

Whitepaper: Driveways/Breaking and Crossing Access Denial Lines

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Executive Summary

This whitepaper explains how the Texas Department of Transportation (TxDOT) manages requests to either break or cross an Access Denial Line (ADL) for driveways and direct access. It summarizes the applicable statutes and administrative rules, clarifies roles and decision points, and outlines the three primary pathways: access breaks without compensation, access breaks with compensation, and crossing permits. The goal is to help external property owners, developers, and their consultants understand the end-to-end process and associated costs at a glance.

Background & Legal References

An Access Denial Line is the boundary between a state highway right of way and adjacent property where the State owns the right of access. Requests to create a new break or cross an ADL are governed by the Texas Transportation Code and 43 TAC Subchapter C (Access Management). Key provisions include Transportation Code §§ 203.031, 203.034, 202.021(j), and 43 TAC §§ 11.50–11.60.

Key Definitions

Access Denial Line (ADL): Boundary between the highway right of way and adjacent private property where the State owns all rights of access.

Controlled Access Highway: High-speed facility where ingress/egress is regulated; any new access requires formal approval.

Commercial Driveway: Access serving multi-family or commercial uses.

Private Driveway: Access serving a single-family residence, farm, or ranch for the exclusive use of the permittee.

Process Overview

Customers typically engage TxDOT through two avenues: (1) requesting a driveway permit to cross an ADL or (2) requesting a driveway permit requiring a break in the ADL (with or without compensation). Safety, operations, and access management principles govern all approvals. The District Design Engineer must determine that the proposed location meets safety and spacing criteria before any administrative actions are initiated.

Roles & Responsibilities (Summary)

District Driveway Permit Coordinator: Reviews applications, coordinates safety review, processes fees, communicates with applicants, maintains records.

District Design Engineer: Determines safety/feasibility and access management compliance; elevates to District Engineer.

District Engineer (DE): Signs crossing permit approvals; no appeal if not approved.

Chief Engineer (CE): Provides final engineering approval before TTC action.

Design Division (DES): Coordinates approvals, prepares MO for designation cases.

ROW Project Delivery (RWPD): Obtains historic acquisition instruments; delivers executed designation; routes for GIS updates.

ROW Attorney: Determines fair-value standard and whether compensation is due.

ROW Real Estate Services (RES): Coordinates appraisal and sale when required; prepares MO in cases where compensation is due; prepares designation or grant documents.

ROW Survey Section: Updates Real Property Asset Map and TxDOTCONNECT.

Finance Division (FIN): Confirms receipt and deposit of consideration and issuance fees.

Decision Pathways for Breaking an ADL

Scenario	What Happens	Primary TxDOT Actions
Designation of Access without compensation	If historic records indicate the State did not pay to deny access and this is not a new controlled-access highway facility, access may be designated without payment.	DES coordinates CE approval → TTC Minute Order (MO) → RES issues Designation of Access document → RWPD delivers and records; ROW Survey updates maps.
Grant of Access with compensation	If the State paid compensation or damages when access was denied or this is a new controlled-access highway facility, the abutting private property owner must purchase access rights.	Appraisal and commitment to pay → TTC MO → execution of Grant of Access Rights → payment and recording → GIS/TxDOTCONNECT updates.

Crossing Permit When an ADL Exists

A separate driveway permit is required for each driveway. Submittals include a description of the development, an acceptable engineering study demonstrating safety, required Access Connection Facilities information (43 TAC §11.52(b)), and any additional information requested by TxDOT. Approval must be signed by the District Engineer.

Crossing Permit Issuance Fees

Private driveway issuance fee: \$250. Commercial driveway fees are based on the most recent unadjusted market value of the benefited property per the local appraisal district. For assistance, contact RES at surplusland@txdot.gov.

Unadjusted Market Value of the Benefited Property	Issuance Fee per Driveway
\$0 – \$499,999	\$2,500
\$500,000 – \$1,999,999	\$10,000
\$2,000,000 or more	\$25,000

Customer Checklist

- Confirm whether your parcel abuts an ADL on a controlled-access facility.
- If applying for a crossing permit only, coordinate with the District to determine needed level of an engineering study and include 43 TAC §11.52(b) information.
- If requesting a break in the ADL, be prepared for either designation (no compensation) or purchase (fair value) depending on historical records.
- Budget for applicable crossing permit issuance fees (private: \$250; commercial: market-value based).
- Budget for Access Break Purchase, if necessary.
- Plan for recording of final documents (Designation of Access or Grant of Access Rights).

Frequently Asked Questions

Who decides if compensation is required? TxDOT’s ROW Attorney reviews the original acquisition and project context to determine whether access was previously compensated or is part of a new controlled-access highway facility.

Does District approval guarantee access? No. Safety and access management findings must align, and in some cases, Commission approval and document execution are required before access is legal.

When are fees due? Permit issuance fees are due before a driveway permit is issued. Consideration for the sale of access rights is due prior to delivery of the executed grant.

Is it possible to first do an Access Crossing, and then, in the future, pursue an Access Break? Yes, this option is available.

References

Texas Transportation Code §§ 203.031, 203.034, 202.021(j)

43 Tex. Admin. Code §§ 11.50–11.60 (Access Management)