

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to §15.2, concerning definitions, and new §15.9,  
4 concerning corridor advisory committees, and §24.13, concerning  
5 corridor planning and development.

6

7 EXPLANATION OF PROPOSED AMENDMENTS AND NEW SECTIONS

8 Transportation Code, Chapter 227 authorizes the department to  
9 plan and construct a new set of intermodal transportation  
10 facilities, known as the Trans-Texas Corridor, which will  
11 integrate highway, rail, and utility components.

12

13 Transportation Code, §227.012 requires the commission to  
14 consider the criteria prescribed in that section when selecting  
15 a route for a segment of the Trans-Texas Corridor.

16 Transportation Code, §227.013 provides that before the  
17 designation of a route for a segment of the Trans-Texas  
18 Corridor, the department shall hold at least one public hearing  
19 in each county through which the segment may pass.

20

21 The department is currently engaged in the planning and  
22 environmental review of elements of the Trans-Texas Corridor and  
23 is establishing development plans for those elements that will  
24 define facilities to be developed as part of that element. The  
25 department is also currently engaged in the planning and

1 environmental review of facilities that serve a connectivity or  
2 financing purpose to an element of the Trans-Texas Corridor and  
3 that may become all or part of a segment of the Trans-Texas  
4 Corridor. The scope of work under the comprehensive development  
5 agreement for the Oklahoma to Mexico/Gulf Coast element of the  
6 Trans-Texas Corridor (TTC-35) provides for the developer to work  
7 with the department to prepare a master development plan that  
8 will identify facilities that may be developed as part of the  
9 project. The department intends to establish a similar scope of  
10 work for the development of the corridor planned as part of  
11 Interstate Highway 69 (TTC-69).

12

13 However, focusing only on what can be viewed as one piece of the  
14 puzzle, in this case the development of the Trans-Texas  
15 Corridor, will not fully provide the transportation solutions  
16 needed to remedy critically important mobility needs in the  
17 state. At the July 26, 2007 and August 23, 2007 meetings of the  
18 Texas Transportation Commission (commission), the commission  
19 requested that rules be drafted that would authorize the  
20 creation of committees to assist the department in the planning  
21 and development of major corridors in the state, including the  
22 designation of routes for and construction of segments of the  
23 Trans-Texas Corridor. For example, a committee could be created  
24 to assist the department in the planning and development of the  
25 "35 corridor", which includes I-35 and TTC-35.

1  
2 Transportation Code, §201.601 and 23 U.S.C. §135 require the  
3 department to develop a statewide transportation plan and  
4 transportation improvement program that encompasses all modes of  
5 transportation. Transportation Code, §201.601, 23 U.S.C. §135,  
6 and other law requires the department to seek opinions and  
7 assistance from other state agencies, political subdivisions,  
8 and other interested parties concerning the transportation plan  
9 and transportation improvement program.

10  
11 Transportation Code, §227.002 authorizes the department to  
12 establish procedures necessary or convenient to implement and  
13 administer Transportation Code, Chapter 227. Transportation  
14 Code, §227.013 requires the department to provide for public  
15 participation and obtain public input in the designation of a  
16 route for a segment of the Trans-Texas Corridor. Transportation  
17 Code, §227.032 requires the department to consider advice  
18 solicited from county commissioners courts, governing bodies of  
19 municipalities, and metropolitan planning organizations in the  
20 connection of a segment of the Trans-Texas Corridor to  
21 significant farm-to-market and ranch-to-market roads and major  
22 county and city arterials.

23  
24 Amendments to §15.2, Definitions, change the definition of  
25 corridor to clarify that a corridor may include rail and utility

1 route alignments, and to add the definition of Trans-Texas  
2 Corridor for the purposes of §15.9.

3

4 New §15.9, Corridor Advisory Committees, provides that the  
5 commission by order will create advisory committees to assist  
6 the department in the transportation planning process for the  
7 Interstate Highway 35 corridor (including TTC-35) and in the  
8 corridor planned as part of Interstate Highway 69 (including  
9 TTC-69) and may create an advisory committee for any other  
10 corridor, including an element of the Trans-Texas Corridor.

11

12 The purpose of an advisory committee is to facilitate and  
13 achieve support and consensus from affected communities,  
14 governmental entities, and other interested parties in the  
15 planning of transportation improvements in the corridor for  
16 which it is created and in the establishment of development  
17 plans for that corridor. An advisory committee's advice and  
18 recommendations will provide the department with an enhanced  
19 understanding of public, business, and private concerns about  
20 the corridor for which it is created, facilitating the  
21 department's communications and project development objectives  
22 and resulting in greater cooperation between the department and  
23 all affected parties during project planning and development.

24

25 New §15.9 prescribes the membership and duties of a corridor

1 advisory committee. An advisory committee shall report to the  
2 executive director its advice and recommendations on  
3 transportation improvements to be made in the corridor for which  
4 it is created, including facilities to be included in a  
5 development plan for that corridor, facilities to be included in  
6 a development plan for an element of the Trans-Texas Corridor,  
7 and upgrades and other improvements to be made to existing  
8 facilities located in that corridor, and on other corridor level  
9 planning and development matters as requested by the department.  
10 In developing advice and recommendations, an advisory committee  
11 will evaluate economic, political, societal, and demographic  
12 population trends affecting transportation and will consider  
13 existing facilities, upgrades to existing facilities, new or  
14 planned facilities, multimodal solutions, and available  
15 financing options.

16

17 New §15.9 provides that an advisory committee is subject to the  
18 requirements for operating procedures and reimbursement of  
19 expenses applicable to a department advisory committee under 43  
20 TAC §1.85 and prescribes a sunset date of December 31, 2009 for  
21 an advisory committee.

22

23 New §24.13, Corridor Planning and Development, implements the  
24 requirements of Transportation Code, §§227.012-227.013 by  
25 prescribing criteria for the designation of a route for a

1 segment of the Trans-Texas Corridor, and provides for the  
2 creation of corridor segment committees to assist the department  
3 in the planning and development of segments of the Trans-Texas  
4 Corridor and facilities that may become all or part of a segment  
5 of the Trans-Texas Corridor.

6  
7 The new committee structure provided in §15.9 and §24.13, along  
8 with the Trans-Texas Corridor advisory committee established  
9 under 43 TAC §1.85, will better address and distinguish between  
10 corridor-wide issues and local issues and concerns, and will  
11 provide strong local and regional influence in the designation  
12 of a route for a segment of the Trans-Texas Corridor, and in the  
13 decision whether or not to construct a proposed segment of the  
14 Trans-Texas Corridor or a facility that may become all or part  
15 of a segment of the Trans-Texas Corridor.

16  
17 New §24.13(a), Definitions, defines words and terms used in the  
18 new section.

19  
20 New §24.13(b), Route designation, prescribes the criteria and  
21 information that the commission will consider when designating a  
22 route for a segment of the Trans-Texas Corridor. The commission  
23 will consider the criteria provided by Transportation Code,  
24 §227.012, comments at a public hearing held as required by  
25 Transportation Code, §227.013, and the advice and

1 recommendations of a corridor segment committee created under  
2 §24.13(c).

3

4 New §24.13(c), Corridor segment committees, provides that the  
5 commission by order will create a corridor segment committee  
6 before initiating the environmental review process for the  
7 construction of a proposed segment of the Trans-Texas Corridor  
8 or, if a tiered environmental review process is used, before the  
9 start of the Tier Two review. A corridor segment committee will  
10 be created for a proposed segment of the Trans-Texas Corridor  
11 and for a facility that serves a connectivity or financing  
12 purpose to an element of the Trans-Texas Corridor and that may  
13 become a segment of the Trans-Texas Corridor.

14

15 New §24.13(c)(1) describes the purpose of a corridor segment  
16 committee, which is to provide input, advice, and  
17 recommendations to the commission and the department regarding  
18 the designation of a route for the segment of the Trans-Texas  
19 Corridor for which the committee was created and regarding the  
20 construction of the proposed segment of the Trans-Texas Corridor  
21 or a facility that may become all or part of a segment of the  
22 Trans-Texas Corridor.

23

24 New §24.13(c)(2) prescribes the membership of a corridor segment  
25 committee. Members of a committee will be appointed by

1 counties, metropolitan planning organizations, and other  
2 entities designated by the commission within whose boundaries or  
3 service area all or part of a proposed segment or facility is  
4 located. Having members appointed by those entities will ensure  
5 that a committee represents the interests of local and regional  
6 groups that have an interest in where a segment or facility is  
7 located and whether it will be constructed.

8

9 New §24.13(c)(3) prescribes the duties of a corridor segment  
10 committee. As part of the public involvement process, the  
11 department shall request the input of a corridor segment  
12 committee during the environmental review of a segment or  
13 facility proposed to be constructed. In conjunction with a  
14 hearing held under Transportation Code, §227.013, the department  
15 will request the input of a corridor segment committee on the  
16 designation of a route for a proposed segment. A corridor  
17 segment committee shall report to the executive director its  
18 advice and recommendations on the route of the proposed segment,  
19 whether to construct the proposed segment or facility, and other  
20 segment level planning, development, and financing matters as  
21 requested by the department.

22

23 To ensure that there is local and regional involvement in  
24 transportation decision making and to ensure that local and  
25 regional groups that have an interest in where a segment or

1 facility is located and whether it will be constructed are  
2 adequately represented, new §24.13(c)(4) provides that the  
3 commission shall consider and give great weight to the  
4 recommendations of a corridor segment committee before the  
5 commission may designate the route of the proposed segment or  
6 decide whether or not the proposed segment or facility is to be  
7 constructed.

8  
9 New §24.13(c)(5) provides that a corridor segment committee is  
10 subject to the requirements for committee operations and  
11 procedures applicable to a statutory advisory committee under 43  
12 TAC §1.82, unless a requirement is in conflict with the  
13 requirements of §24.13, in which case §24.13 controls. Among  
14 other things, this makes corridor segment committees subject to  
15 open meetings, open records, and conflict of interest  
16 requirements applicable to the commission and the department.

17  
18 To ensure that confidential information is protected as required  
19 by law, new §24.13(c)(6) provides that the department may  
20 require members of a corridor segment committee to sign  
21 agreements to maintain the confidentiality of and not disclose  
22 information provided to a committee that is confidential by law  
23 or that is not subject to disclosure, inspection, or copying  
24 under the Texas public information law, Government Code, Chapter  
25 552.

1

2 FISCAL NOTE

3 James Bass, Chief Financial Officer, has determined that for  
4 each of the first five years the amendments and new sections as  
5 proposed are in effect, there will be no fiscal implications for  
6 state or local governments as a result of enforcing or  
7 administering the sections. There are no anticipated economic  
8 costs for persons required to comply with the sections as  
9 proposed.

10

11 Phillip Russell, Director, Texas Turnpike Authority Division,  
12 has certified that there will be no significant impact on local  
13 economies or overall employment as a result of enforcing or  
14 administering the amendments and new sections.

15

16 PUBLIC BENEFIT

17 Mr. Russell has also determined that for each year of the first  
18 five years the sections are in effect, the public benefit  
19 anticipated as a result of enforcing or administering the  
20 amendments and new sections will be to ensure the general public  
21 and local and regional entities have additional opportunities to  
22 provide input and recommendations to the department relating to  
23 the planning and development of transportation corridors and  
24 facilities in the state, including the designation of routes for  
25 and construction of segments of the Trans-Texas Corridor. There

1 will be no adverse economic effect on small businesses.

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3 SUBMITTAL OF COMMENTS

4 Written comments on the proposed amendments and new sections may  
5 be submitted to Phillip Russell, Director, Texas Turnpike  
6 Authority Division, Texas Department of Transportation, 125 East  
7 11th Street, Austin, Texas 78701-2483. The deadline for receipt  
8 of comments is 5:00 p.m. on November 12, 2007.

9

10 STATUTORY AUTHORITY

11 The amendments and new sections are proposed under  
12 Transportation Code, §201.101, which provides the commission  
13 with the authority to establish rules for the conduct of the  
14 work of the department, Transportation Code, §227.002, which  
15 provides the commission with the authority to adopt rules as  
16 necessary or convenient to implement and administer  
17 Transportation Code, Chapter 227, and Government Code, Chapter  
18 2110, which requires a state agency establishing an advisory  
19 committee to by rule state the purpose and tasks of the  
20 committee and describe the manner in which the committee will  
21 report to the agency.

22

23 CROSS REFERENCE TO STATUTE

24 Transportation Code, Chapter 227, and Government Code, Chapter  
25 2110.