

TEXAS TRANSPORTATION COMMISSION

ALL Counties

MINUTE ORDER

Page 1 of 1

ALL Districts

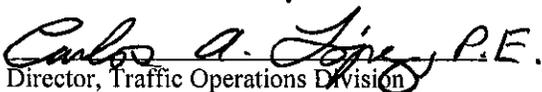
The Texas Transportation Commission (commission) finds it necessary to propose amendments to §25.41, Definitions, relating to congestion mitigation facilities.

The preamble and the proposed amendments, attached to this minute order as Exhibits A and B, are incorporated by reference as though set forth at length verbatim in this minute order.

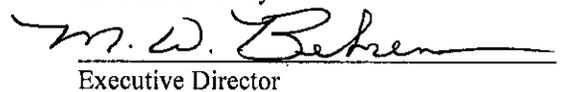
IT IS THEREFORE ORDERED by the commission that the amendments to §25.41 are proposed for adoption and are authorized for publication in the *Texas Register* for the purpose of receiving public comments.

The executive director is directed to take the necessary steps to implement the actions as ordered in this minute order, pursuant to the requirements of the Administrative Procedure Act, Government Code, Chapter 2001.

Submitted and reviewed by:

  
Director, Traffic Operations Division

Recommended by:

  
Executive Director

**110307 NOV 17 05**

Minute  
Number

Date  
Passed

1 Proposed Preamble

2 The Texas Department of Transportation (department) proposes  
3 amendments to §25.41, Definitions, concerning congestion  
4 mitigation facilities.

5

6 EXPLANATION OF PROPOSED AMENDMENTS

7 House Bill 1986, 79<sup>th</sup> Legislature, Regular Session, 2005, adds a  
8 coordinated county transportation authority as created under  
9 Transportation Code, Chapter 460, to the list of entities that  
10 the department may enter into an agreement with for the design,  
11 construction, operation, or maintenance of a high occupancy  
12 vehicle lane.

13

14 The proposed amendment to §25.41(8), HOV Authority, adds a  
15 coordinated county transportation authority to the list of  
16 transit authorities that qualify as an HOV Authority. This will  
17 allow the department to enter into an agreement relating to HOV  
18 lanes with such an authority as required under the terms of the  
19 legislation.

20

21 FISCAL NOTE

22 James Bass, Chief Financial Officer, has determined that for  
23 each of the first five years the amendments as proposed are in  
24 effect, there will be no significant fiscal implications for  
25 state or local governments as a result of enforcing or

1 administering the proposed amendment. There are no anticipated  
2 economic costs for persons required to comply with the section  
3 as proposed.

4  
5 Carlos A. Lopez, P.E., Director, Traffic Operations Division,  
6 has certified that there will be no significant impact on local  
7 economies or overall employment as a result of enforcing or  
8 administering the proposed amendments.

9

10 PUBLIC BENEFIT

11 Mr. Lopez has also determined that for each of the first five  
12 years the section is in effect, the public benefit anticipated  
13 as a result of enforcing or administering the amendments will be  
14 more efficient operation of the state highway system and  
15 implementation of House Bill 1986. There will be no adverse  
16 economic effect on small businesses.

17

18 SUBMITTAL OF COMMENTS

19 Written comments on the proposed amendments to §25.41 may be  
20 submitted to Carlos A. Lopez, P.E., Director, Traffic Operations  
21 Division, Texas Department of Transportation, 125 East 11th  
22 Street, Austin, Texas 78701-2483. The deadline for receipt of  
23 comments is 5:00 p.m. on January 2, 2006.

24

25 STATUTORY AUTHORITY

1 The amendments are proposed under Transportation Code, §201.101,  
2 which provides the commission with the authority to establish  
3 rules for the conduct of the work of the department.

4

5 CROSS REFERENCE TO STATUTE

6 Transportation Code, §224.153(b).

1 SUBCHAPTER C. CONGESTION MITIGATION FACILITIES

2 §25.41. Definitions. The following words and terms, when used  
3 in this subchapter, shall have the following meanings, unless  
4 the context clearly indicates otherwise.

5 (1) Commission--The Texas Transportation Commission.

6 (2) Department--The Texas Department of Transportation.

7 (3) Exclusive lane--A lane of a highway or segment of a  
8 highway on the state highway system the use of which is  
9 restricted to one or more specific classifications of motor  
10 vehicle.

11 (4) Executive director--The executive director of the  
12 department, or a designee not below the level of district  
13 engineer, division director, or office director.

14 (5) High occupancy vehicle (HOV)--A bus or other  
15 motorized passenger vehicle occupied by a specified minimum  
16 number of passengers.

17 (6) High occupancy vehicle (HOV) lane--One or more lanes  
18 of a highway or an entire highway where designated high  
19 occupancy vehicles are given at all times, or at regularly  
20 scheduled times, a priority or preference over some or all other  
21 vehicles moving in the general stream of highway traffic.

22 (7) High occupancy toll (HOT) lane--An HOV lane that may  
23 be used by vehicles carrying fewer than the specified minimum

1 number of passengers, or other eligible vehicles, that pay a  
2 toll for the right to do so.

3 (8) HOV Authority--A transit authority created under  
4 Transportation Code, Chapter 451, 452, or 453; a regional  
5 mobility authority created under Transportation Code, Chapter  
6 361 or 370; a municipality; ~~[or]~~ a transportation corporation;  
7 or a coordinated county transportation authority created under  
8 Transportation Code, Chapter 460.

9 (9) Level of Service C--A measure of highway congestion  
10 as defined by the latest edition of the Highway Capacity Manual  
11 published by the United States Transportation Research Board.

12 (10) Low-emission vehicle--A vehicle that has been  
13 certified by regulations of the federal Environmental Protection  
14 Agency to meet the Tier II Bin 1 or Bin 2 emission level  
15 established for that make and model year.

16 (11) Seriously degraded--When a lane or lanes fail to  
17 achieve at least a level of Service C for 90% of the time over a  
18 consecutive 90-day period during weekday peak travel periods.

19 (12) Toll entity--A regional tollway authority created  
20 under Transportation Code, Chapter 366; a transit authority  
21 created under Transportation Code, Chapter 451, 452, or 453; a  
22 regional mobility authority created under Transportation Code,  
23 Chapter 361 or 370; a county acting under Transportation Code,

1 Chapter 284; or a transportation corporation.

2 (13) Toll lane--A lane or lanes of the state highway  
3 system, including an HOV lane, on which a toll has been  
4 authorized by order of the commission under Transportation Code,  
5 Chapter 224, Subchapter F.

6 (14) Transportation corporation--A corporation created by  
7 the commission under §§15.80-15.93 of this title (relating to  
8 Transportation Corporations).