. 25 acres at suburban densities



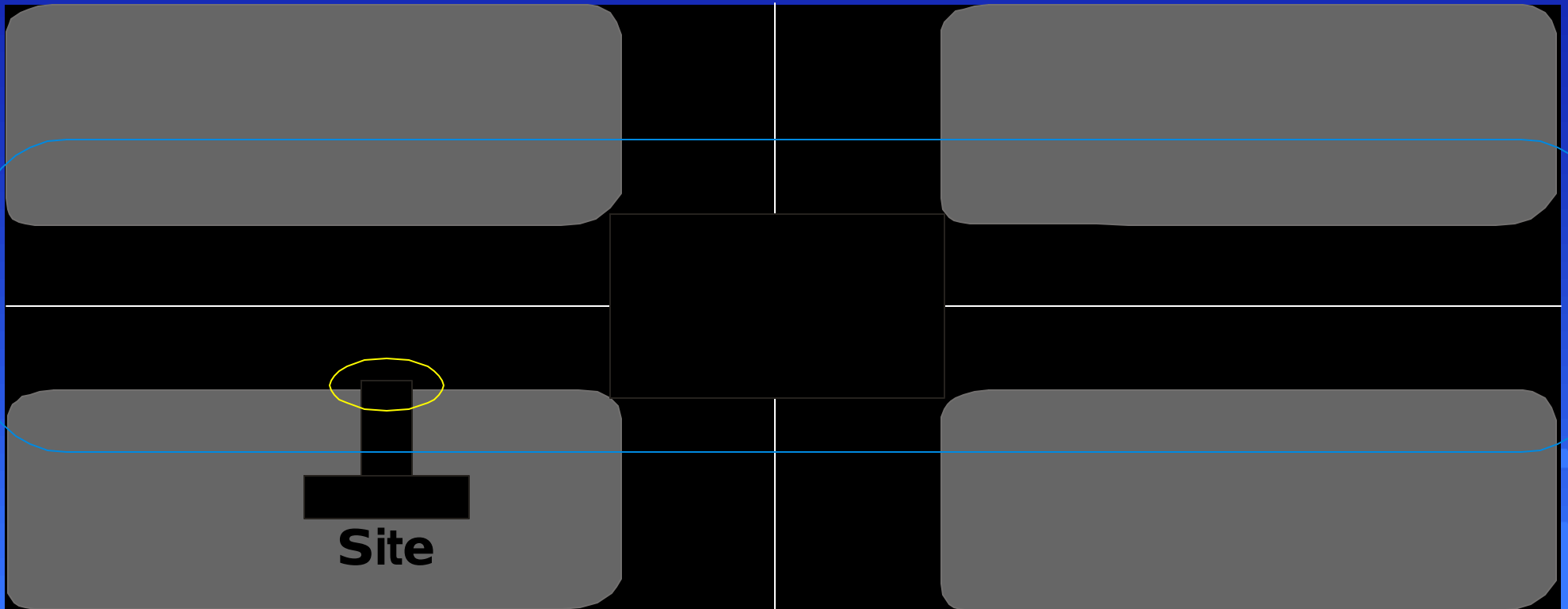


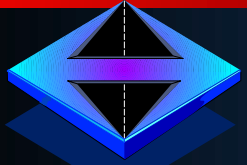
Traffic Assessment - Category E

4,001 - 10,000 trips per day

Evaluate driveway movements

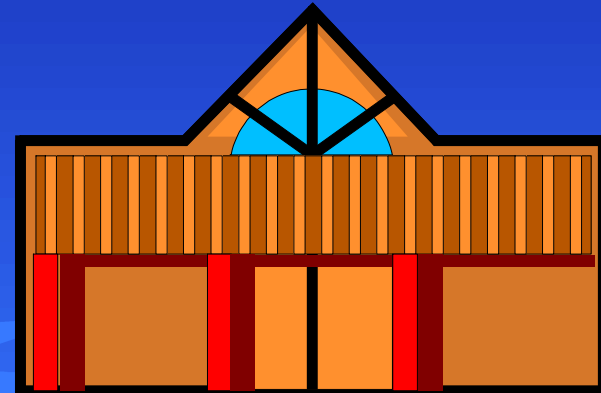
Assess impacts on several nearby intersections

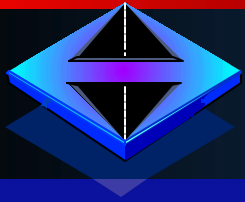




Examples Category E

4,001 to 10,000 trips per day
400,000 sq ft of General Office
150,000 sq ft shopping center
500 home subdivision





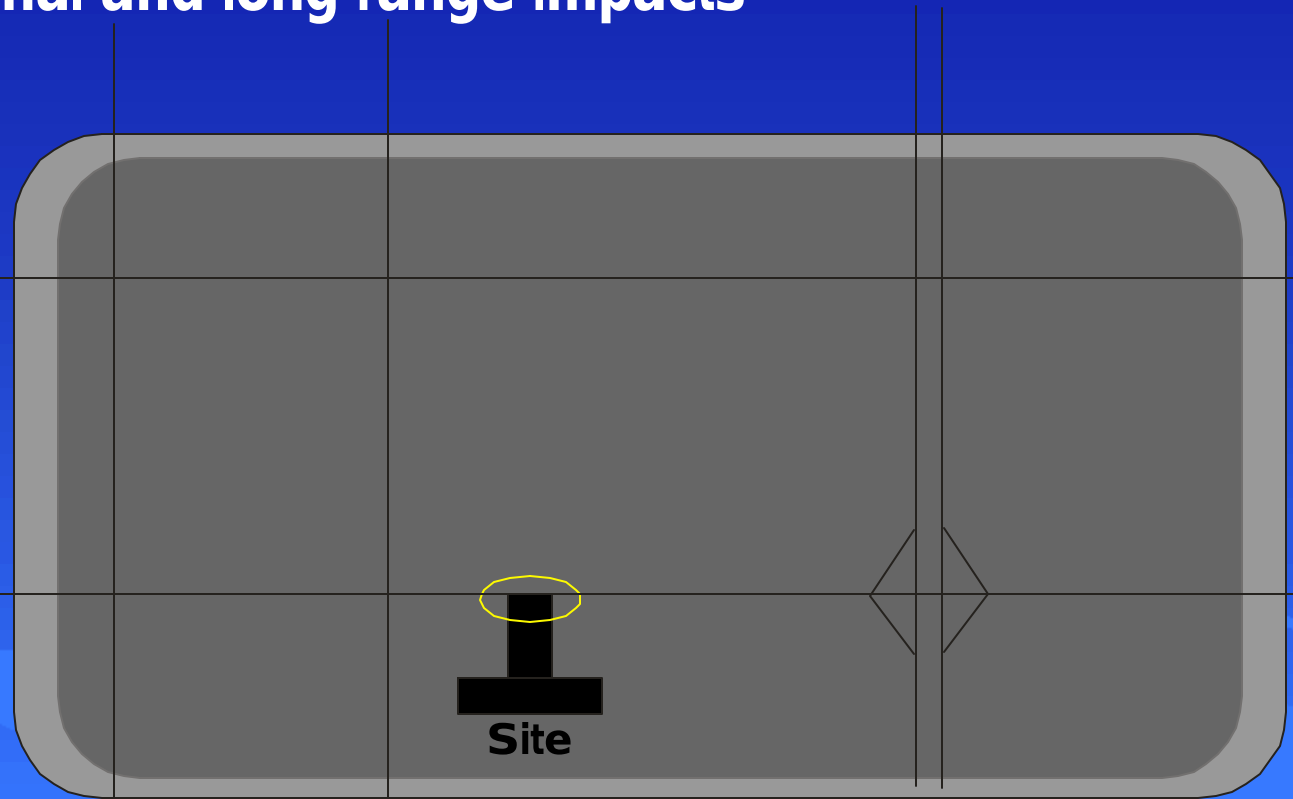
Traffic Assessment - Category F

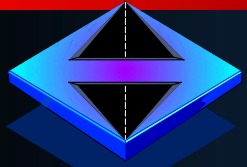
10,000 - 30,000 trips per day

Evaluate driveway movements

Assess impacts on several nearby intersections

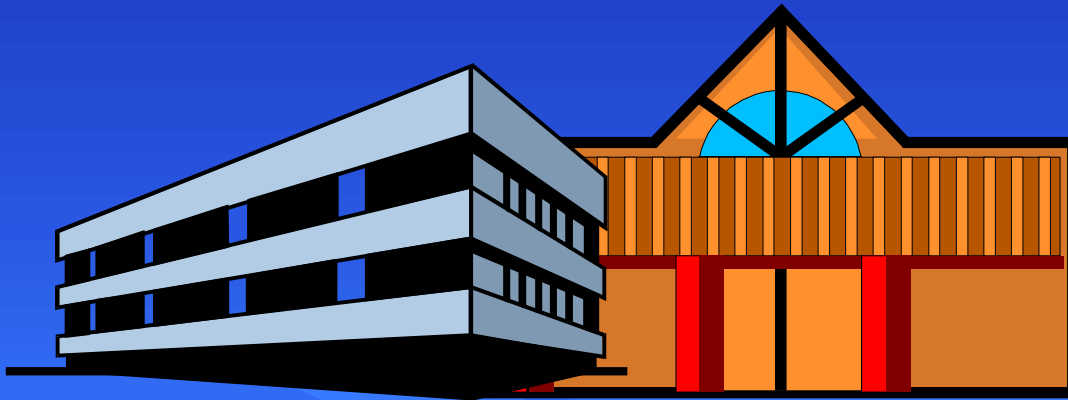
Includes regional and long range impacts

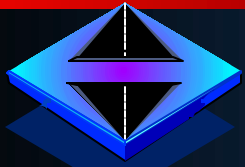




Examples Category F

- **10,000 - 30,000 trips per day**
- **1.4 Million sq ft General Office**
- **200,000 sq ft shopping center**
- **2,000 Home subdivision**



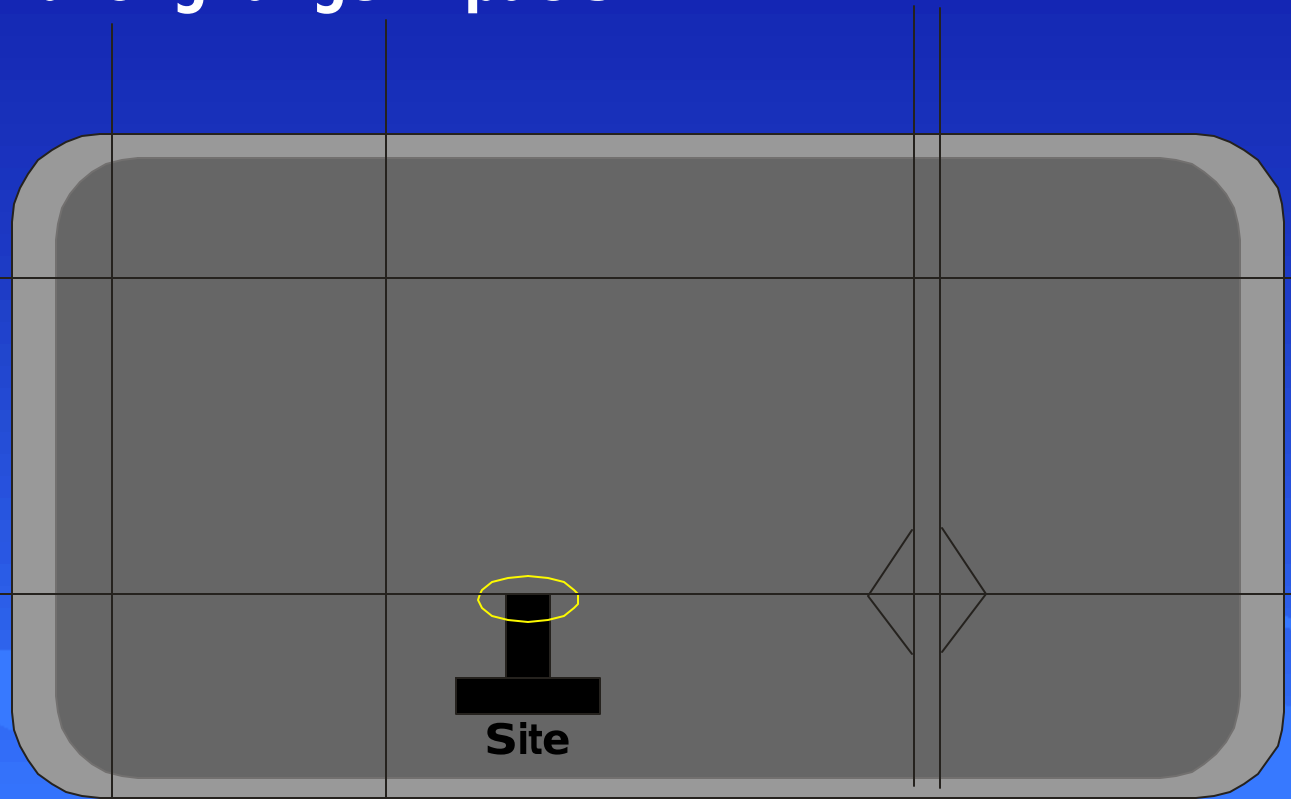


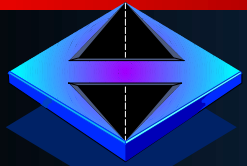
Traffic Assessment - Category G

Over 30,000 trips per day

Assess impacts on intersections and wide range of facilities

Includes regional and long range impacts





Examples - Category G

- **1.5 Million sq ft Regional Mall**
- **6 Million sq ft General Office**
- **Large mixed use**



(b) "Government Entity Category" provides for a connection or connection modification for any new or substantially improved public road or connection to a governmental facility. The fee will be waived if the applicant is a governmental entity.

(c) "Safety Upgrade Category" shall not be used for connections involving significant change. These applications shall be initiated by the applicant and will not require a fee.

(3) Phased Developments. New phases of an existing development requiring a new permit will have their fee based on the development in the individual phase.

(4) Fee Payment Type. Full payment of fees shall be made by cashier's check, certified check, personal or business check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department's pre-paid account practices. If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier's check, certified check, personal or business check, cash, or money order is presented. The application fee is non-refundable, as required by Section 335.183, Florida Statutes.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18 - 335.187 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03, 1-25-04, 3-19-06.

14-96.005 Application.

(1) Connection Permit Application and Information. The Driveway/Connection Application - Category A, Form 850-040-14 (09/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (04/03), and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application, (with original signatures, the number of signatures to be determined by the District staff) application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

(a) The Department suggests that prior to submitting an application the applicant ask the Department about the level of detail and additional information requirements pursuant to this rule chapter. See Rule 14-96.003 (2), F.A.C.

(b) The Department will request clarification or additional information required in this rule chapter during the application review process where the applicant has failed to complete the application.

(c) Failure to provide the requested information within time limits specified within this rule chapter shall result in the review and decision being based on information provided.

(d) An application will not be accepted if the appropriate fee is not paid.

(e) The applicant shall be allowed to submit any site specific information which the applicant deems to be pertinent to the Department's review of the connection application.

(2) Changes in Property Use.

(a) Where additional traffic is projected due to expansion or redevelopment, the property owner shall contact the Department to determine if a new permit application and modification of existing connections will be required. If the Department determines that the increased traffic generated by the property results in a significant change, a new application shall be required.

(b) Failure to contact the Department to determine the need for connection modifications or to submit a new application for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change will result in notification to the property owner of the Department's intent to revoke or modify the existing permit and closure of the connection to the property as specified in Rule Section 14-96.011(2), F.A.C.

(c) Vacant or Abandoned Sites. For purposes of determining the "existing use" of a property under the definition of significant change, the following criteria apply:

1. For connections under Sections 335.187(1) and (2), Florida Statutes, the use of the property on July 1, 1988, shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

2. For connections under Section 335.187(4), Florida Statutes, the use of the property reflected in the permit shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

3. The use of a property is considered discontinued when there has been a cessation of trips to the property, except for trips to maintain or market the property associated with that use. The use of the property will also be considered discontinued where the business located on the property has been out of service for a period of one year or more.

4. If the use of a business has been discontinued for the period of one year or more, any use proposed by an applicant shall constitute significant change.

(d) The applicant is responsible for all costs associated with relocation, alteration, or closure of a connection if the need for relocation, alteration, or closure is caused by the actions of the applicant.

(3) Information Required for All Applications. The following information is required of all applications for all connections categories:

(a) Identification of property owner and applicant. The complete names, and current mailing addresses and telephone numbers of property owner(s), the authorized representative.

(b) Notarized letter of authorization. If the applicant desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the applicant designating the authorized representative shall be provided with the application package.

(c) Responsible person. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed with the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) Location of all existing and proposed connections. This will include a site plan indicating any physical features (existing and proposed) that would have an impact on traffic circulation and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles.

(4) Additional Information Required for Category C, D, E, F, and G Applications. In addition to the information required on all applications, the following information is required on all Category C, D, E, F, and G applications:

(a) Trip generation data. The applicant will estimate the site's ADT and peak hour trip generation. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour for the proposed property use. This determination of the most critical peak hour will be made considering both the peaking characteristics of the proposed site and the surrounding road system. Estimates shall be made in accordance with the 6th Edition *Trip Generation Report*, published by the Institute of Transportation Engineers, Washington D.C., or other generally accepted professional practice. If the Department determines, that the trip generation data provided by the applicant are not accurate or not realistic, the Department will require further trip generation analysis signed, sealed, and dated by a Professional Engineer registered in the State of Florida.

(b) Site plan. Each site plan submitted with a Category C, D, E, F, or G application shall contain the following (by phase) (recent aerial photographs of sufficient scale and clarity may be used in conjunction with the following):

1. Any physical features (existing or proposed) such as buildings, other structures, or natural features which would have an impact on traffic circulation and sight distances on the public road system.

2. Traffic circulation plan and parking lay out.

3. Right of way and property lines (surveys are acceptable, but not required.)

4. Any existing joint access or cross access connection features

5. A plat map showing abutting parcels and ownership.

(c) Transportation facility and neighboring connection information. Each site plan submitted for a Category C, D, E, F, or G application shall also contain the following information:

1. Road names and highway numbers for all abutting roads and highways.

2. The Department's county section and milepost number (this identification is available at the Department).

3. Existing laneage for all roads abutting the development, including left and right turn storage and auxiliary lanes and medians.

4. Location of future roads (known to the applicant) and improvements to existing roads.

4. Location of future roads (known to the applicant) and improvements to existing roads abutting or entering the property.

5. Neighboring connections and median openings. The location and type of connections (on both sides of the road), median openings, intersections, and traffic signals within the following distances from the site's property lines:

a. If the posted speed limit is over 45 MPH then the distance of the features documented shall be 1,320 feet, or to the closest public street intersection, whichever is less.

b. If the posted speed limit is (45 MPH or less, the distance of the features documented shall be 660 feet, or to the closest public street intersection, whichever is less.

c. Recent aerial photographs of sufficient scale and clarity to depict the site and the immediate area may be used to provide this information.

d. The Department will waive or reduce the requirement for neighboring connection information where restrictive medians or other physical features negate the need for this information.

e. If the Department determines that additional information is needed (such as connection location farther than the distances stated here) the Department shall request such information in writing and at the same time provide the justification for the need for information in writing.

(d) Connection location and design information. Applications for connection categories C, D, E, F, and G, as well as public road system connections and those connections requiring auxiliary lanes, shall contain detailed connection and design information, in accordance with the Department's *Plans Preparation Manual*, January 2000, or other generally accepted professional practice. This information shall be signed, sealed, and dated by a Professional Engineer registered in the State of Florida. The connection location and design information will include:

1. Location of all proposed connections, connection profiles, as well as public road system connections, and those connections requiring auxiliary lanes, connection width, connection radii, connection angle.

2. Design and cross section (to the right of way line) of auxiliary lanes and pavement to serve the requested connection(s).

3. Location and type of traffic control devices proposed.

4. Proposed pavement marking and signing.

5. Location and type of drainage features existing and proposed within the right of way.

6. Median opening design and cross-section, for any new or modified median or median opening to be used by the property's traffic.

7. Type of roadway materials to be used.

8. Location and type of existing utilities.

9. The maintenance of traffic control plan must conform to the Federal *Manual on Uniform Traffic Control Devices*, incorporated by reference in Rule 14-15.010, F.A.C. The maintenance of traffic plan must also conform to the Department's *Design Standards*, January 2002, incorporated by reference in Rule 14-96.008. The expected time of roadway closure must be in accordance with the Department's *Plans Preparation Manual*, January 2003, incorporated by reference in Rule 14-96.008, or other generally accepted professional practice. A maintenance of traffic plan which does not conform to the *Plans Preparation Manual* and the *Design Standards* must be signed and sealed by a Professional Engineer registered in the State of Florida.

10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.

11. Indication of all proposed turning movements.

(e) Traffic Study Requirements For Category C, D, E, F, and G applications, or any application requesting or requiring a new traffic signal, new median opening, auxiliary lane, or modified median opening, the following traffic study data requirements apply. The specific detail and content of the traffic study will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service, and safety concerns. Any traffic study (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed, dated, and sealed by a Professional Engineer registered in the State of Florida. All work submitted by such a Professional Engineer in a traffic study will be reviewed by or under the supervision of a Department Professional Engineer registered in the State of Florida. The traffic study must include:

1. Critical peak hour turn movements from each proposed connection and abutting public road in graphic form.

2. Traffic operations analysis of sufficient depth to analyze the impacts of the development on

2. Traffic operations analysis of sufficient depth to analyze the impacts of the development on the surrounding transportation system.

3. An appropriately sized study area and time horizon based upon the type and size of the development.

(f) Category C Exemptions. Category C applicants are exempt from some of the requirements listed above if the applicant can show that the information would have no significant bearing on the permitting decision process.

Specific Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 334.044(28), 335.18 - 335.187 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03, 12-28-03.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) Application Submittal. The application shall be submitted to the Department's District Permits Office or to the Department's District Maintenance Office.

(2) Application Completeness Review. The Department shall notify the applicant within 30 days of submittal, using State Highway Access Connection Completeness Review, Form 850-040-21, (11/94), if additional information is needed, or if there are errors or omissions. This notification will list those items needed to complete the application, consistent with the requirements of this rule chapter or additional information needed to evaluate the application. If such a request for additional information is given to an applicant within the 30-day period, the application will be deemed incomplete until the additional requested information is supplied to the Department. An application that requires a fee will not be accepted without the fee.

(a) Unless otherwise indicated in the notice of completeness review, applicants must provide such requested information within 60 days of the receipt of the Access Connection Completeness Review Form.

(b) If the additional information has not been received by the Department within the prescribed time from the date of notification, the application shall be processed based upon the information provided.

(c) If no additional information is requested during the prescribed 30-day Completeness Review Period, the application shall be deemed complete as of the date the Department received the application.

(3) Applicant Time Extension. If the applicant needs more time to provide additional information or correct deficiencies in the application than allowed under this rule chapter, then the applicant may request a waiver of the time requirements by stating the reasons in writing on an Applicant Time Extension Form, Form 850-040-22, (04/93).

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's decision of approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), if either:

1. The Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in Section 14-97.003(1)(e), F.A.C.; or

2. The Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. and the Department is not imposing any additional conditions, the Department will issue a permit.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06), if the Department determines that an application is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in Rule 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When an applicant seeks a permit for additional or alternative connection(s) the previously permitted connections are presumed to provide reasonable access to the State Highway System unless the property owner shows:

1. That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was filed; or

2. That circumstances relating to traffic safety and efficiency, outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06), is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06), unless it is in writing, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the time period allowed for a denial challenge has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06).

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), may be extended, upon Department approval, upon a showing of good cause by the applicant (such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), may be assigned to a purchaser or new occupant within one year of issuance if there is no change in the land use or in the site plan and the Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06), before a connection permit can be issued:

1. Development approval from the appropriate governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06);

2. Assurance of performance pursuant to Section 334.187, Florida Statutes.

3. An indemnity agreement shall be executed by the applicant wherein it is agreed that the

Department shall be indemnified, defended, and held harmless from any and all claims, demands,

Department shall be indemnified, defended, and held harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

a. Any act or omission by the applicant or the applicant's contractors, agents, servants, or employees in connection with any construction activities undertaken pursuant to the connection permit.

b. The negligence of the applicant or negligence of the applicant's contractors, agents, servants, or employees.

c. Any other event or act that is the result of, or proximately caused by, the applicant or the applicant's contractors, agents, servants, or employees in constructing or maintaining the connection or any other features.

4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C.

5. Special requirements added to promote safety and efficiency.

6. Liability Insurance For All Category C, D, E, F, and G Permits. Before construction is to begin, the applicant shall deliver to the Department proof of insurance verifying that the applicant or the applicant's contractor has coverage under a liability insurance policy issued by an insurance company authorized to do business in the State of Florida naming itself as insured, and the Department as an additional named insured, which policy shall contain contractual endorsement specifically covering the liabilities arising from the indemnity agreement.

a. The policy shall provide public liability insurance, including property damage, in the amount of \$500,000 combined single limit for each occurrence.

b. The above required policy shall be endorsed with a provision requiring the insurance company to notify the Department 30 days prior to the effective date of cancellation or of any material change in the policy if the change occurs during the construction period.

c. The applicant shall pay all premiums and other charges due on said policy and keep said policy, or a materially identical replacement policy, in force to insure the entire period of construction of the connection.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (06/06), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06). A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the permittee.

(7) Concurrent Governmental Entity Review. Nothing contained herein shall preclude concurrent review of the permit application by the Department and governmental entities.

(8) Permit Conditions. Failure by the applicant to abide by the permit conditions that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or to revoke the permit and close the connection at the expense of the applicant, subject to the provisions in this rule chapter, or for the Department to have the necessary modifications made and seek payment from the applicant. The permit requirements shall be binding on the applicant, the applicant's successors, heirs, and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require permits to be recorded in the public records with the legal description of the property when cross or joint access exists, when permit conditions requiring future performance by the permittee exist such as installation of traffic control features or devices, or when other conditions warrant

recording

(9) Government Owned Rail or Non-Highway Use Corridors. Corridors including separate pedestrian trails, bike trails, current or abandoned exclusive bus or transit corridors, current or abandoned rail corridors, or waterways, are not part of the State Highway System and are not subject to the provisions of the Access Management Act, Sections 335.18 - 335.188, Florida Statutes. These corridors, that abut the State Highway System, are considered intervening property and property on the other side of such a corridor will not be considered to be abutting the State Highway System. Action will be taken under Rule 14-96.011, F.A.C., to modify an existing connection across a corridor if it interferes with the safe or efficient operation of the corridor or State Highway System.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181 - 335.1825, 335.184, 335.185 FS. History - New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03, 7-2-06.

14-96.008 Construction and Maintenance of Traffic Requirements. All construction and maintenance on Department right of way shall conform to the Federal *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. All construction and maintenance on Department right of way shall also conform to the Department's *Design Standards*, January 2002, Topic #625-010-003; the *Standard Specifications for Road and Bridge Construction*, 2000 Edition, the Department's *Plans Preparation Manual*, January 2003, or other generally accepted professional practices. With the exception of the MUTCD, which already is incorporated by reference under Rule 14-15.010, F.A.C., the manuals and standards specifically listed in this section are hereby incorporated by reference and made a part of the rules of the Department of Transportation.

(1) Disruption of Traffic. For safety and operational purposes, the Department may require or restrict hours of construction to minimize disruption of traffic on the State Highway System. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a state highway, the District Secretary or designee shall advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

(2) Connection Completion Time Limit. Construction shall be completed within one year of the date of issuance of the permit. Failure to comply with the one year time limit shall result in an automatic expiration of the permit unless extended by the Department as described in Section 335.185(2), Florida Statutes. A stop work order may be issued by the Department if work exceeds the imposed time restrictions. For any permit which expires for failure to construct the connection within the one year limit, the applicant shall submit a new application, including the payment of the required application fee prior to the initiation or continuation of any construction.

(3) Assurance of Performance. Assurance of performance pursuant to Section 334.187, Florida Statutes, will be required if the permit requires extensive work within the right of way, such as auxiliary lanes, median modifications, relocation of structures, or traffic signals.

(a) Prior to the issuance of a permit, the applicant shall provide a security instrument in the estimated dollar amount of the improvements in the right of way. The Department shall be named as the beneficiary. The security instrument shall be provided to the Department before the permit is issued. The security instrument shall be valid for a sufficient time to cover the construction and inspection of the permitted work, but for not less than 18 months.

(b) The applicant shall provide the estimated cost of improvements on right of way in a document signed, sealed, and dated by a Professional Engineer registered in the State of Florida.

(c) Security Instrument Receipt, Form 850-040-20, (04/93) must be used.

(d) Such security instruments shall be required except when a performance bond covering the work on the right of way is included as part of the bond necessary for development approval by the local governmental entity and the Department is a named beneficiary.

(e) The Department will waive the security instrument requirement when there is an agreement with the local governmental entity to withhold the certificate of occupancy until problems are corrected and there is no indication that the requirements of this rule chapter will be violated.

(f) The Department shall require a security instrument for any connection or access feature, construction, or permit activity if the activity is in relation to:

1. An unpermitted connection that is going through the process of becoming permitted:

...an unpermitted connection that is going through the process of becoming permitted,

2. The correction of a safety hazard caused by activities on the property; or

3. Modification of an existing connection or traffic control feature or device as per Rule 14-96.011, F.A.C., for changed conditions on the property.

(g) The security instrument will be returned to the applicant when final inspection by the Department shows that the work has been completed as permitted.

(4) Posting of Permit. The approved connection permit shall be displayed in a prominent location in the vicinity of the connection construction.

(5) Traffic Signals and Other Traffic Control Devices. Such devices, installed by a applicant, shall conform to the MUTCD and Department design and construction standards. The applicant is responsible for securing any additional permit or governmental entity approval needed for traffic signalization and regulatory signing and marking.

(6) Professional Engineer Statement of Construction for Extensive Roadway Construction or Large Developments. If the permit requires extensive work within the right of way, such as auxiliary lanes, median modifications, relocation of structures, or traffic signals, a statement from the project's Professional Engineer will be necessary. The applicant will provide documentation by a Professional Engineer registered in the State of Florida that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, tests, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection permit in accordance with Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the *Standard Specifications for Road and Bridge Construction*, 2000 edition as amended, or otherwise conform to or meet generally accepted professional practices. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, 09/02, shall be used for this purpose.

(7) Utility and Right of Way User Notification. The applicant has the responsibility to determine and notify the users of the right of way of the permitted construction. The applicant shall also resolve any conflicts within the right of way. Before a permit is issued, the applicant shall show documentation of this notification and resolution of conflicts.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 334.187, 335.181 - 335.1825, 335.185 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03.

14-96.009 Non-Conforming Connection Permits. The Department shall issue a permit for a connection not meeting Department location and spacing criteria standards if the Department determines that a conforming connection is not attainable at the time of the permit application submittal, that denial would leave the property without access to the public road system, and that the connection would not jeopardize the safety of the public or have a negative impact upon the operation of the highway. The Department also shall issue a connection permit requiring a legally enforceable joint-use connection when determined to be in the best interest of the State for restoring or maintaining the operational efficiency and safety of the State Highway System. Non-conforming connection permits shall specify conditions or limits including:

(1) The maximum vehicular usage of the connection.

(2) The construction of a conforming connection when future alternate means can be obtained with removal of the non-conforming connection.

(3) The properties to be served by the connection.

Specific Authority 334.044(2), 335.182(3), 335.184 FS. Law Implemented 334.044(14), 335.181 - 335.1825, 335.185 FS. History - New 4-18-90, 1-23-03.

14-96.011 Modification of Connections.

(1) Validity of Existing Permits. All connection permits issued by the Department after July 1, 1988, remain valid until modified pursuant to the criteria set forth in this rule chapter. The Department will initiate action to modify any permit or existing permitted connection if any of the following occurs:

(a) A significant change.

(b) The connection was not constructed at the location or in accordance with the design specified in the permit.

(c) Permit conditions are not met by the permittee.

(d) Such revocation or modification is determined to be necessary because the connection poses a current or potential safety or operational problem on the State Highway System. This problem must be substantiated by an engineering study signed and sealed by a Professional Engineer registered in the State of Florida. Such engineering study shall consider the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on the public road system.

3. Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(e) If the Department acts to revoke or modify a permit, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner and provided to the Department.

2. Alternative solutions proposed by the property owner.

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) If the reason for the modification is due to noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (06/06). The notification shall state that, unless the deficiencies are corrected, the permit shall be modified and the connection to the State Highway shall be modified by the Department at the expense of the property owner.

(b) If the reason for modification is due to significant change the notice will state the basis of the Department's determination for modification of an existing connection. Where the Department's action has become final and no timely application for a new connection permit has been filed, the Department will take immediate action to modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) Unpermitted Connections.

(a) Grandfathered Connections to the State Highway System. Connections permitted or in existence prior to July 1, 1988, use of which have never been discontinued as described in Rule 14-96.005(2)(c)3., are considered "grandfathered" and shall not require the issuance of a permit and may continue to provide connection to the State Highway System except as provided in subsection(4).

(b) Unpermitted/Non-Grandfathered Connections. All other unpermitted connections are subject to closure in accordance with paragraph(5)(b).

(4) Modification of Grandfathered Connections.

(a) The Department will require that a permit be obtained in accordance with Rule Section 14-96.005(3), F.A.C., pursuant to the provisions of Section 335.187(1), Florida Statutes, if significant changes have occurred.

(b) The Department will modify a connection if such modification is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the state highway. The problem may be substantiated by an engineering study signed, sealed, and dated by a professional engineer registered in the State of Florida. Such engineering study shall consider the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on

the public road system.

3. Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(c) If the Department acts to modify a connection, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner or lessee and provided to the Department.

2. Alternative solutions proposed by the property owner.

(5) Notification Process for Modification of Unpermitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) The Department shall give written notice to the property owner, with a copy to the occupant, for a grandfathered connection if significant changes have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information regarding the safety or operational problem and request that the problem be corrected or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

1. If the reason for the modification is due to significant change the notice will state the basis of the Department's determination and require the filing of a permit application by a specified date. Where the Department's requirement to file an application has become final and no timely application has been filed, the Department will take immediate action to modify the connection in accordance with the notice at the owner's expense.

2. If the reason for the modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(b) If a timely request for an administrative proceeding is filed, or a permit application is filed within the 21 days, no further action shall occur until review of the application or the administrative proceeding is complete. If the connection is not closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across or modify the connection at the property owner's expense.

1. If a timely application is approved, the Department may allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection is closed. If necessary to ensure safety and highway integrity, modifications of unpermitted connections will be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, Florida Statutes. If the application is denied, the Department shall notify the property owner or lessee of the denial, with a copy to the occupant, and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, Florida Statutes.

2. In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing in accordance with Rule Chapter 28-106, F.A.C., a timely written request (within 21 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case, final action to modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

(6) Responsibility for Costs of Correcting Deficiencies. The property owner and current user of the connection shall be responsible for the costs of modifications required pursuant to actions taken in accordance with the procedure in Rule 14-96.011, F.A.C.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History - New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 7-2-06.

14-96.0121 Immediate Remedial Action Against Hazards. This rule chapter shall not

restrict the Department's right to take immediate remedial action, including the modification of a connection if there is an immediate and serious danger to the public health, safety, and welfare as determined in writing by the District Secretary or designee. Upon determination that there is a need for immediate remedial action against hazards, the District Secretary or designee shall issue an order in compliance with Section 120.60, Florida Statutes, and the Department shall provide the property owner and occupant with written notice of the Department's immediate action to modify the connection and of the right to contest the decision pursuant to Rule Chapter 28-106, F.A.C. Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 335.182, 120.60(8) FS. History - New 7-16-95, Amended 1-23-03.

14-96.015 Department Design and Construction Projects. When existing connections are modified by a Department project, access will be provided to abutting properties, subject to reasonable regulation as referred to in Section 335.181(2)(b), Florida Statutes. To the maximum extent feasible, this new access will be consistent with adopted Department connection standards.

(1) Corridors will be examined during the preliminary engineering and design phases to determine if existing connections, median openings, and signals spacing and design standards are in conformance, or can be brought into conformance, with adopted Department standards.

(2) When a permitted or grandfathered connection is modified as part of a Department construction project, and not due to a significant change, no additional permit shall be required.

(3) Where connections are to be modified as part of a Department construction project, and the Department is not planning to acquire any portion of the property for the project, the Department will provide notice and opportunity for an administrative proceeding pursuant to Rules 14-96.0011, F.A.C., and Chapter 120, Florida Statutes. For purposes of Rule 14-96.011(1)(d), F.A.C., construction plans for a Department project signed, sealed, and dated by a Professional Engineer registered in the State of Florida shall substantiate a connection's non-conformance with Department standards or potential safety or operational problem, and a separate engineering study shall not be required.

(4) The construction of new connection points, if approved by the Department through the permit process in this rule chapter, shall be at the property owner's expense by either the Department's contractor as part of the construction project or by the owner's contractor.

(5) The Department will bear the cost of modification of existing approved connections necessitated solely by Department construction projects.

(6) The Department shall require that work done by the owner's contractor be accomplished without interfering with the Department's contractor.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182 - 335.1825 FS. History - New 4-18-90, Amended 7-16-95, 1-23-03.

14-96.016 Maintenance of Connections and Traffic Control Devices.

(1) Maintenance of Connections.

(a) Rural Section. Department maintenance shall extend to five feet from the edge of pavement (including auxiliary lanes) or to the limits of paved shoulders. The remainder of any paved or unpaved connection area on the right of way shall be maintained by the owner or the authorized agent.

(b) Urban (Curb and Gutter) Section. Department maintenance of pavement shall extend to the existing or maintained right of way line or to the back of sidewalk, whichever distance is less.

(c) Drainage. Control and maintenance of drainage facilities within the right of way shall be solely the responsibility of the Department, unless otherwise specified in the connection permit.

(2) Maintenance of Traffic Control Devices.

(a) The maintenance and operation of highway lighting, traffic signals, associated equipment, and other necessary devices shall be the responsibility of the governmental entity having maintenance jurisdiction of the equipment or devices. During the construction of connection(s), the permittee will be responsible for the operation, repair, replacement, or provision of temporary maintenance, if traffic control devices are impacted by the permittee's operations.

(b) All pavement markings on the State Highway System, including acceleration and deceleration lane markings, and signing installed for the operation of the State Highway System shall be maintained by the Department.

(c) All signing and markings required for the operation of the connection (such as stop bars and stop signs for the connection) shall be the responsibility of the property owner and current user entity responsible for the connection, or governmental entity having jurisdiction over the connection, road, or intersection of the state highway regardless of the owner of the right of way as provided in Chapter 316, Florida Statutes.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182-1825 FS. History - New 7-16-95, Amended 1-23-03.

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