

RIGHT-OF-WAY (ROW) PERMIT APPEAL PROCESS Revised July 2023

DOTD has a responsibility to design, operate and maintain highway facilities that are safe and efficient for drivers. Each DOTD District addresses ROW issues on a regular basis and decisions are based on established DOTD policies and procedures.

If the individual seeking assistance is not satisfied with the decision rendered by DOTD, the individual has the option to request a review by the District Administrator and/or the Headquarters ROW Permit Engineer. If this review and resulting decision are not satisfactory, the individual may submit a formal appeal to the DOTD Appeal Board.

APPEAL PROCEDURE:

The following procedure is hereby established for requesting a formal appeal with the DOTD Appeal Board as outlined in EDSM VI.1.1.7. For Access Connection appeals see [Traffic Engineering Appeal Procedure](#) located at <http://www.dotd.la.gov/highways/traffic/> or www.dotd.la.gov → Transportation → Traffic Engineering → Home tab.

1. The applicant shall notify the District Permit Specialist, District Administrator and/or Headquarters ROW Permit Engineer, as applicable, of his intent to file a formal appeal.
2. The applicant is to submit a written request for a review by the Appeal Board. The request shall be submitted to the Headquarters ROW Permit Engineer with a copy to the District Administrator. The request should note the reason for the appeal and include all relevant information supporting the applicant's reason for the appeal. This includes all correspondence between the applicant and DOTD District or Headquarters ROW Permit Engineer as applicable, relevant historical information and any other supporting documents the applicant wishes to include. The request should be submitted 30 days prior to the next scheduled Appeal Board meeting. Since the number of appeals and the order in which appeal requests are submitted establishes the monthly board agenda, the appeal request will be added to the next available agenda.
3. The District Administrator's office shall also prepare a letter and submit to the Headquarters ROW Permit Engineer. The letter should provide the district's position on the appeal request and shall also include all relevant information pertaining to the appeal.
4. The Headquarters ROW Permit Unit shall prepare a package consisting of the submittals presented by the District and applicant and a brief summary of the reason for the appeal request. A position paper will also be prepared by the Headquarters ROW Permit Unit and included with this appeal package. The position paper will detail any rules, policies, and/or any other pertinent

information related to the appeal in order to assist the Board in making a decision. The Headquarters ROW Permit Unit may request additional information from either party for inclusion in the final package.

5. Based on the appeal, the Headquarters ROW Permit Unit will assign a subject matter expert to provide technical guidance to the Appeal Board at the monthly meeting. A District representative may also be present, as applicable.

6. Following the monthly Appeal Board meeting, the Headquarters ROW Permit Unit shall prepare a written letter outlining the results of the appeal hearing and send a copy to both the applicant and the District Administrator within 30 days.

7. In some cases, the Appeal Board may request additional information or recommend an alternative solution. The Headquarters ROW Permit Unit will inform the District office and if the District is favorable to that solution, the applicant will be notified of the proposed solution. If the District is not favorable to the proposed solution, the Appeal Board will be notified and at their discretion, make a final decision on the appeal request.

For further information concerning the DOTD ROW Permit Unit Appeal Process, please contact the unit's administrator, Mr. Toby Picard at 225-379-1302.

All formal appeal requests shall be submitted to:

Mailing address:

LA DOTD

Attention: Tim Hutchinson, P.E.

Headquarters Right-of-Way Permit Engineer

Section 24

P.O. Box 94245

Baton Rouge, LA 70804-9245

Physical address:

Room S-618

1201 Capitol Access Rd. Baton Rouge, LA 70802